

March 10, 2025

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: EERA Comments and Recommendations on Application Completeness
Summit Lake Project – Joint Site Permit Application
Docket Nos. IP-7153 / GS-25-89, IP-7153/ESS-25-88

Dear Mr. Seuffert,

Attached are comments and recommendations of Department of Commerce, Energy Environmental Review and Analysis (EERA) staff in the following matters:

In the Matter of the Application of Summit Lake Solar, LLC for a Site Permit for the 200 MW Solar Energy Generating System for the Summit Lake Project in Nobles County, Minnesota;
In the Matter of the Application of Summit Lake Solar, LLC for a Site Permit for the 200 MW Battery Energy Storage System for the Summit Lake Project in Nobles County, Minnesota;

The application for the project was filed on February 21, 2025, by:

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

EERA staff recommends that the Commission accept the applications as substantially complete. EERA staff is available to answer any questions the Commission may have.

Sincerely,



Sam Weaver
Environmental Review Manager

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

SUMMIT LAKE PROJECT DOCKET NOS. IP-7153 / GS-25-89 AND IP-7153/ESS-25-88

Date: March 10, 2025

EERA Staff: Sam Weaver | 651-539-1531 | sam.weaver@state.mn.us

In the Matter of the Application of Summit Lake Solar, LLC for a Site Permit for the 200 MW Solar Energy Generating System for the Summit Lake Project in Nobles County, Minnesota;

In the Matter of the Application of Summit Lake Solar, LLC for a Site Permit for the 200 MW Battery Energy Storage System for the Summit Lake Project in Nobles County, Minnesota;

Issues Addressed: These comments and recommendations address the completeness of the joint site application, the need for an advisory task force, and other issues related to this matter.

Documents Attached:

- (1) Table 1. Application Completeness Requirements for the Joint Site Permit Application
- (2) Table 2. Draft Permitting and Environmental Review Schedule
- (3) Project Overview Map

Additional documents and information can be found on:

- eDockets via <https://www.edockets.state.mn.us/> (25-88 and 25-89) and;
- The Department of Commerce's website via <http://mn.gov/commerce/energyfacilities>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

Introduction and Background

On February 21, 2025, Summit Lake Solar, LLC (Summit Lake Solar) filed a joint site permit application to construct and operate the Summit Lake project. The joint site permit application was filed for a 200 megawatt (MW) alternating current photovoltaic solar energy generating facility, a 200 MW battery energy storage system (BESS), and associated infrastructure in Nobles County, Minnesota.¹ On February 27, 2025, the Minnesota Public Utilities Commission (Commission) issued a notice soliciting comments on the completeness of the joint site permit application, the need for an advisory task force, and other

¹ Summit Lake Project, Joint Site Permits Application to the Minnesota Public Utilities Commission for: Summit Lake Solar Energy Conversion Facility and Battery Energy Storage System, February 21, 2025, eDockets Number [20252-215674-01 through 14](#)

issues related to this matter.²

Project Purpose

Summit Lake Solar indicates that the project will assist the State of Minnesota in meeting its renewable energy objectives,³ diversify electricity sources, meet anticipated growth in electricity demand, and meet consumers' growing demand for renewable energy.⁴ Summit Lake is working to secure a power purchase agreement, build transfer agreement, development transfer agreement, or other enforceable offtake agreement to sell the electricity, renewable energy certificates, and capacity generated or stored by the Project. The power generated or stored by the Project will be offered to wholesale customers, including Minnesota utilities and cooperatives that have identified a need for additional low-cost renewable energy and capacity, and corporate and industrial customers that have set clean energy goals.

Project Description

Summit Lake Solar proposes to construct and operate an up to 200 MW solar energy generating facility and a 200 MW BESS in Nobles County, Minnesota. The project will occupy approximately 1,990 acres, 1,482 acres of which will be occupied by the solar panels and associated infrastructure (see Project Overview Map). The project will use photovoltaic solar panels mounted on single axis tracking systems. Collection cables will gather and send the electric power generated by the solar panels to a project substation. The project substation will interconnect with the electrical grid through the existing Nobles substation via a new, short (<1,500 ft) overhead generation intertie transmission line. The project will also utilize a BESS in tandem with solar energy generation to provide power when it is most advantageous.⁵

Summit Lake Solar has an executed generator interconnection agreement with Xcel Energy and the Midcontinent Independent System Operator, Inc (MISO) for 200 MW.

Regulatory Process and Procedures

Large Electric Power Generating Plant Site Permit and Battery Energy Storage System Site Permit

In Minnesota, no person may construct a large electric power generating plant or an energy storage system without a site permit from the Commission.⁶ A large electric power generating plant is defined as a facility capable of operating at a capacity of 50 MW or more.⁷ An energy storage system is defined as a facility with a storage capacity of 10 MW or more.⁸ The Summit Lake Solar project will be capable of producing up to 200 MW as well as storing 200 MW, and therefore requires site permits from the Commission. Because the project is powered by solar energy, the site permit application qualifies for Commission review under the alternative permitting process described in Minnesota Statute 216E.04, Subd. 2.

² Notice of Comment Period on Application Completeness, February 27, 2025, [eDockets Number 20252-215866-01](#).

³ Minnesota Statute 216B.1691.

⁴ Joint Site Permit Application, Section 1.1.

⁵ Joint Site Permit Application, Section 1.1

⁶ Minnesota Statute 216E.03.

⁷ Minnesota Statute 216E.01, Subd. 5.

⁸ Minnesota Statute 216E.01, Subd. 5.

Certificate of Need

As Summit Lake Solar is an independent power producer, a certificate of need (CN) is not required for the project. The project is exempt under Minnesota Statute 216B.243, subd. 8(a)(8), which provides that a CN is not required for a “solar energy generating system, as defined in section 216E.01, subdivision 9a, for which a site permit application is submitted by an independent power producer under chapter 216E.”⁹

Site Permit Application Acceptance

Site permit applications for large electric power generating plants and energy storage systems must provide information about the applicant, a description of the project, and discussion of potential human and environmental impacts and mitigation measures.¹⁰ Review under the alternative permitting process does not require an applicant to propose alternative sites in their permit application; however, if alternative sites were evaluated and rejected, the application must describe these sites and reasons for rejecting them.¹¹

With an application, the Commission may accept it as complete, reject it and advise the applicant of the deficiencies, or accept it as complete upon filing of supplemental information.¹² The environmental review and permitting process begins when the Commission determines that a permit application is complete; the Commission has six months (or nine months, with just cause) from the date of this determination to reach a permit decision.¹³

Environmental Review

Site permit applications are subject to environmental review conducted by Department of Commerce, Energy Environmental Review and Analysis (EERA) staff. Projects proceeding under the alternative permitting process require the preparation of an environmental assessment (EA).¹⁴ An EA is a document which contains an overview of the resources affected by a proposed project and describes the potential human and environmental impacts and possible mitigation measures. An EA is the only state environmental review document required for site permit applications reviewed under the alternative permitting process.

EERA conducts public information and scoping meetings during a public comment period to inform the content of the EA.¹⁵ The Commissioner of the Department of Commerce determines the scope of the EA,¹⁶ and may include alternative sites suggested during the scoping process if they would aid the Commission in making a permit decision.

⁹ Minnesota Statute 216B.243, Subd. 8(a)(8)

¹⁰ Minnesota Rules 7850.1900 and 7850.3100.

¹¹ Minnesota Rule 7850.3100.

¹² Minnesota Rule 7850.3200.

¹³ Minnesota Statute 216E.04, Subd. 7.

¹⁴ Minnesota Rule 7850.3700.

¹⁵ Minnesota Rule 7850.3700, subp. 2.

¹⁶ Minnesota Rule 7850.3700, subp. 3.

Public Hearing

Site permit applications under the alternative permitting process require that a public hearing be held in the project area after completion and release of the EA.¹⁷ The hearing is presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings. The Commission may request that the ALJ solely provide a summary of public testimony. Alternately, the Commission may request that the ALJ provide a full report with findings of fact, conclusions of law, and recommendations regarding the project.

Advisory Task Force

The Commission may appoint an advisory task force to aid the environmental review process.¹⁸ An advisory task force must include representatives of local governmental units in the project area.¹⁹ A task force would assist EERA staff with identifying additional sites, routes, or impacts and mitigation measures to be evaluated in the EA. A task force expires upon issuance of the EA scoping decision.²⁰

The Commission is not required to appoint an advisory task force for every project. If the Commission does not appoint a task force, citizens may request that one be appointed.²¹ If such a request is made, the Commission must make this determination at its next regularly scheduled meeting. The decision whether to appoint an advisory task force does not need to be made at the time of application acceptance; however, it should be made as soon as practicable to ensure it can complete its charge prior to issuance of the EA scoping decision.

EERA Staff Analysis and Comments

EERA staff provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to Summit Lake Solar's joint site permit application.

Application Completeness

EERA staff conferred with Summit Lake Solar about the proposed project and reviewed a draft joint site permit application. EERA staff believe that staff comments on the draft application have largely been addressed in the application submitted to the Commission. Staff evaluated the joint site permit application against the application completeness requirements of Minnesota Rule 7850.3100 (see Table 1). Staff finds that the application contains appropriate and complete information with respect to these requirements.

Contested Issues of Fact

Based on its review of the application and the record to date, EERA staff has not identified any contested issues of fact. Staff is unaware of any issues or concerns associated with the application or project that require a contested case hearing.

¹⁷ Minnesota Rule 7850.3800.

¹⁸ Minnesota Statute 216E.08.

¹⁹ Minnesota Statute 216E.08.

²⁰ Minnesota Rule 7850.3600.

²¹ Minnesota Rule 7850.3600

Advisory Task Force

EERA staff analyzed the merits of establishing an advisory task force for the Summit Lake project. Staff concludes that a task force is not warranted at this time.

In analyzing the need for an advisory task force for the project, EERA staff considered four characteristics: project size, project complexity, known or anticipated controversy, and sensitive resources.

- **Project Size.** The project will utilize a relatively large area of land – approximately 1,990 acres (1,482 acres to be developed). However, the concerns associated with such a large acreage are muted, to a great extent, by the fact that land for the project is privately-owned land and Summit Lake Solar has already secured land-use rights.²² Thus, this project-size factor weighs against a task force.
- **Project Complexity.** With respect to energy production and storage, the project is not complex. Though large solar electric projects are fairly new in Minnesota, they are relatively straightforward – solar panels are arranged to gather sunlight and create electric energy, which is then transferred to the electric transmission grid by means of a HVTL or stored for later use with the BESS. Land use in the project area is largely agricultural and the topography is relatively flat. There are no special construction techniques or operational features that make the project complex. This project-complexity factor weighs against a task force.
- **Known or Anticipated Controversy.** To date, EERA staff has received two comments concerning the project, and there are currently one public comments in the record. Summit Lake Solar has conducted outreach with state and federal agencies as well as Minnesota tribal nations and local governments in the project area.²³ The project has been planned on land under control by Summit Lake Solar. As a whole, EERA staff does not anticipate controversy with the project.
- **Sensitive Natural Resources.** There are few sensitive natural resources in the project area. The DNR recommends avoidance of Minnesota Biological Survey Sites of Biodiversity Significance ranked High or Outstanding, none of which are present in the project area.²⁴

There is one federally endangered species, the Topeka shiner, and one federally proposed threatened species, the monarch butterfly, potentially present within the project area. There are no critical habitats within the project area, and impacts to these sensitive natural resources are anticipated to be minimal.²⁵ The DNR reviewed the area and found there is one state species of special concern, the regal fritillary, located within the project area. The potential for this species to be on site is believed to be minimal. On the whole, potential impacts to sensitive natural resources weigh against a task force.²⁶

²² Joint Site Permit Application, Section 1.2.2.

²³ Joint Site Permit Application, Section 6.0.

²⁴ Joint Site Permit Application, Section 5.5.8.3

²⁵ Joint Site Permit Application, Section 5.5.8.4

²⁶ Joint Site Permit Application, Section 5.5.8.4

Based on the assessment of the factors above, EERA staff believe that an advisory task force is not warranted for the project at this time.

Other Issues Related to This Matter

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believe that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to voice and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process. EERA staff has provided a draft schedule for the Summit Lake permitting process, which includes a comparison of potential hearing work products and schedules – i.e., a summary of public testimony versus a full ALJ report with findings, conclusions, and recommendations (see Table 2).

EERA Staff Recommendations

EERA staff recommends that:

- The Commission accept Summit Lake Solar's joint site permit application as substantially complete.
- The Commission not appoint an advisory task force at this time.
- The Commission request a full ALJ report with recommendations for the project's public hearing.

Table 1. Application Completeness Requirements for the Joint Site Permit Application

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
A. a statement of proposed ownership of the facility at the time of filing the application and after commercial operation;	1.2	Satisfactory. Summit Lake Solar, LLC is the owner of the project.
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.2	Satisfactory. Summit Lake Solar, LLC will be the permittee.
C. at least two proposed sites for the proposed large electric power generating plant and identification of the applicant's preferred site and the reasons for the preference;	3.4	The project can use the alternative permitting process of Minnesota Statute 216E.04, which does not require providing this information via Minnesota Rule 7850.3100.
D. a description of the proposed large electric power generating plant and all associated facilities, including the size and type of the facility;	4.1.1, 4.1.2	Satisfactory.
E. the environmental information required under subpart 3;	See Minnesota Rule 7850.1900, subpart 3 below.	
F. the names of the owners of the property for each proposed site;	1.2.2	Satisfactory. Summit Lake Solar has obtained leases or purchase options for land which is adequate to support a 200 MW solar project.
G. the engineering and operational design for the large electric power generating plant at each of the proposed sites;	4.1; Appendix C	Satisfactory.
H. a cost analysis of the large electric power generating plant at each proposed site, including the costs of constructing and operating the facility that are dependent on design and site;	2.3	Satisfactory.

Minnesota Rule 7850.1900, Subpart 1	Location in Site Permit Application	EERA Staff Comments
I. an engineering analysis of each of the proposed sites, including how each site could accommodate expansion of generating capacity in the future;	4.1.1, 4.1.2, and 2.4	Satisfactory. No expansion is planned.
J. identification of transportation, pipeline, and electrical transmission systems that will be required to construct, maintain, and operate the facility;	5.2.8.2, 4.1.7, and 4.1.8	Satisfactory.
K. a listing and brief description of federal, state, and local permits that may be required for the project at each proposed site; and	1.5	Satisfactory.
L. a copy of the certificate of need for the project from the Commission or documentation that an application for a certificate of need has been submitted or is not required;	1.5.1	Satisfactory. A certificate of need is not required for the project.

Minnesota Rule 7850.1900, Subpart 3	Location in Site Permit Application	EERA Staff Comments
A. a description of the environmental setting for each site or route;	5.1	Satisfactory.
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	5.2	Satisfactory. The Environmental Assessment will reflect public concerns regarding outreach to landowners completely surrounded by the Project.

Minnesota Rule 7850.1900, Subpart 3	Location in Site Permit Application	EERA Staff Comments
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	5.3	Satisfactory.
D. a description of the effects of the facility on archaeological and historic resources;	5.4	Satisfactory.
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	5.5	Satisfactory.
F. a description of the effects of the facility on rare and unique natural resources;	5.5.8	Satisfactory.
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	5.6	Satisfactory.
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	5.1 – 5.5	Satisfactory. Generally discussed throughout the section by resource.

Table 2. Draft Permitting and Environmental Review Schedule

Permitting Day	Process Step (Summary of Public Testimony)	Process Step (Full ALJ Report)
0	Joint Site Permit Application Filed	
	Comment Period on Application Completeness	
	Reply Comment Period	
	Commission Considers Completeness of Application	
1	Application Acceptance Order	
5	Public Information and Scoping Meeting Notice	
30	Public Information and Scoping Meeting	
60	Scoping Decision Issued	
170	EA Issued Notice of EA Availability and Public Hearing	
190	Public Hearing	
200	Public Hearing Comment Period Closes	
210	Applicant Responses to Hearing Comments	
220	Applicant Proposes Findings	
230	EERA Responses to Comments on EA; Technical Analysis; Replies to Applicant Proposed Findings	
230	ALJ Submits Summary of Public Testimony	NA
260	Commission Prepares Findings and Proposed Site Permit	ALJ Submits Full Report
275	NA	Exceptions to ALJ Report
280	Commission Considers Site Permit Issuance	NA
290	NA	Commission Prepares Proposed Site Permit
310	NA	Commission Considers Site Permit Issuance

Project Overview Map

