



414 Nicollet Mall  
Minneapolis, MN 55401

September 8, 2022

—Via Electronic Filing—

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

RE: ANSWER IN OPPOSITION TO SUE MADSON'S PETITION FOR RECONSIDERATION  
FREEBORN WIND ENERGY PROJECT  
DOCKET NO. IP-6946/WS-17-410

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, submits this Answer in Opposition to the August 29, 2022 Petition for Reconsideration (“Petition”) filed by Sue Madson. The Petition fails to identify any valid reason why the Minnesota Public Utilities Commission (“Commission”) should amend or reconsider its August 8, 2022 Order (“Order”) accepting Xcel Energy’s post-construction noise study and the Department of Commerce, Energy Environmental Review and Analysis’ (“EERA”) compliance review. It should be denied.

Petitions for reconsideration are governed by Minn. Stat. § 216B.27, Subd. 3, which permits reconsideration of Commission decisions if they are “in any respect unlawful or unreasonable.” Minn. R. 7829.3000 sets forth additional procedural requirements for petitions for reconsideration and requires that petitions “set forth specifically the grounds relied upon or errors claimed.” Generally, the Commission will review petitions for reconsideration “to determine whether the petition (i) raises new issues, (ii) points to new and relevant evidence, (iii) exposes errors or ambiguities in the underlying order, or (iv) otherwise persuades the Commission that it should rethink its decision.”<sup>1</sup>

As set out below, the Petition fails to satisfy this standard. The Petition provides no new issues or relevant facts nor identifies any errors or ambiguities in the Commission’s Order weighing in favor of reconsideration. Moreover, the Petition provides no legal justification or other grounds for reaching a conclusion that the Commission erred in

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<sup>1</sup> See, e.g., Order Denying Reconsideration, Denying Stay, and Approving Compliance Filings at 3 (Oct. 7, 2019), Docket No. E-002/M-18-643.

its decision. Finally, the Petition has not provided any persuasive information that would warrant reconsideration. For these reasons, the Commission should deny the Petition.

## **I. Discussion**

Ms. Madson argues that the Commission erred by accepting the Monitoring Study and EERA's compliance review and determining that the Project is in compliance with the Noise Standards and Site Permit. Ms. Madson lists a number of alleged errors in the Monitoring Study, EERA's compliance review, and the Commission's "fail[ure] to infer exceedances."<sup>2</sup>

The Petition repeats many of the allegations and arguments from Ms. Madson's May 24, 2022 comments regarding the exclusion of certain data and statements regarding the ground factor.<sup>3</sup> Xcel Energy addressed the substance of those allegations and arguments, including those related to the Freeborn Wind Post-Construction Sound Monitoring Protocol approved by the Department of Commerce staff and use of the binning method, in its June 3, 2022 Reply Comments and in oral arguments before the Commission on July 7, 2022.<sup>4</sup> Accordingly, Xcel Energy incorporates by reference its Reply Comments in response to Ms. Madson's Petition.

Ms. Madson argues that the Commission erred by not requiring Xcel Energy to produce the results of the informal noise screening measurements conducted prior to the Post-Construction Sound Monitoring Study filed on February 1, 2022 (Monitoring Study).<sup>5</sup> Ms. Madson has raised this request for the Commission's consideration several times throughout the course of this proceeding.<sup>6</sup> The Commission has already addressed and properly denied this request multiple times.<sup>7</sup> The Petition has not raised any new issues or identified any new evidence requiring reconsideration of this issue.

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<sup>2</sup> *See, e.g.*, Petition at 7-8.

<sup>3</sup> *See* Petition at 7; *see also* Madson Comment and Request for Reports Curtailment Suspension (May 24, 2022).

<sup>4</sup> *See* Xcel Energy Reply Comments at 1-4 (June 3, 2022) and Order Accepting Post-Construction Noise Monitoring Report and Compliance Review at 4 (August 8, 2022); *see also* Xcel Energy Initial Comments – Post-Construction Noise Monitoring Study at 2 (May 27, 2022); EERA Compliance Review at 3-6 (May 2, 2022).

<sup>5</sup> *See* Petition at 2.

<sup>6</sup> *See, e.g.*, Petition at 12 ("The Commission is aware of our repeated attempts to gain this data."); Madson Comments (May 24, 2022); Madson and Association of Freeborn County Landowners Motion for Reconsideration (February 14, 2022).

<sup>7</sup> *See, e.g.*, Order Accepting Post-Construction Noise Monitoring Report and Compliance Review at 6 (August 8, 2022); Order Denying Reconsideration (April 8, 2022); Order Denying Motions (January 24, 2022).

Ms. Madson also argues that the Commission erred by failing to order additional noise monitoring.<sup>8</sup> However, there is no evidence that the Project is out of compliance with the Noise Standards or the Site Permit. Further, Ms. Madson fails to demonstrate any discrepancies between the Monitoring Study and the Freeborn Wind Post-Construction Sound Monitoring Protocol approved by the Department of Commerce staff. Accordingly, there is no basis to order curtailment of any turbines, and the Commission properly concluded that no additional noise monitoring is necessary at this time. The Petition has not raised any new issues or identified any new evidence requiring reconsideration of this issue.

The Commission's Order accepting the Monitoring Study and EERA's compliance review and concluding that the Project is in compliance with the Noise Standards and Site Permit was based on a thorough review of the record and arguments of all parties. The Order was not erroneous and reconsideration is not appropriate.

## **II. Conclusion**

In sum, Ms. Madson's Petition for Reconsideration fails to raise any new issues, point to new or relevant evidence, or expose errors or ambiguities in the underlying order, and it should be denied.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact me at (612) 330-6064 or [bria.e.shea@xcelenergy.com](mailto:bria.e.shea@xcelenergy.com) if you have any questions regarding this filing.

Sincerely,

*/s/ Bria Shea*

BRIA SHEA  
REGIONAL VICE PRESIDENT, REGULATORY POLICY

c: Service List

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<sup>8</sup> See Petition at 3.

## CERTIFICATE OF SERVICE

**In the Matter of the Answer in Opposition  
to Sue Madson's Petition for  
Reconsideration Freeborn Wind Energy  
Project**

**PUC Docket No. IP-6946/WS-17-410**

I, Malinda Maier, hereby certify that on the September 8, 2022, I have efiled, on behalf of Xcel Energy, a true and correct copy of the following documents with the Minnesota Public Utilities Commission:

1. Answer in Opposition to Sue Madison's Petition for Reconsideration; and
2. Certificate of Service.

A copy has also been served in accordance with the service list of record in this docket.

Executed on: September 8, 2022

*Signed: /s/ Malinda M. Maier*

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

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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No	OFF_SL_17-410_Official Service list Site permit
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