

June 19, 2014

Dr. Burl Haar
Executive Secretary
Minnesota Public Utilities Commission
Metro Square Building
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Re: In the Matter of the Large Wind Energy Conversion System Site Permit
Issued to Bear Creek Wind Partners, LLC
Initial Comment Period Comments
PUC Docket No. IP-6629/WS-07-297

Dear Dr. Haar:

The Department of Commerce Energy Environmental Review and Analysis (EERA) staff appreciates the opportunity to comment during the Initial Comment period on this matter. The Department staff has reviewed its past analysis of Bear Creek Wind Partners, LLC (Bear Creek) compliance with the Large Wind Energy Conversion System site permit, amended on September 28, 2011.

Background. On February 15, 2013, EERA staff sent a compliance review to Bear Creek (document number [20132-83869-01](#)) as a reminder of future dates for providing project status to the Commission as required by

- Permit Condition III.J.4 Power Purchase Agreement and
- Permit Condition III.K.2 Failure to Commence Construction.

EERA staff requested that Bear Creek e-file a reply, directed to the Commission, before September 28, 2013.

In this review, EERA staff also requested an e-filing of documentation that the issued LWECS site permit had been mailed to local residents and bodies of government as required by permit condition III.K.9. We requested that Bear Creek e-file a reply, directed to the Commission, before March 28, 2013.

During February 2013, EERA staff connected with Mr. John Ihle of Bear Creek by email and phone. We explained the content of the compliance review and the requested e-filed response. We provided Mr. Ihle with guidance for accessing the project e-docket in order to find certain documents there. EERA staff provided another subsequent reminder to Mr. Ihle on September 12, 2013 (document number [201311-93406-01](#)).

Bear Creek filed information on the project status regarding power purchase agreement and construction in its comments that were e-filed on December 13, 2013 (document

number [201312-94586-01](#)). To date, a response regarding the issued permit mailing has not been e-filed.

Comments and Recommendation. EERA staff recognizes that Bear Creek Power Partners, LLC has endured a lengthy MISO process. However Bear Creek

- missed the permit-required timeframes in permit conditions III.J.4 and III.K.2, for providing status information to the Commission regarding power purchase agreement and construction,
- has not demonstrated compliance with permit condition III.K.9 or explained its failure to comply, and
- has indicated in its December 13, 2013, filing that it will no longer move its development efforts forward and requested to withdraw the LWECs permit.

As a result, EERA staff believes the Commission has reason to grant Bear Creek's request by revoking the site permit.

If you should have any questions, please contact Larry Hartman, of the Department of Commerce EERA staff at 651-539-1839, or at larry.hartman@state.mn.us, or me at 651-539-1840 or at cynthia.kahrmann@state.mn.us .

Sincerely,



Cynthia Kahrmann
Permit Compliance Coordinator

Cc: Larry Hartman, Energy Environmental Review and Analysis
Tricia DeBleeckere, Public Utilities Commission staff
Deborah Pile, Energy Environmental Review and Analysis
Bret Eknes, Public Utilities Commission staff