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July 12, 2023

VIA ELECTRONIC FILING

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

Re: **In the Matter of the Application of Elk Creek Solar, LLC for a Site Permit
Amendment for the up to 160 MW Elk Creek Solar Project in Rock County, Minnesota
Docket No. IP-7009/GS-19-495**

Mr. Seuffert:

Elk Creek Solar, LLC (“Elk Creek”) has reviewed the Minnesota Department of Commerce, Energy Environmental Review Analysis (“EERA”) June 21, 2023, Comments and Recommendations on Application for Amendment of Permit Conditions (“EERA Comments”)¹ and the Minnesota Department of Natural Resources (“DNR”) June 28, 2023 Comments (“DNR Comments”)² regarding Elk Creek’s Application for an Amendment (“Amendment Application”)³ to increase the nameplate capacity of the Commission permitted Elk Creek solar project from 80 megawatts (“MW”) alternating current (“AC”) to 160 MW AC by utilizing the previously permitted 976-acre area (“2020 Land Control Area”) together with the addition of approximately 546 acres (“Amendment Land Control Area”) of adjacent row crop agricultural land (the “Project”). Elk Creek appreciates the comments from EERA and DNR, but disagrees with their assessment that a new site permit process is necessary to fully review and consider the proposed amendments to the Project.

EERA Comments

The EERA Comments recommended the Commission review Elk Creek’s Amendment Application as a site permit application for a new solar project and that Elk Creek refile the document as a stand-alone site permit application pursuant to Minn. Stat. § 216E.04. EERA

¹ Comments and Recommendations on Application for Amendment of Permit Conditions (June 21, 2023) eDocket ID. No. 20236-196723-01.

² Comments (June 28, 2023) eDocket ID. No.20236-196976-01.

³ Application for an Amendment (June 2, 2023) eDocket ID Nos. 20236-196370-01, 20236-196370-02, 20236-196370-03, 20236-196370-04, 20236-196370-05, 20236-196370-06, 20236-196370-07, 20236-196370-08, 20236-196370-09, 20236-196371-01 and 20236-196371-02.

indicated, however, that no new analysis should be required to complete that application. EERA staff also indicated the application could include a section with comparative information between the original permitted site and the expansion area as background information.

EERA staff's conclusions were premised on the following general assessments outlined in EERA Comments.

Option 1: Requested Amendment of Permit Conditions.

EERA staff does not believe the amendment process specified in Minnesota Rule 7850.4900 was designed for Elk Creek's proposed scale of changes to a permitted site suggesting that changes of this scale constitute a separate site permit, or at a minimum, these changes warrant opening of a scoping or other process.

Option 2: Modified Amendment Process.

EERA staff is concerned that the modified process proposed by Elk Creek does not include a public scoping meeting or public hearing, thereby limiting the participation stakeholders could avail themselves to during the normal Alternative Review Process.

Option 3: Treat the Filing as a Site Permit Application.

EERA staff reviewed a draft of the filing and found the environmental information and content to be complete, but noted the comparisons to the original permitted site (i.e., the 2020 Land Control Area) may make it difficult for the reader to follow. EERA staff believes the proposed amendment is similar to the Sherco 3 solar project, which is a 250 MW project being proposed near the already permitted 460 MW Sherco Solar Project, because the Sherco 3 project is being proposed next to the permitted 460 MW Sherco Project and will share some infrastructure with the 460 MW Sherco Project.⁴ EERA staff believes "the Elk Creek [II] Project⁵ is substantially similar to the Sherco 3 Project."

⁴ At the time of this filing, no information is publicly available on the 'Sherco 3' project except for a Notice of Intent to File Site Permit Application Under the Alternative Process, dated June 16, 2023, eDocket ID. No. 20236-196620-01. However, in its application for a site permit for the 460 MW Sherco Solar Project, Xcel Energy noted the following: "both N[ational] G[rid] Renewables and Xcel Energy are independently seeking additional development opportunities in this area; however, none of those opportunities are part of the [460 MW] Project or anticipated to be constructed within the same 12-month period as the [460 MW] Project... Xcel Energy does not anticipate sharing any infrastructure with a future project, except that a future project may elect to build a substation adjacent to one of the two [460 MW] Project substations or construct an additional circuit on all or a portion of the West HVTL Project or the East HVTL Project. Any separate project will be completely independent from the [460 MW] Project proposed in this Application." See Sherco Solar Application at Section 2.1.6, eDocket ID No. 20214-173139-04. The 460 MW Sherco Solar Project started construction in May 2023 (see eDocket ID. No. 20234-195391-03). Accordingly, without a permit application submission by Sherco 3, it is highly unlikely it would be constructed within the same 12-month period as the 460 MW Sherco Solar Project and is therefore likely to be an independent project according to Minnesota Rule.

Potential human/environmental impacts, mitigations and other concerns.

EERA staff found that the environmental setting (land use, topography, hydrology, etc.) and human settlement (patterns, public services, demographics, aesthetics, recreation, and infrastructure, etc.) of the Amendment Land Control Area⁶ is very similar to the 2020 Land Control Area. However, EERA staff suggested that it may not be realistic to ascertain and evaluate these potential issues in 10-day comment period format.

Schedule

EERA staff also commented on the potential timelines associated with the review of the application suggesting the anticipated timeline under the Alternative Review Process, if a summary of public testimony is requested from the Administrative Law Judge, is approximately 270 days. EERA staff claimed the full permit process is not substantially more than the estimated 230 days in Elk Creek's modified amendment process.

Elk Creek Reply Comments to EERA Comments

Elk Creek is not proposing or seeking a permit for a new Elk Creek [II] project as suggested by EERA staff in its comment letter. On May 19, 2023, prior to submitting the Application for a Site Permit Amendment, Elk Creek submitted a Size Determination Form to EERA, using the size determination criteria found in Minn. Stat. § 216E.021, outlining why the combined 160 MW project is one project for purposes of permitting under 216E (see public version of the Size Determination Form attached as Attachment A). For example, the entire 160 MW Project will utilize the same point of interconnect, two 80 MW Generator Interconnection Agreements (GIA), it will have common ownership and financing and will be constructed in one, continuous construction process.⁷ EERA responded by letter dated May 24, 2023 that “[b]ased on information provided by [Elk Creek] and based on criteria established in the statute, the Department has determined that the [160 MW] Elk Creek solar project is not associated with other planned solar projects in a way that would require them to be combined into a single project. However, given that the [P]roject on its own has a generating capacity of 160 MW, the Department determines that the Elk Creek solar [P]roject is subject to the Public Utilities

⁵ There is no Elk Creek II Project being proposed by Elk Creek or any other entity. The Amendment Application is intended to site an additional 80 MW of nameplate capacity both within the 2020 Land Control Area and within the Amendment Land Control Area (i.e., land directly adjacent to the 2020 Land Control Area) to increase the nameplate capacity of the already permitted Elk Creek solar project.

⁶ EERA staff refers to two Elk Creek sites in its comment letter: the original permitted site (i.e., 2020 Land Control Area) is referred to by EERA staff as Elk Creek Solar [I] Project (976 acres, 80 MW) and the Amendment Land Control Area is referred to by EERA staff as a new Elk Creek Solar [II] Project (546 acres, 80 MW). As noted above, Elk Creek's Amendment Application is to expand the already permitted 2020 Land Control Area with the Amendment Land Control Area, not to permit a new, separate site from that which was already permitted by the Commission.

⁷ See Minn. Stat. § 216E.021

Commission's siting authority..." (See Attachment B). In other words, the characteristics of the expanded 160 MW Project make it one Project, not two separate projects, for purposes of permitting under Minn. Stat. § 216E. Accordingly, a new site permit for the Amendment Land Control Area is not appropriate.

Option 1: Requested Amendment of Permit Conditions.

Elk Creek disagrees with EERA staff that the amendment process specified in Minnesota Rule 7850.4900 was not designed for Elk Creek's proposed scale of changes to a permitted site. Elk Creek believes an amendment process, or a modified amendment process, are the most prudent options for the Commission to consider this Amendment Application request given the circumstances presented in Elk Creek's Amendment Application and in these reply comments. Under Minnesota Rule 7829.3200, the Commission can grant a variance to 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.

The Commission could find the 10-day comment period and the 10-day timeline after the comment period is not sufficient to provide time to review the application, solicit comments, schedule a Commission meeting and prepare a written order.⁸ Varying the timeline would not adversely affect the public interest and would instead serve the public interest by allowing more time for public comment on, and the consideration of, the application without requiring all interested parties to reevaluate the 2020 Land Control Area. Moreover, varying the deadline would not conflict with any standards imposed by law.

Option 2: Modified Amendment Process.

Elk Creek respectfully disagrees with EERA staff that the modified process proposed by Elk Creek would limit the participation stakeholders could avail themselves to during the normal Alternative Review Process because a scoping meeting or public hearing are not included. First, the Notice of Comment Period on Site Permit Amendment Request issued by the Commission on

⁸ In its Notice of Comment Period, dated June 12, 2023, the Commission already elected to vary the 10-day comment period required under rule and instead initiated an 18-day comment period. Elk Creek has no objection to the 18-day comment period. See eDocket ID. No. 20236-196477-01.

June 12, 2023⁹ provided an 18-day comment period for interested parties to comment on two issues that address scoping matters:

1. Are there any potential human and environmental impacts associated with the proposed amendment of the site permit?
2. Are there methods to minimize, mitigate, or avoid the potential impacts associated with the proposed amendment?

By the close of the comment period, only the DNR raised a scoping related issue in response to question 1 above in the DNR Comments. A response to the DNR Comments is included below. Accordingly, no additional scoping related comment period is necessary or prudent in this circumstance given that a scoping meeting, scoping decision and environmental assessment were already prepared for the previously permitted 2020 Land Control Area and only one scoping related response was received during this comment period after the Commission solicited comments that would determine the scope of an environmental assessment.

In addition, Elk Creek proposed a 30-day comment period under a modified amendment process schedule that would not only allow time for written public comments, but would also allow time for a public meeting in or near the Project if desired by the Commission. The original permit process for the permitted 2020 Land Control Area provided a 45-day comment period after the Environmental Assessment (“EA”) was released. A shorter comment period is prudent in this circumstance if a supplement to the EA is issued. Accordingly, Elk Creek modified in potential alternative schedule to incorporate a public meeting into the 230-day process:

Table 1. Draft Amendment Process Schedule

Approximate Date	Permitting Day	Amendment Process Step
JUNE 2023	0	SITE PERMIT AMENDMENT APPLICATION SUBMITTED
JULY 2023	10	NOTICE OF COMMENT PERIOD
SEPTEMBER 2023	60	REVISED SCOPING DECISION ISSUED
NOVEMBER 2023	120	EA SUPPLEMENT ISSUED; NOTICE OF COMMENT PERIOD
<u>NOVEMBER 2023</u>	<u>140</u>	<u>PUBLIC MEETING</u>
DECEMBER 2023	150	PUBLIC COMMENT PERIOD CLOSES
DECEMBER 2023	157	APPLICANT RESPONSES TO COMMENTS
JANUARY 2024	177	EERA RESPONSES TO COMMENTS ON EA; TECHNICAL ANALYSIS; REPLIES
FEBRUARY 2024	200	COMMISSION STAFF PREPARED PROPOSED AMENDED SITE PERMIT
MARCH 2024	230	COMMISSION CONSIDERS SITE PERMIT AMENDMENTS

⁹ Notice of Comment Period on Site Permit Amendment Request (June 12, 2023) eDocket ID. No. 20236-196477-01.

Option 3: Treat the Filing as a Site Permit Application.

Elk Creek agrees with EERA staff that the environmental information and application content are complete. Elk Creek does not agree with EERA staff that the inclusion of comparative information between the original permitted area and the expansion area in each section of the application made it difficult for the reader to follow. Elk Creek formatted the Amendment Application to provide all information required by applicable rule and guidance for solar facilities both as to the already permitted 2020 Land Control Area and the Amendment Land Control Area. This format informs the reader of the information already reviewed by EERA staff, other agencies, the public and the Commission in the original site permit together with the information about the Amendment Land Control Area. Elk Creek does not believe it to be prudent or efficient for stakeholders to review the entire 1,522-acre site in a vacuum without the benefit of having the information collected and reviewed during the 17-month initial site permit process readily available. The Commission and other interested parties should have easy access to information already considered in the original site permit process to avoid duplication of efforts and to put the Amendment Land Control Area in appropriate context.

Elk Creek disagrees with EERA staff that the proposed amendment is similar to the 250 MW Sherco 3 solar project, which appears to only be associated with the 460 MW Sherco solar project due their proximity to one-another.¹⁰ As stated above, the characteristics of the 160 MW Project make it one complete Project for purposes of permitting under Minn. Stat. § 216E. Elk Creek has reduced row spacing and included more efficient (i.e., higher nameplate capacity) solar panels than that considered in the 2020 Site Permit, which has led to a reduction in the area required for the original 80 MW project and allowed use of portions of the 2020 Land Control Area to host portions of the additional 80 MW being added to the Project. The result is a more efficient design that requires less land than two standalone 80 MW projects. For example, the 2020 Site Permit design required approximately 8.5 acres per MW for Project facilities. The revised layout utilizing the 2020 Land Control Area and Amendment Land Control Area requires approximately 7.3 acres per MW.

Potential human/environmental impacts, mitigations and other concerns.

Elk Creek agrees with EERA staff that the environmental and human setting of the Amendment Land Control Area is very similar to the 2020 Site Control Area and that no new application content is necessary to assess or convey the information needed to evaluate Elk Creek's Amendment Land Control Area.

¹⁰ See Footnote 3.

Schedule

Elk Creek disagrees with EERA staff that a full Alternative Review Process is approximately 270 days and is similar to the 230 days proposed by Elk Creek as an option for the Commission to consider. First, Elk Creek's proposed timeline starts from June 2, 2023, the date on which Elk Creek submitted its Amendment Application. The 270-day Alternative Review Process timeline does not officially start until an application is deemed complete. Accordingly, the time from application submittal until Commission consideration of an application under the full Alternative Review Process tends to be much longer than 270 days. For example, the time from application submittal until Commission consideration of the site permit requests for the 460-MW Sherco Solar Project and the 50 MW Louise Solar Project were 485 and 378 days, respectively.

DNR Comments

Elk Creek appreciates the two comments provided by the DNR in its June 28, 2023, comment letter.

First, the DNR believes, based on a preliminary review, that the Amendment Land Control Area appears to have greater potential natural resource impacts than the 2020 Land Control Area. As depicted in Figure 1[1] of the Amendment Application, Elk Creek (a public water) and a Minnesota Biological Survey ("MBS") site of moderate biodiversity significance are near the southeast portion of the Amendment Land Control Area. The DNR believes a thorough evaluation is necessary to assess potential natural resource impacts associated with the previously unreviewed area.

Second, the DNR believes a site permit application that identifies and describes the Amendment Land Control Area as an independent project, rather than comparing it to the 2020 Land Control Area, would improve clarity. In addition, the DNR believes a site permit application and EA would be consistent with the process for the Sherco Solar 3 project, which will be reviewed and permitted as a separate project.

Elk Creek Reply to DNR Comments.

Elk Creek respectfully disagrees with the DNR that the Amendment Land Control Area appears to have a greater potential for natural resource impacts than the 2020 Land Control Area. Similar to the Project design that was evaluated by EERA in its EA and approved by the Commission in the original Site Permit¹¹, Elk Creek developed the current Project design to avoid impacts on environmental resources whenever possible such that potential environmental impacts will be equal to or less than that which was previously considered in the EA. For

¹¹ Order Adopting Findings of Fact, Conclusions of Law, and Recommendations, Granting Certificate of Need, and Issuing Site Permit (December 31, 2020). E-docket ID No. 202012-169454-02. Available online at: <https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={10BDB976-0000-CE36-9854-7D77F6B2C40B}&documentTitle=202012-169454-02>.

example, as noted by EERA staff in the EERA Comments, *“As anticipated, due to the proximity of the two sites, EERA found in its preliminary review of the draft filing that the environmental setting (land use, topography, hydrology, etc.) and human settlement (patterns, public services, demographics, aesthetics, recreation, and infrastructure, etc.) were very similar between the two sites.”*

Specifically as to Elk Creek (a public water), it is located outside of the Project in all circumstances and approximately 290 feet southeast of the nearest Project infrastructure in the Amendment Land Control Area and is further separated from the Amendment Land Control Area by 121st Street and 190th Avenue. Similarly, Elk Creek (a public water) is approximately 875 feet southeast of the nearest infrastructure in the 2020 Land Control Area and is further separated from the 2020 Land Control Area by 131st Street and County State Aid Highway 3. Moreover, the MBS site noted by DNR in its comment letter is located along Elk Creek (a public water) and is also outside of the Project boundary. Neither Elk Creek (a public water) nor the MBS are intersected by the Project and no impacts to these resources are anticipated.

Nonetheless, if the Commission considered independent environmental review necessary to evaluate this comment raised by the DNR, then a supplement to the EA would be more than adequate to provide the Commission with the information it needed to evaluate the potential for impacts and the potential need for mitigation under an amended site permit as to the Amendment Land Control Area. A completely new EA to analyze this narrow issue or to otherwise re-analyze the 2020 Land Control Area would be unnecessary and an inefficient use of time and resources.

As stated above, the 160 MW Project is one project for permitting under Minn. Stat. § 216E. The Amendment Land Control Area is not similar to the Sherco 3 solar project and a separate permit is not legally justified or necessary under the circumstances. Accordingly, a new site permit application just including the Amendment Land Control Area should not be required.

Conclusion

In conclusion, Elk Creek respectfully requests the Commission either amend the site permit or pursue a modified process as proposed by Elk Creek in its June 2, 2023, Amendment Application. Either process is more efficient and prudent than a new site permit process, which would re-evaluate nearly 1,000 acres of land already considered by the Commission in the 17-month process that resulted in the issuance of a site permit for the original 2020 Land Control Area in 2020.

A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

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Sincerely,

FREDRIKSON & BYRON, P.A.

/s/ Jeremy P. Duehr

Jeremy P. Duehr

Direct Dial: 612.492.7413

Email: jduehr@fredlaw.com

JPD:blj:79609982 v4

Minnesota Statute § 216E.021 requires combining proposed solar energy generating systems for permitting purposes when certain conditions exist. The Department of Commerce requires the information requested below to determine 1) whether proposed solar energy generating systems meet the definition of a large electric power generating plant and, therefore, are subject to the Public Utilities Commission's siting authority; or 2) whether large electric power generating plants that are solar energy generating systems should be combined for permitting purposes. Based on the information provided, Commerce staff may require additional information to make a determination.

Instructions: Answer each question completely. Each question and answer must be clearly identified. Attach maps and supporting information as necessary. Return the signed and dated information to:

Ray Kirsch

Minnesota Department of Commerce
 85 Seventh Place East, Suite 280
 Saint Paul, MN 55101-2198

Phone: (651) 539-1853

Fax: (651) 539-0109

Email: raymond.kirsch@state.mn.us

Note: This form can be made available electronically, and submitted as an electronic document.

A. Project Description

Briefly describe the proposed project or projects, including name(s); need for the project(s); number of solar energy generating systems; alternating current nameplate capacity of the individual solar energy generating systems identified; and the combined alternating current nameplate capacity.

Elk Creek Solar, LLC (Elk Creek), a wholly-owned subsidiary of National Grid Renewables Development, LLC (NG Renewables) received a site permit and certificate of need from the Minnesota Public Utilities Commission, in December 2020, for an up to 80 MW solar energy generating system located in Rock County, Minnesota (Project). Due to uncertainties and significant delays to the Midcontinent Independent System Operator, Inc. ("MISO") interconnection queue review process for the project, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021. MISO completed its interconnection review process in December 2022 and Elk Creek has determined it is more cost-effective to interconnect up to 160 MW of power generation. Accordingly, Elk Creek is expanding the Project and will submit a request to the PUC to allow an expansion of the Project from 80 MW to 160 MW. The Project area will be increased from approximately 970 acres to approximately 1,500 acres. The entire 160 MW will utilize the same point of interconnect, two 80 MW Generator Interconnection Agreements (GIA), it will have common ownership, and financing and will be constructed in one, continuous construction process. Elk Creek plans to construct the Project on a schedule that facilitates an in-service date as early as 2025.

The project is needed to meet the growing demand for additional renewable resources needed to meet the Renewable Energy Standard and carbon reduction standards set forth in Minnesota Statutes and other clean energy requirements in Minnesota and neighboring states.

B. Project Design and Location

Provide the following information regarding each solar energy generating system:

B-1. Describe the 1) solar generating equipment and associated facilities; 2) project boundary location(s) (county, township, and sections); 3) the area within the project boundary (acres); and 4) area within the project boundary that will be developed for the solar project (acres).

1) The Project's permanent facilities will include:

- Solar modules, inverters, and racking;
- Fencing;
- Access roads as required;
- Operations and maintenance (O&M) building;
- Substation facility;
- On-site underground electrical collection lines; and
- Up to five weather stations (up to 20 feet tall).

2) The Project was originally planned to be in Sections 27 and 34-35 in Township 103, Range 44, in Rock County, Minnesota. The expanded Project is planned to also be in Sections 27, 34, and 35_____ in Township 103N , Range 44W and Section 3 in Township 102N, Range 44W in Rock County, Minnesota.

3) The Project boundary includes approximately 1,500 acres.

4) Elk Creek currently anticipates utilizing most of the area within the Project boundary, except for areas that may be subject to applicable setbacks and public rights-of-way. A preliminary design is underway and is not available at this time. The exact acres utilized will depend on final design.

B-2. Describe the anticipated point of electrical interconnection. Describe interconnection requests and the status of each request. Provide any assigned project or queue interconnection numbers.

Elk Creek has two 80 MW MISO Generation Interconnection Queue positions [REDACTED] that will allow the interconnection of the up to 160 MW Project at the Magnolia 161kV Substation located in Rock County, Minnesota. The two queue positions [REDACTED] are in the MISO DPP-2018 West and MISO DPP-2019 West respectively. The nameplate capacity defined in the Generation Interconnection Application were originally larger but were later reduced to two 80 MW requests based on internal analyses that determined the combined up to 160 MW was optimal and financially feasible. The GIAs for [REDACTED] were finalized and executed in September 2022 and January 2023 respectively.

B-3. Provide a map showing the proposed facility boundary, the interconnection site, anticipated solar module layout, and associated facilities. "Associated facilities" includes access roads, operation and maintenance facilities, collector and feeder lines, and substations. Maps should be at 1:24,000 scale using an imagery basemap. The map must include a legend and scale bar.

See attached map.

C. Project Characteristics

Provide the following information regarding each solar energy generating system:

C-1. List and describe the entity responsible for constructing the project.

A construction contractor has not been selected for the Project.

C-2. List and describe the entity responsible for operating and maintaining the project.

Elk Creek Solar, LLC will be responsible for operating and maintaining the Project.

C-3. Describe the ownership structure, sales agreement(s), interconnection(s), revenue sharing, debt or equity financing, and any other characteristics of the solar energy generating system. Include a statement indicating whether these characteristics are “independent” or “shared.” If shared, indicate with what existing or proposed project.

Elk Creek will seek a sales agreement for this up to 160 MW facility independent of any other facility. Elk Creek’s previous sales agreement with Xcel Energy was transferred to other projects due to the extensive delays in the MISO interconnection process for Elk Creek’s interconnection request. Elk Creek does not currently have or anticipate sharing revenue, debt or equity financing with any other project.

C-4. Provide the anticipated schedule for completion, including dates for permitting, construction (start and end dates), and commercial operation.

Elk Creek plans to file a petition to amend the site permit and certificate of need in early summer 2023 so that it receives Commission approval of the project in early 2024. Construction is anticipated to begin as early as the fall of 2024 with commercial operation by the end of 2025.

D. Applicant Information

D-1. Provide the name, address, email, and telephone number of the applicant and any authorized representative.

Elk Creek Solar, LLC
8400 Normandale Lake Blvd., Suite 1200
Bloomington, MN 55437
952.988.9000

Representatives:

Marc Morandi
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After June 1, 2023

Jeremy Duehr
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D-2. Provide the name, address, e-mail, and telephone number of the person or persons who would prepare the application to the Public Utilities Commission or to a Minnesota county or local unit of government, if such an application would be prepared by an agent or consultant of the applicant.

Monika Davis
Merjent
800 Washington Ave. N., Suite 315
Minneapolis, MN 55401
Direct: 612.924.3988
monika.davis@merjent.com

D-3. Briefly describe the applicant's business entity including its ownership and financial structure.

Elk Creek Solar, LLC was formed for the purpose of developing this Project. Elk Creek Solar, LLC is solely owned by NG Renewables a utility-scale renewable energy development company headquartered in Bloomington, Minnesota. NG Renewables has developed multiple operating wind farms and solar projects throughout the United States. NG Renewables currently has approximately 1,300 MW of wind and solar projects under construction. NG Renewables has a multi-gigawatt development pipeline of wind and solar projects in various stages of development throughout the United States and 97 utility-scale and community solar projects completed. NG Renewables provides custom renewable energy development solutions for utilities, independent power purchasers and corporations looking to harness renewable energy for business growth. NG Renewables prides itself on developing wind farms and solar facilities that are farmer-friendly, community-driven, and beneficial for rural communities.

D-4. Provide the Minnesota Secretary of State organizational ID number for the applicant business entity, all subordinate entities, and all solar developer entities involved with the project.

Elk Creek Solar, LLC's Minnesota Secretary of State organizational identification number is 993058300053. Elk Creek Solar, LLC does not have any subordinate entities. Elk Creek Solar, LLC is solely owned by NG Renewables, the developer of the project.

D-5. Identify and provide contact information for the person or persons who would be the permittees, if different than the applicant, if the solar energy generating systems were permitted by the Public Utilities Commission or a Minnesota county.

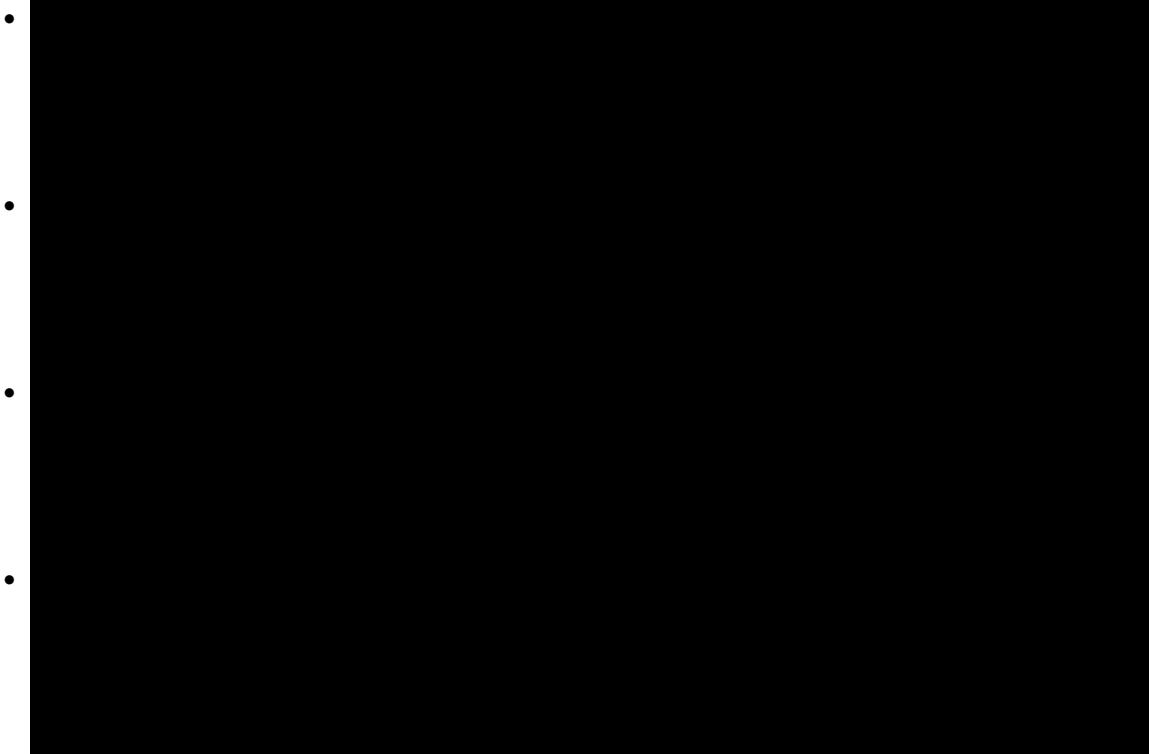
The permittee is Elk Creek Solar, LLC, who is also the applicant.

E. Other Projects in Minnesota

E-1. Identify any planned or existing solar energy generating system(s) in Minnesota in which the applicant, or a principal, partner, or affiliate of the applicant, has an ownership or other financial interest. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

The following large solar energy projects are also currently being developed by National Grid Renewables:

- Louise Solar Project, LLC – Mower County, Minnesota. Louise Solar Project, LLC received a site permit and certificate of need for up to 50 MW of nameplate solar energy capacity. Queue # J523; 50 MWs; Interconnecting at ITC Midwest's Adams 161 kV Substation in Mower County, MN. The project has an executed MISO GIA and is on a schedule that facilitates an in-service date in Q4 2024.
- Fillmore County Solar Project, LLC – Fillmore County, Minnesota. Fillmore County Solar Project, LLC received a Conditional Use Permit from Fillmore County for up to 45 MW of nameplate solar energy capacity. Queue # J718; 45 MWs; Interconnecting on Dairyland Power Cooperative's Cherry Grove – Chester Tap 69 kV Line in Fillmore County, MN. The project has an executed MISO GIA and is on a schedule that facilitates an in-service date in Q4 2024.
- Regal Solar, LLC – Benton County, Minnesota. Regal Solar, LLC received a site permit and certificate of need for up to 100 MW of nameplate solar energy capacity with a plan to increase the nameplate capacity to 119.5 MW. Queue # J1611; 120 MWs; Interconnecting at GRE's Langola 115kV Tap Substation in Benton County, MN. The project is in MISO's 2020 DPP West study group, with an expected GIA Q3 2023. Regal Solar anticipates constructing its project on a schedule that facilitates an in-service date in 2025.



The following existing community solar garden projects were developed by NG Renewables and other developers as part of Xcel's Community Solar Garden program. The project entities were purchased by Nordic Solar, LLC and Phase 2 Nordic Solar, LLC and were then constructed and are operating. Individuals that have an ownership interest in NG Renewables have ownership interests in Nordic Solar, LLC and Phase 2 Nordic Solar, LLC.

- Koppelman Solar, LLC – Blue Earth County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- Rengstorf Solar, LLC – Nicollet County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- DodgeSun Solar, LLC – Dodge County. 5 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- Kramer Solar, LLC – Renville County. 3 MW of nameplate solar-energy capacity. Commercial operation Q4 2017.
- WasecaSun Solar, LLC – Waseca County. 5 MW of nameplate solar-energy capacity. Commercial operation Q1 2018.
- Johnson Solar, LLC – Pipestone County. 4.7 MW of nameplate solar-energy capacity. Commercial operation Q1 2018.
- Marmas Solar, LLC – Sherburne County. 4 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- St. Cloud Solar, LLC – Stearns County. 5 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- Lindstrom Solar, LLC – Chisago County. 3 MW of nameplate solar-energy capacity. Commercial operation Q2 2018.
- Crux Solar, LLC – Renville County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Sagittarius Solar, LLC – Meeker County. 0.76 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Aquarius Solar, LLC – Lyon County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Leo Solar, LLC – Murray County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Auriga Solar, LLC – Murray County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Libra Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Pisces Solar, LLC – Stearns County. 0.76 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Sagitta Solar, LLC – Chippewa County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Altair Solar, LLC – Waseca County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Aquila Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Kaus Solar, LLC – Dodge County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Canopus Solar, LLC – Stearns County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Capricornus Solar, LLC – Stearns County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.

- Arcturus Solar, LLC – Le Sueur County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Cassiopeia Solar, LLC – Pope County. 1 MW of nameplate solar-energy capacity. Commercial operation Q1 2019.
- Deneb Solar, LLC – Kandiyohi County. 1 MW of nameplate solar-energy capacity. Commercial operation Q2 2019.
- Hydra Solar, LLC – Rice County. 1MW of nameplate solar-energy capacity. Commercial operation Q2 2022.

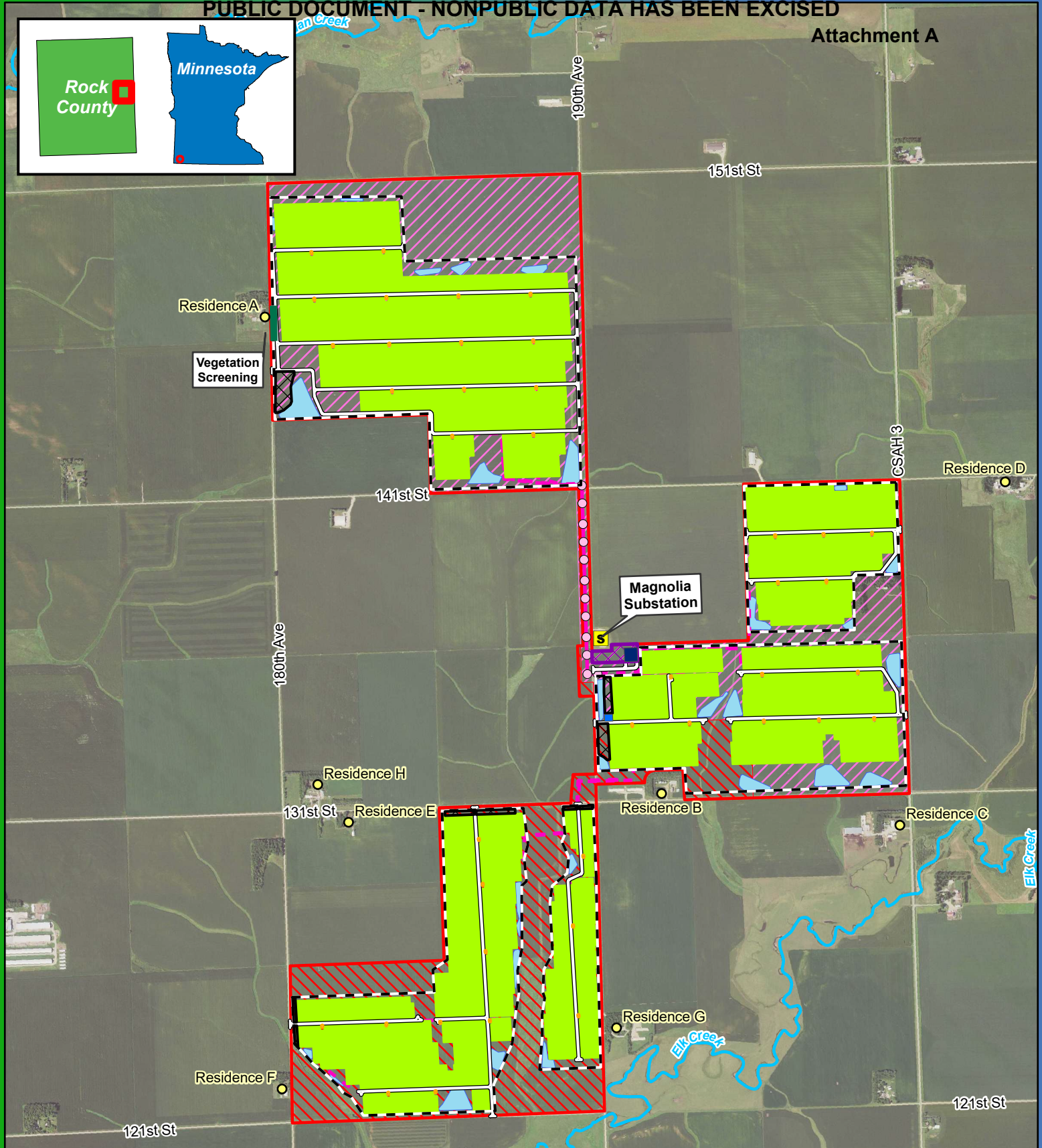
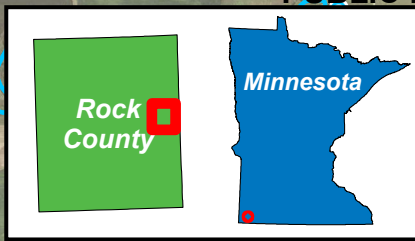
E-2. Identify any additional solar energy generating system(s) in Minnesota in which the applicant, or principal, partner, or affiliate of the applicant, has an ownership or other financial interest and is currently under construction or construction is planned to begin within 12 months of the proposed project(s) estimated completion date. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

National Grid Renewables continues to develop its Nordic Portfolio of solar gardens throughout the state of Minnesota. NG Renewable's Nordic 3 portfolio is under construction, and subsequent Nordic projects are in the queue.

National Grid Renewables no longer has any ownership interest in any portion of the up to 460 MW Sherco Solar Project, which is currently being constructed in Sherburne County, Minnesota. The up to 460 MW Sherco Solar project is entirely owned by Northern States Power Company, d/b/a Xcel Energy.

E-3. Identify any planned or existing solar energy generating system(s) in Minnesota which that shares any of the following with the proposed project: power purchase agreement, interconnection, sales, revenues, debt or equity financing, or other ownership or financial interests. Describe any facilities identified, including their location, alternating current nameplate capacity, and their interconnection requests.

NG Renewables does not have any planned or existing solar energy generating systems in Minnesota that share a power purchase agreement, sales, revenues, debt or equity financing with Elk Creek's proposed Project.



0 0.25 0.5 Miles

1:26,000

Data Source: Geronimo Energy, USGS, MN DOT, 2017 FSA Imagery

Figure 3
Preliminary Project Layout
Elk Creek Solar Project
Rock County, MN
43.67819, -96.09293

- | | | |
|-------------------------------|--------------------------|-------------------------|
| ● Adjacent Residence | ■ Vegetation Screening | ■ Inverter |
| ■ Existing Substation | ■ 2023 Land Control Area | ■ Project Substation |
| ■ Permanent Weather Stations | ■ Amended Land Control | ■ O&M Facility |
| ○ Pole | ■ 2020 Land Control Area | ■ Associated Facilities |
| — Underground Collection Line | ■ Security Fence | ■ Laydown Area |
| — Overhead Collection Line | ■ Access Road | ■ NHD Stream |
| | ■ Solar Array | ■ Drainage Basin |

May 24, 2023

Marc Morandi
National Grid Renewables Development, LLC
8400 Normandale Lake Blvd., Suite 1200
Bloomington, MN 55437

Dear Mr. Morandi,

Thank you for submitting a solar size determination request for National Grid Renewables' proposed 160 MW Elk Creek solar project in Rock County.

The Department is responsible for reviewing such requests to determine "whether a combination of solar energy generating systems meets the definition of large electric power generating plant and is subject to the commission's siting authority jurisdiction" (Minnesota Statute 216E.021, Subd. a).

Based on information provided by National Grid Renewables, and based on criteria established in the statute, the Department has determined that the Elk Creek solar project is not associated with other planned solar projects in a way that would require them to be combined into a single project. However, given that the project on its own has a generating capacity of 160 MW, the Department determines that the Elk Creek solar project is subject to the Public Utilities Commission's siting authority and must seek approval for the project under the Power Plant Siting Act (Minnesota Statute 216E).

National Grid Renewables has the right to dispute this determination with the Chair of the Public Utilities Commission.

Please contact me with any questions.

Sincerely,



Ray Kirsch
Energy Environmental Review and Analysis

cc: Bret Eknes, Public Utilities Commission
Jeremy Duehr, Fredrikson & Byron, P. A.

**In the Matter of the Application of Elk Creek
Solar, LLC for a Site Permit for the up to 80
MW Elk Creek Solar Project in Rock County,
Minnesota
Docket No. IP-7009/GS-19-495**

CERTIFICATE OF SERVICE

Breann L. Jurek certifies that on the 12th day of July 2023, she e-filed on behalf of Elk Creek Solar, LLC a true and correct copy of the following documents:

1. Elk Creek Solar, LLC's Reply Comments with Attachments A and B; and
2. Certificate of Service

to the Minnesota Public Utilities Commission, via edockets (www.edockets.state.mn.us). Said document was also served on the Official Service List on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: July 12, 2023

Signed: /s/ Breann L. Jurek

Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402

[illegible]

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Melissa	Schmit	melissa@nationalgridrenewables.com	National Grid Renewables	8400 Normandale Lake Blvd Ste 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_19-495_Official Service List 19-495
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_19-495_Official Service List 19-495
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	Yes	OFF_SL_19-495_Official Service List 19-495
William	Storm	bill.storm@state.mn.us	Department of Commerce	Room 500 85 7th Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_19-495_Official Service List 19-495
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_19-495_Official Service List 19-495