

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Otter Tail
Power Company for a Site Permit for the Up
To 66 MW Solway Solar Project in Beltrami
County, Minnesota

FIRST PREHEARING ORDER

This matter came before Administrative Law Judge Suzanne Todnem for a prehearing conference on February 11, 2025. The prehearing conference was held virtually by video conference using Microsoft Teams.

Christina Brusven, Fredrickson & Byron, P.A., appeared on behalf of Otter Tail Power Company (Applicant or OTPC), with Preston D. Riewer of OTPC.

Amrit Hundal, Tessa Kothlow and Logan Hicks, appeared on behalf of the Energy Environmental Review and Analysis (EERA) unit of the Department of Commerce (Department or DOC).

Trevor Culbertson, Energy Facilities Planner, and Cezar Panait, Regulatory Engineer, appeared on behalf of the Public Utilities Commission (Commission or PUC).

The Commission referred the site permit application matter to the Office of Administrative Hearings for a contested case proceedings in its October 15, 2024, Order (Commission's Order).¹

Based upon the record herein and the agreement of the parties,

IT IS HEREBY ORDERED:

1. **Parties.** The parties to this matter are Otter Tail Power Company and the Department. Other persons or entities that wish to intervene as parties in this proceeding must file a petition to intervene that complies with Minn. R. 1400.6200 (2023) with the Administrative Law Judge as set forth below.

¹ The Commission's consent calendar subcommittee issued the decision pursuant to its delegated authority under Minn. Stat. § 216A.03, subd. 8(a). Commission's Order (January 28, 2025).

2. **Deadline to Intervene.** Persons or entities that wish to intervene as parties in this proceeding must file a petition to intervene that complies with Minn. R. 1400.6200 (2023) no later than **4:30 p.m. on April 30, 2025**. Copies of the petition to intervene must be served upon the Administrative Law Judge, all existing parties and participants, and the Commission. A notice of appearance must be filed with the petition. Petitioners shall provide an electronic mail address on the petition or notice of appearance. **All intervenors will be held to the schedule set forth below.** Unless extraordinary circumstances exist, the schedule will not be modified to accommodate late intervention. Therefore, parties intending to intervene should do so as early in the process as possible.

3. **Objections to Intervention.** Any objection to a petition for intervention shall be filed within seven (7) days of the filing of the petition. See Minn. R. 1400.6200, subp. 2 (2023). The objection shall state the party's reasons for objection and shall be served upon the Administrative Law Judge, all existing parties and participants, and the Commission.

4. **Service List.** The service list has now been established for this matter and shall only be amended upon the granting of a petition to intervene by the Administrative Law Judge and the filing of a notice of appearance. Interested members of the public who are not on the service list are invited to receive notifications through the "Subscribe to Dockets" feature of the PUC's eDocket system. Only parties and intervenors shall file notices of appearance. All other interested individuals shall subscribe to the docket on the PUC's eDocket system. Filing a notice of appearance does not place a person or group on the official service list, nor does it grant a person or group party status.

5. **Public Participation.** Members of the public are invited and encouraged to participate in this informal process. It is not necessary to become a formal party to this matter to participate in these proceedings. Members of the public may participate in the public hearings, ask questions of the Applicant or the Department, and may offer oral and written testimony and exhibits as part of those proceedings.² They should subscribe to the case using the PUC Docket number in eDockets and monitor filings. Upon subscribing to the docket, you will be provided with electronic notice of all filings, as well as access to the public documents filed in the case.

6. **Schedule.** The following is the upcoming schedule of events in this informal proceeding:

Event	Date	Notes
Environmental Assessment (EA) Scoping Decision Issued	January 30, 2025	

² Minn. R. 1400.6200, subp. 5, 1400.7150, subp. 1, and 7829.0900 (2023).

Event	Date	Notes
EA Issued; Notice of EA Availability and Notice of Public Hearings; Intervention Deadline	April 30, 2025	
Pre-filed Direct Testimony and Exhibits	May 6, 2025	
In-Person Public Hearing	May 14, 2025	
Remote-Access Public Hearing	May 15, 2025	
Close of Public Comment Period	May 27, 2025	
Applicant's Response to Public Comments and Proposed Findings of Fact	June 6, 2025	
The Department's Response to Public Comments and Reply to Applicant's Proposed Findings	June 13, 2025	
Administrative Law Judge (ALJ) Report	July 22, 2025	
Exceptions to ALJ Report	Est. August 6, 2025	15 days after ALJ Report
Commission Meeting on Site Permit Issuance	TBD	30 days after exceptions

7. **Filing.** The parties have agreed to e-File all documents, including pre-filed testimony, using the e-Dockets system of the Department and the Commission. The parties agree that such e-Filing constitutes effective service. If a document cannot be filed using the eDocket system, the original document must be filed by delivery or mail with the Administrative Law Judge, and copies served on all parties by the same method.

8. **Effective Date of Filing.** The effective date of filing shall be the date the document is filed and accepted into eDockets. Parties using the eDockets system should retain the unique document identifier as proof of filing through that system.

9. **Exhibit Practice.** Pre-filed testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being readily cited (either by page and line number, paragraph number, or similar identifier).

If there is a filing of Protected Data in this matter, access to nonpublic materials shall be governed by a later Protective Order.

The parties are directed to pre-label their exhibits sequentially, beginning with the following monikers:

- | | | |
|-----|------|-----------------------------|
| (a) | OTPC | OTPC – [the Exhibit Number] |
| (b) | EERA | EERA – [the Exhibit Number] |
| (c) | PUC | PUC – [the Exhibit Number] |

Any other participant who wishes to offer exhibits shall similarly pre-label their exhibits with a unique identifier preceding their exhibit number.

10. **Master Exhibit List.** After the close of the hearing, Applicant shall prepare a Master Exhibit List that identifies each exhibit in the hearing record, with its hearing exhibit number and unique eDocket identifying number. The parties shall use the master exhibit list template supplied by the Court Report to make compilation of a Master Exhibit List easier for Applicant.

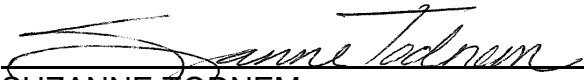
11. **Public Hearings.** There will be one (1) in-person public hearing in the service area and one (1) virtual public hearing. The Commission shall issue and serve a Notice of Public Hearings with the dates, times, location and instructions on how to attend a virtual hearing (including links, codes, and passwords). The Commission shall submit a draft of the Notice to the Administrative Law Judge for approval prior to service and publication. Public hearings start promptly at the start time and end when all persons in attendance have had an opportunity to be heard or, at latest, 9:00 p.m. Therefore, it is important to arrive at the start time.

12. **Accommodations or Interpreters.** No person has requested an accommodation for a disability or appointment of an interpreter. The Office of Administrative Hearings shall be notified promptly, in writing, if either an accommodation or interpreter is needed. The Office of Administrative Hearings requires that any party requesting an accommodation for a disability fill out a request for accommodations form **as soon as possible** to ensure that all accommodation requests are fulfilled. That form can be found at: <https://mn.gov/oah/lawyers-and-litigants/title-ii.jsp>. To request an interpreter, send an email to oah.courtpersonnel@state.mn.us.

13. **Official Record.** The documents filed in eDockets constitute the official record of the proceeding, along with any supplemental record data that is offered at the hearing.

14. **Contact with Judge.** Ex parte contact with the Judge is strictly prohibited. Procedural questions or concerns can be directed to Judge Todnem's legal assistant, Nichole Sletten, at Nichole.Sletten@state.mn.us. Communications directed to the Judge must include all other parties.

Dated: February 13, 2024


SUZANNE TODNEM
Administrative Law Judge

February 13, 2025

See Attached Service List

Re: *In the Matter of the Application of Otter Tail Power Company for a Site Permit for the up to 66 MW Solway Solar Project in Beltrami County, Minnesota*

**OAH 23-2500-40576
MPUC E-017/GS-24-309**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7970, cara.hunter@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,



CARA HUNTER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Application of Otter Tail Power Company for a Site Permit for the up to 66 MW Solway Solar Project in Beltrami County, Minnesota	OAH Docket No.: 23-2500-40576 MPUC E-017/GS-24-309
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On February 13, 2025, a true and correct copy of the **FIRST PREHEARING ORDER** was served by eService, and United States mail, (in the manner indicated on the attached service list) to the following individuals:

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron		60 S 6th St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	24-309Official CC Service List
2	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	24-309Official CC Service List
3	Trevor	Culbertson	trevor.culbertson@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	24-309Official CC Service List
4	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	24-309Official CC Service List
5	Logan	Hicks	logan.m.hicks@state.mn.us		Department of Commerce	85 7th Place East Suite 280 Saint Paul MN, 55101 United States	Electronic Service		No	24-309Official CC Service List
6	Amrit	Hundal	amrit.hundal@ag.state.mn.us		Office of the Attorney General - Department of Commerce		Electronic Service		No	24-309Official CC Service List
7	Tessa	Kothlow	tessa.kothlow@state.mn.us		Department of Commerce		Electronic Service		No	24-309Official CC Service List
8	Molly	Leisen	mleisen@fredlaw.com	Fredrikson & Byron P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402 United States	Electronic Service		No	24-309Official CC Service List
9	Matthew	Olsen	molsen@otpc.com	Otter Tail Power Company		215 South Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-309Official CC Service List
10	Cezar	Panait	cezar.panait@state.mn.us		Public Utilities Commission	121 7th Place East Suite 350 St. Paul MN, 55101 United States	Electronic Service		No	24-309Official CC Service List
11	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	24-309Official CC Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
12	Generic Notice	Regulatory	regulatory_filing_coordinators@otpc.com	Otter Tail Power Company		215 S. Cascade Street Fergus Falls MN, 56537 United States	Electronic Service		No	24-309Official CC Service List
13	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		No	24-309Official CC Service List
14	Michael	Riewer	mriewer@otpc.com	Otter Tail Power Company		PO Box 4496 Fergus Falls MN, 56538-0496 United States	Electronic Service		No	24-309Official CC Service List
15	Preston	Riewer	priewer@otpc.com	Otter Tail Power Company		215 South Cascade St. Fergus Falls MN, 56537 United States	Electronic Service		No	24-309Official CC Service List
16	Nathaniel	Runke	nrunke@local49.org			611 28th St. NW Rochester MN, 55901 United States	Electronic Service		No	24-309Official CC Service List
17	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		No	24-309Official CC Service List
18	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	24-309Official CC Service List
19	Suzanne	Todnem	suzanne.todnem@state.mn.us		Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul MN, 55164 United States	Electronic Service		Yes	24-309Official CC Service List
20	Kim	Ward	kaward@otpc.com	Otter Tail Power Company		215 South Cascade Fergus Falls MN, 56537 United States	Electronic Service		No	24-309Official CC Service List

