

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer  
David C. Boyd  
Marshall Johnson  
Thomas Pugh  
Phyllis A. Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of a Site Permit for the 205.5  
Megawatt Fenton Power Partners, LLC, for a  
Large Wind Energy Conversion System Site  
Permit in Murray and Nobles Counties

ISSUE DATE: December 20, 2007

DOCKET NO. PT-6499/WS-05-1707

ORDER AMENDING SITE PERMIT TO  
CHANGE PERMITTEE NAME

**PROCEDURAL HISTORY**

On April 13, 2006, the Commission issued an Order Granting Site Permit for a large wind energy conversion system in this docket to Fenton Power Partners, LLC, for the Fenton Wind Project in Murray and Nobles Counties.

On November 7, 2007, enXco Development Corporation, on behalf of Fenton Power Partners, LLC, filed a letter requesting that the Commission amend its April 13, 2006 Order to add the Roman numeral "I" to the name of the permittee (Fenton Power Partners, LLC), acknowledging that an error in its original site permit application omitted the Roman numeral "I" from the name of the project company.

**FINDINGS AND CONCLUSIONS**

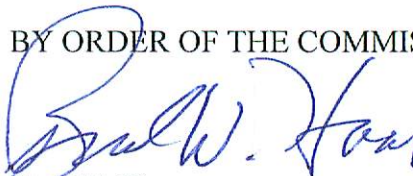
Under Minn. Rules 7836.1300, subp. 2, a permittee may request an amendment of its site permit for a large wind energy conversion system, and the Commission may approve an amendment of a wind site permit, at any time the Commission has good cause to do so. This minor correction to the permittee's legal name establishes the necessary good cause to approve the requested amendment.

Finally, no one objected or expressed concern about the requested name change after adequate notice to all potentially interested persons.


**ORDER**

1. The April 13, 2006, site permit issued in this docket is amended to change the name of the permittee from Fenton Power Partners, LLC, to Fenton Power Partners I, LLC.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar  
Executive Secretary



(SEAL)

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651.201.2202 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.

STATE OF MINNESOTA)  
  )SS  
COUNTY OF RAMSEY )

AFFIDAVIT OF SERVICE

I, Margie DeLaHunt, being first duly sworn, deposes and says:

That on the 20<sup>th</sup> day of December, 2007 she served the attached

ORDER AMENDING SITE PERMIT TO CHANGE PERMITTEE NAME.

MNPUC Docket Number: PT-6499/WS-05-1707

XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid

XX By personal service

XX By inter-office mail

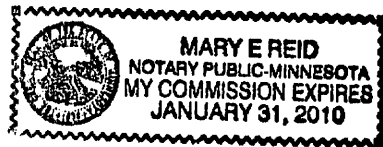
to all persons at the addresses indicated below or on the attached list:

- Commissioners
- Carol Casebolt
- Peter Brown
- Eric Witte
- Marcia Johnson
- Kate Kahlert
- Bob Cupit
- AG
- Bret Eknes
- Mary Swoboda
- Jessie Schmoker
- Sharon Ferguson - DOC
- Julia Anderson - OAG
- Curt Nelson - OAG

Margie DeLaHunt

Subscribed and sworn to before me,  
a notary public, this 20<sup>th</sup> day of

December, 2007  
Mary E. Reid  
Notary Public



CHRIS BIBEAU  
LABORER TRAINING  
2350 MAIN ST  
LINO LAKES, MN 55038

Hali Carlson  
NCC  
89 Norman Drive  
Kenora, On P9N 3T6

Ivan Clark  
R. W. Beck Inc.  
1801 California Street  
Suite 2800  
Denver, CO 80202

Twila Deason  
PennWell MAPSearch  
467 CR 215  
Durango, CO 81303

Skip DeLong  
Kraus-Anderson  
RR 1 Box 41  
Mayville, ND 58257

Joseph Dudak  
ITC Holdings  
39500 Orchard Hill Place Drive  
Suite 200  
Novi, MI 48375

Cal Dufault  
M A Mortenson Co.  
700 Meadow Lane North  
Minneapolis, MN 55422-4899

Nate Duoss  
Builders Association of the Twin Cities  
2960 Centre Pointe Drive  
Roseville, MN 55113

Jeffery Evans  
Evans Consulting Services  
PMB 145  
1645 9th Ave. SE  
Albany, Or 97322

Armel Foureau  
445 Park Avenue  
New York, NY 10022

Mike Gardner  
Laborers Union 132  
132 South Bend Ave  
Mankato, MN 56001

Annalee Garletz  
Assoc of MN Counties  
125 Charles Avenue  
St. Paul, MN 55103

Vince Herda  
14910 Wellington Rd  
Wayzata, MN 55391

Greg Hutton  
445 Park Ave  
New York, NY 10023

Jeff Johnson  
USDA-FSA  
Box 994  
Willmar, MN 56201

Lynette Lausen  
250 West 6th Street  
Randall, MN 56475

Sharon Madigan  
Millwood Metalworks  
1052 Prior Ave S  
St Paul, MN 55116

Michael Martinez  
P.O. Box 65036  
St. Paul, MN 55165

Chris Miguez  
Universal Ensco  
4848 Loop Central  
Houston, Te 77081

Satyam Mistry  
SNL Financial I Pvt. Ltd.  
SNL House  
Charlottesville, Vi 22902

Constance Netter  
Electrical Builders Inc.  
8927 Main Avenue  
P. O. Box 299  
Clear Lake, MN 55319

Jason Painter  
ACES Power Marketing LLC  
4140 West 99th Street  
Carmel, IN 46032

den pas  
dna  
dna  
dna, mn 56082

TJ Rolfling  
Holmes Murphy  
600 S. Cliff Ave  
Sioux Falls, SD 57104

Richard Rothaus  
Trefoil Cultural and Environmental  
Heritage  
1965 W. Highview D.r  
Sauk Rapids, MN 56379

Nick Sage  
Navitas Energy  
3001 Broadway Street NE  
Suite 695  
Minneapolis, MN 55413

Mam-Marie Sallah  
Ener Information Administration  
C O Department of Energy  
1000 Independence Ave SW EI-53  
Washington DC, 20585

Michael Steckelberg  
Great River Energy  
17845 East Highway 10  
Elk River, MN 55330

Scott Vergin  
Energy Product Sales  
351 Commerce Court  
Vadnais Heights, MN 55127

Erik Wagner  
179 Ray Rd  
Sinking Spring, PA 19608

---

Tina Wexler  
Aldridge Electric  
844 E Rockland Rd

Tina Wexler  
Aldridge electric  
844 E rockland rd  
Libertyville, IL 60048

Brian Zelenak  
Xcel Energy  
7th Floor  
414 Nicollet Mall  
Mpls, MN 55401

Technology Market Solutions LLC  
7904 Hollington Place  
Fairfax Station, VA 22039-3161

Winthrop Weinstine P.A.  
225 South Sixth Street  
Suite 3500  
MINNEAPOLIS, MN 55102

Pinnacle Engineering Inc.  
11541 95th Ave. N.  
Maple Grove, MN 55369

12 s 6th street  
mpls, mn 55402

HDR  
701 Xenia Ave. South Suite 600  
Minneapolis, MN 55416

UEI  
5201 East River Road 308  
Minneapolis, MN 55421-1027

UEI  
5201 East River Road 308  
Minneapolis, MN 55421-1027

Ulteig Engineers  
3350 38th Ave S.  
Fargo, ND 58104

Honeywell Obstruction Lighting  
315 Cedar Ridge Dr  
Lake Villa, IL 60046

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer  
David C. Boyd  
Marshall Johnson  
Thomas Pugh  
Phyllis A. Reha

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of Wisconsin Power & Light company for a Certificate of Need for a 200 Megawatt Wind Facility in Freeborn County, Minnesota

ISSUE DATE: December 20, 2007

DOCKET NO. ET-6657/CN-07-1425

ORDER VARYING RULE AND  
EXTENDING TIME LINE FOR  
COMMISSION ACTION

**PROCEDURAL HISTORY**

Wisconsin Power & Light Company (Wisconsin Power & Light) proposes to build a 200 megawatt wind facility in northwest Freeborn County, Minnesota, and intends to file a certificate of need.

On November 6, 2007, Wisconsin Power & Light filed a request for exemption from certain certificate of need content requirements.<sup>1</sup>

On November 20, 2007, the Commission issued a notice of comment period, asking interested person for comments on the Applicant's exemption request. Under the terms of the notice, initial comments were due on December 6 and reply comments on December 17.

The thirty-day time period for Commission review of Applicant's exemption request expired on December 6, 2007. On December 13, 2007, the Commission met to consider extending the 30-day time period set by rule for acting on the petition.<sup>2</sup> No one objected to extending the deadline for Commission action to ensure proper review of the petition.

---

<sup>1</sup> Minn. Rules, parts 7849.0100 *et seq.*

<sup>2</sup> Minn. Rules, part 7849.0200, subp. 6.

## FINDINGS AND CONCLUSIONS

### **I. The Legal Standard**

The certificate of need rules require the Commission to respond in writing to exemption requests within 30 days of the date they are filed. Minn. Rules, part 7849.0200, subp. 6. The Commission's rules of practice and procedure permit it to vary any of its rules upon making the following findings:

- (1) enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- (2) granting the variance would not adversely affect the public interest;  
and
- (3) granting the variance would not conflict with standards imposed by law.

Minn. Rules, part 7829.3200, subp. 1.

### **II. Commission Action**

The Commission has reviewed the applicant's exemption request and finds that careful consideration will require more than 30 days.

The applicant seeks exemption from the following content requirements for certificate of need applications:

- Minn. Rules 7849.0240, subp. 2(B), Promotional Activities
- Minn. Rules 7849.0250 (A)(4), Heat Rate of Facility
- Minn. Rules 7849.0250 (B)(1)-(5), Discussion of the Availability of Alternatives to the Facility
- Minn. Rules 7849.0250 (C)(1)-(9), Details of the Availability of Alternatives to the Facility
- Minn. Rules 7849.0250 (D), Map of Applicant's System
- Minn. Rules 7849.0250 (E), Other Information
- Minn. Rules 7849.0270, Peak Demand and Annual Consumption Forecast
- Minn. Rules 7849.0280, System Capacity
- Minn. Rules 7849.0290, Conservation Programs
- Minn. Rules 7849.0300, Consequences of Delay
- Minn. Rules 7849.0320 (A)-(K), Generating Facilities
- Minn. Rules 7849.0330, Transmission Facilities
- Minn. Rules 7849.0340, the Alternative of No Facility

While it is important not to burden an applicant with unnecessary or unperformable filing requirements, it is equally important not to forgo information that will be needed once the certificate of need case begins. The Commission has solicited comments from interested persons to help it avoid both hazards. Receiving and analyzing those comments will require this petition to remain open for more than 30 days.

The Commission will therefore vary the 30-day time line of Minn. Rules, part 7849.0200, subp. 6, making the following findings:

- (1) Enforcing the 30-day time line would impose an excessive burden upon the public, upon parties to the proceeding, and upon the Commission, by jeopardizing the thoroughness of the Commission's decision-making process;
- (2) Varying the 30-day time line would not adversely affect the public interest and would in fact serve the public interest by protecting the Commission's decision-making process, and clarifying early-on in the proceeding what should be filed; and
- (3) Varying the 30-day time line would not conflict with any other standard imposed by law.

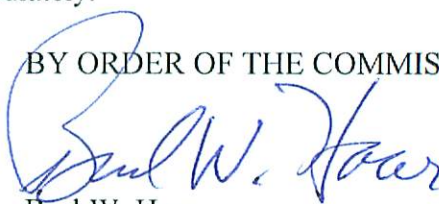
The Commission will promptly review the comments of the parties and will act on the Applicant's petition as soon as practicable.

The Commission will so order.

**ORDER**

1. Minn. Rules, part 7849.0200, subp. 6 is hereby varied to extend the time for Commission action on the Applicant's exemption request, as set forth herein.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar  
Executive Secretary



(SEAL)

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651.201.2202 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.



STATE OF MINNESOTA)  
COUNTY OF RAMSEY )SS

AFFIDAVIT OF SERVICE

I, Margie DeLaHunt, being first duly sworn, deposes and says:

That on the 20<sup>th</sup> day of December, 2007 she served the attached

ORDER VARYING RULE AND EXTENDING TIME LINE FOR COMMISSION ACTION.

MNPUC Docket Number: ET-6657/CN-07-1425

XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid

XX By personal service

XX By inter-office mail

to all persons at the addresses indicated below or on the attached list:

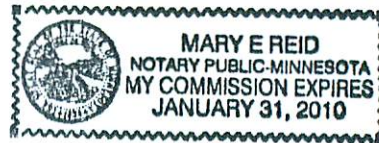
Commissioners  
Carol Casebolt  
Peter Brown  
Eric Witte  
Marcia Johnson  
Kate Kahlert  
AG  
Bob Cupit  
Bret Eknes  
Mary Swoboda  
Jessie Schmoker  
Sharon Ferguson - DOC  
Julia Anderson - OAG  
Curt Nelson - OAG

Margie DeLaHunt

Subscribed and sworn to before me,

a notary public, this 20<sup>th</sup> day of

December, 2007 &  
Mary E. Reid  
Notary Public



MARY E REID  
NOTARY PUBLIC-MINNESOTA  
MY COMMISSION EXPIRES  
JANUARY 31, 2010



10:  
MN PUC

Burl W. Haar (0+15)  
MN Public Utilities Commission  
Suite 350  
121 East Seventh Place  
St. Paul MN 55101-2147

20:  
Dept. of Commerce

Sharon Ferguson (4)  
MN Department Of Commerce  
Suite 500  
85 7th Place East  
St. Paul MN 55101-2198

30:  
Inter-Office Mail

Julia Anderson  
MN Office Of The Attorney General  
1400 BRM Tower  
445 Minnesota Street  
St. Paul MN 55101-2131

Curt Nelson  
OAG-RUD  
900 BRM Tower  
445 Minnesota Street  
St. Paul MN 55101-2130

40:  
Regular Postal Mail

Jennifer Moore  
Alliant Energy Corporate Services Inc.  
200 First Street SE  
PO Box 351  
Cedar Rapids IA 52406-0351