

EIP Reply Comments
PUC Docket Nos. IP-7153/ESS-25-88 and
IP-7153/GS-25-89
CAH Docket No. 21-2500-41031



May 18, 2026

The Honorable Office of Kimberly Middendorf
Court of Administrative Hearings
600 North Robert Street
P.O. Pox 64620
Saint Paul, MN 55164-0620

RE: EIP Reply Comments – Summit Lake Solar and Storage Project
PUC Docket No. IP-7153/ESS-25-88 and IP-7153/GS-25-89
OAH Docket No. 21-2500-41031

Dear Judge Middendorf,

Minnesota Public Utilities Commission (Commission) Energy, Infrastructure Permitting (EIP) staff provides the following comments on Summit Lake Solar and Storage Project (project) proposed by Summit Lake Solar, LLC and Summit Lake Storage, LLC (Applicants).

In these comments, EIP staff:

- Responds to hearing comments and;
- Responds to the Applicants' Proposed Findings of Fact, Conclusions of Law, and Recommendation (FOF).

1. Response to Hearing Comments

Members of the Public

At the public hearing in Worthington, MN on April 6, 2026, and the virtual hearing on April 7, 2026, members of the public submitted oral comments on the project.¹ Topics of concern mentioned during the hearings included:

- Aesthetic and lighting impacts;
- Impacts to prime farmland and agriculture;
- Noise impacts;
- The location of project fencing;
- Increased temperatures above and adjacent to solar arrays;
- Impacts to wildlife, including bald eagles;
- Impacts to drain tile;
- Impacts to groundwater and groundwater appropriation;
- Vegetation management;
- Setbacks;
- Impacts to hunting and recreation;
- Decommissioning;
- Use of local labor;
- BESS safety and impacts to first responders.

Aesthetic and Lighting Impacts: Aesthetic impacts are an unavoidable impact of the project.² Specifically, potential impacts from project lighting were a concern during public hearings, with residents stating their bad experiences with existing lighting practices at the Nobles substation.

¹ Shaddix and Associates- Worthington Public Hearing held on on 4-6-26 and Virtual Public Hearing held on 4-7-26, (eDockets nos. 20264-230655-01 and 20264-230655-02)

² EA, Sections 4.3.1, 4.8

Sections 4.3.8 of the solar facility and BESS Draft Site Permits (DSPs) require the Applicants to consider landowner input on visual impacts.³ Landowner input and evidence of coordination are also required by Sections 5.4 of the DSPs, which require the Applicants to prepare a Visual Screening Plan that would describe the location and types of vegetation used to screen views of the project from adjacent landowners.⁴ Sections 5.1 of the Solar and BESS DSPs require the Project to use shielded, downward facing lighting that minimizes blue hue which mitigates aesthetic impacts to people and animals.

Impacts to Farmland and Agriculture : The loss of approximately 1,479 acres of farmland for the lifespan of the Project (30 years) is an unavoidable impact of the project.⁵ Commentors questioned whether alternatives to siting the project on Prime Farmland were sufficiently explored and considered. Residents also commented on impacts associated with the loss of this farmland including economic impacts to agribusiness, cultural impacts / loss of the area's rural character, impacts to neighboring livestock populations from mosquitos that may breed in the proposed stormwater basins, and decreased home/land values.

The Applicants filed an Agricultural Impact Mitigation Plan (AIMP) with their original Joint Site Permits Application (Joint Application).^{6,7} The AIMP was developed in coordination with the Minnesota Department of Agriculture (MDA), and the MDA indicated during scoping that they had no further comments on the Applicants' submitted draft AIMP.⁸ The Applicants also included a Prime Farmland Alternatives Analysis, in which they state the reasons for selecting the project site (abundance of solar

³ EIP, *Environmental Assessment: Appendix C and Appendix D - Draft Site Permits* (October 13, 2025) (eDockets no. [202510-223823-01](#)).

⁴ EIP, *Environmental Assessment: Summit Lake Solar and Storage Project*, (March 11, 2026) (eDockets no. [20263-229142-01](#)).

⁵ EA, Sections 4.3.4, 4.5.1, and 4.8

⁶ Applicants, *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 no. [20252-215674-02](#)).

⁷ Applicants, *Agricultural Impact Mitigation Plan*, (February 21, 2025) (eDockets no. [20252-215674-08](#)).

⁸ Minnesota Department of Agriculture, *Comments* (February 26, 2025) (eDockets no. [20252-215789-01](#)).

resource, avoids prohibited areas, proximity to a point of interconnection, landowners willing to enter leases, etc.) over alternative sites that would impact less Prime Farmland.⁹

The Environmental Assessment (EA) describes economic impacts to those agribusinesses associated with the conversion of farmland for the life of the Project.¹⁰ Notably, businesses such as dealers of agricultural equipment, seeds, and fertilizer may be negatively impacted by the Project, while participating landowners, construction workers, and hospitality workers may be positively impacted.

The loss of an agricultural landscape and lifestyle that is valued by many residents near the project is an unavoidable impact of the Project.¹¹ A Community Impact Mitigation Agreement (CIMA) was proposed by EIP Staff as a potential mechanism to mitigate this impact.¹² Section 5.8 of the solar facility DSP states that the Applicants and Nobles County may enter into a CIMA to mitigate cultural impacts of the project. The open-ended language allows for the Applicant and the LGU (Nobles County), to identify ways to promote agricultural interests in the Project vicinity in a way that can mitigate the loss of agricultural sense of place. Existing frameworks for a potential CIMA that are implemented in other states are discussed briefly in Section 4.3.3 of the EA. Potential avenues could include the Applicants sponsoring local agricultural programs and events (e.g. 4H, FFA, farmer's markets) or improving roads and other infrastructure in the project vicinity.

Impacts to neighboring livestock populations from mosquitoes that may breed in the proposed stormwater basins are unlikely. The Minnesota Pollution Control Agency (PCA) Construction Stormwater Permit, which the Applicants will need to acquire to construct the project, requires that infiltration/filtration features are drained within 48 hours, which is less than the 5 days required for larval and pupal stages of development in mosquitos.^{13, 14} Assuming that the conditions of the

⁹ Applicants, *Prime Farmland Alternatives Analysis*, (February 21, 2025) (eDockets no. [20252-215674-07](#)).

¹⁰ EA, Sections 4.3.8 and 4.5.1

¹¹ EA, Sections 4.3.3 and 4.8

¹² EA, Section 4.3.3

¹³ PCA, 2023 [Construction Stormwater General Permit](#)

¹⁴ PCA, [Mosquito control and stormwater management](#)

Construction Stormwater Permit are followed, increased mosquito populations would not be supported by the project's stormwater basins.

Impacts to property values for agricultural and residential parcels near the project may occur.¹⁵ Changes in property values near solar farms can be either positive or negative and are typically context dependent. Decreased property values are typically associated with aesthetic impacts, and the mitigation measures described in the Aesthetics section above would, in part, mitigate potential decreases in home values.

Noise Impacts: Excess noise due to operation of the solar and BESS facilities was a concern of many commentors. The Applicants included a noise study as Appendix C of their December 18, 2025, Joint Site Permits Application Amendment.¹⁶ Based on initial modeling results, the projected sound levels at the nearest receptor would be below the threshold of 50 A-weighted decibel (dBA) imposed by the Minnesota Pollution Control Agency (PCA).¹⁷ While the Applicants' modeling suggests that noise generated by the solar facility and the BESS would fall below the PCA's standard of 50 dBA, Sections 5.5 and 5.6 of the BESS DSP require Summit Lake Storage to submit a final pre-construction noise modeling study prior to construction, and then follow up with noise monitoring to ensure compliance with PCA regulations once the project is operational.

Project Fencing: Maps of the initial site design for the project indicate that stormwater basins would be outside of the security fence enclosing the solar arrays, and residents were concerned that children and animals could access the ponds. At the public hearing, The Applicants indicated that the site layout would be altered to ensure that stormwater basins would be enclosed by the project's security fence.¹⁸ The Applicants will include the stormwater basins, and their locations within the security fence, in their final site layout required by Section 8.3 of the DSPs.

¹⁵ EA, Section 4.3.5

¹⁶ Applicants, *Joint Site Permit Application Amendment- Appendix C, Noise Study* (December 18, 2025) (eDockets no. [202512-226022-05](#)).

¹⁷ Yale University, [Decibel Level Comparison Chart](#)

¹⁸ Shaddix and Associates- Worthington Public Hearing held on on 4-6-26 (eDockets nos. 20264-230655-01).

Increased Temperatures: Many commentors expressed concern over the potential for elevated temperatures above and adjacent to the solar facility. Older studies showed that air temperatures in the center of solar arrays could be significantly warmer than the ambient temperature, and that this effect dissipated to normal at heights of 5 to 18 meters above the panels and 300 meters away from the perimeter of the panels.^{19,20} A 2026 literature review found that approximately 52 percent of the time, temperatures immediately above and between panels are elevated compared to the surrounding area. The authors noted that this warming effect is most common in desert environments, and that the results vary between different array technologies (e.g. tracking vs. stationary arrays).²¹ Another literature review conducted in 2024 examined temperature patterns above and adjacent to solar facilities based on remote sensing data and found that temperatures above solar facilities were typically slightly cooler than surrounding areas. While this trend was observed at most sites, some sites did exhibit warmer temperatures than the surrounding area.²² In summary, while warmer temperatures above and adjacent to the solar arrays are possible, there is little certainty regarding potential impacts on surface air temperatures, especially a warming effect dramatic enough to impact adjacent livestock populations and crops.

Wildlife Impacts and Bald Eagles: The potential presence of a bald eagle nest near the north central portion of the project area was raised during public hearings.²³ While typical nesting habitat for bald eagles is not present in the Land Control Area, there may be a nest at the location provided in the public comments. If an eagle nest is present at this site, the nest would be within 660 feet of the solar facility. United States Fish and Wildlife Service (USFWS) Bald Eagle Management Guidelines state that construction activities which would disturb bald eagle nesting should not occur within 660 feet of an

¹⁹ Gafford et al. 2016, [The Photovoltaic Heat Island Effect: Larger solar power plants increase local temperatures](#)

²⁰ Fthenakis et al. 2013, [Analysis of the potential for a heat island effect in large solar farms](#)

²¹ Armstrong et al. 2026, [A mosaic of microclimates: biodiversity outcomes and wildlife habitat potential in large-scale solar facilities](#)

²² Xu et al. 2024, [A global assessment of the effects of solar farms on albedo, vegetation, and land surface temperature using remote sensing](#)

²³ Jake Cuperus Comments (April 14, 2026) (eDockets No. [20264-230364-01](#)); PUC Batch Comments (April 20, 2026) (eDockets No. [20264-230619-01](#)).

active bald eagle nest.²⁴ The Applicants should consult with USFWS and comply with the Bald Eagle Management Guidelines to avoid disturbing nesting eagles. If disturbance is unavoidable, the Applicants may need to apply for a bald eagle incidental take permit. Disturbance can be avoided by conducting construction activities outside of the bald eagle nesting periods, which occurs between January 15 and August 15.²⁵

Commentors also expressed concerns regarding the potential for birds to crash into solar panels, resulting in fatalities (commonly referred to as the “lake effect hypothesis”). The potential for avian collisions with the solar arrays is addressed in Section 4.7.6 of the EA. To summarize this section, there is negligible risk of avian collisions with solar panels based on recent research focused on tracking solar arrays in the midwestern United States. If the Applicants meet their stated vegetation management goals, this would likely lead to an increase in bird diversity and abundance. While the risk to birds and other wildlife posed by the solar facility is minimal, Sections 8.14 of the DSPs require the Applicants to report any wildlife injuries and fatalities to the Commission quarterly.

Drain Tile: Many commentors, including the Nobles County Drainage Coordinator, Loretta Halbur, provided comments that expressed concern over impacts to drain tile. Ms. Halbur noted that many of the county’s concerns that were expressed during scoping have been addressed in recent updates to the Applicants’ plan for drain tile relocation and abandonment, but stated that some concerns remained. Sections 4.3.23 of the DSPs require the Applicants to promptly repair or replace and broken or damaged drain tile during all phases of the project’s life. Additionally, Sections 5.6 and 5.10 of the solar facility and BESS DSPs require the Applicants to develop a site-specific Drain Tile Reroute and Abandonment Plan in coordination with Nobles County prior to construction that will address any outstanding concerns that the Nobles County Drainage Authority may have regarding the project.

Groundwater Impacts and Appropriation: Commentors questioned whether groundwater would be contaminated by materials found in the solar panels or BESS that could be detrimental to human health. The EA addressed potential impacts to groundwater in Section 4.7.2 and found that the potential for harmful materials to leach into soils and groundwater is minimal. This includes scenarios where panels

²⁴ USFWS- [National Bald Eagle Management Guidelines](#).

²⁵ USFWS- [Eagle Disturbance Take Permits and Nest Take Permits](#).

and their components may be inundated with water during ponding events, which is known to occur in some portions of the Land Control Area where panels would be placed.²⁶

Groundwater appropriation was a topic of concern for commentors, who stated concern for a strain on the region's aquifers. If water appropriation of more than 10,000 gallons of water per day or 1 million gallons per year is required, the Applicants would need to apply for a water use permit from the DNR, which is the regulatory authority regarding water use and appropriation.

Setbacks and Zoning: Inconsistencies between the project's proposed setbacks and the Nobles County ordinance regarding setbacks for solar developments were highlighted by commentors during the public hearings. Commentors proposed setbacks of 750 and 1,000 feet from residences as a way to mitigate for noise, aesthetics, and other impacts. Mitigation measures for noise and aesthetics are addressed above.

While local zoning ordinances and associated setbacks are superseded by the Commission's regulations, the project would comply with the Nobles County ordinance's setbacks with the exception of setbacks to non-residential properties, participating property lines and road centerlines.²⁷ The Applicants state that 750-foot and 1,000-foot setbacks from residences to the solar facility would result in 11% and 19% reductions in energy production. A 200-foot setback from road centerlines to the solar facility would result in a 6% reduction in energy production.²⁸

Decommissioning: Concerns regarding decommissioning included whether local governments or landowners would be responsible for the cost of decommissioning, whether the site could be restored to agricultural use, and what the process of decommissioning the site entailed.

Sections 9.1 of the DSPs require the development of a decommissioning plan to be submitted to and approved by the Commission prior to construction. The Applicants developed and submitted a draft Decommissioning Plan as Appendix G of the Joint Application.²⁹ The draft Decommissioning Plan details the process for decommissioning and provides a cost estimate for those activities. Sections 4.3.9, 4.3.10,

²⁶ Darrell Ponto Comments (April 15, 2026) (eDockets No. [20264-23041501](#))

²⁷ [Nobles County Solar Energy Ordinance](#)

²⁸ Applicants' Response to Hearing Comments, (May 4, 2026) (eDockets no. [20265-231446-01](#))

²⁹ Applicants, *Draft Decommissioning Plan* (February 21, 2025) (eDockets no. [20252-215674-09](#))

and 4.3.11 of the DSPs require the Applicants to segregate topsoil, minimize soil compaction and implement soil erosion and sediment control practices that are recommended by the PCA.

The Applicants would own the project and thus be responsible for all costs borne to decommission the project. In addition to the Decommissioning Plan, the AIMP and the VMP describe the measures the Applicants would take to establish perennial vegetation, preserve topsoil, minimize compaction, control noxious weeds, maintain drainage conditions, and ensure the land can be returned to agricultural use after decommissioning.

Use of Local Labor: Many commentors questioned whether the labor used for project construction would be sourced locally, specifically from Nobles County. Section 8.5 of the DSPs require that the Applicants describe their efforts and their contractors' efforts to hire Minnesota workers and report the number of hours worked by full-time equivalent workers who are Minnesota residents. They also must report on the number of hours worked by full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project and the total hours worked or total full-time equivalent workers. Sections 8.6 of the DSPs require the Applicants to pay no less than the prevailing wage rate as defined in Minn. Stat. § 177.42.

BESS Safety and First Responder Training: Many commentors expressed concerns over BESS safety, particularly the potential for thermal runaway events resulting in a fire. The Applicants have designed the project with safety measures in place to prevent a thermal runaway event from spreading to multiple modules. Section 8.12 of the solar facility DSP and Section 8.11 of the BESS DSP require the Applicants to prepare an Emergency Response Plan in coordination with local first responders prior to operation. Section 8.13 of the solar facility DSP and Section 8.12 of the BESS DSP require reporting of extraordinary events to the Commission, including fires. Sections 5.14 and 5.15 of the BESS DSP require the Applicants to prepare a Hazard Mitigation Analysis and provide training and equipment to local firefighters. Together, these conditions fairly mitigate fire risks posed by the Project.

Additionally, Section 5.13 of the BESS DSP requires that the applicants file an annual report describing any incidents at the site that require an emergency response (as does Section 8.12 of the solar facility and BESS DSPs).

Minnesota Pollution Control Agency

On April 15, 2026, the Minnesota Pollution Control Agency (PCA) provided a hearing comment.³⁰ In its comment, PCA staff encouraged the use of stormwater and runoff Best Management Practices (BMPs) to reduce the transport of sediment and nutrients into the Jack Creek and Little Rock River watersheds. PCA staff highlighted that, while the Project would not directly impact any impaired waters, there are two adjacent streams (Elk Creek and Judicial Ditch 8) that feed into downstream watersheds which meet standards for fish and macroinvertebrate communities. PCA staff note that watersheds supporting these communities are rare in southwest Minnesota, further emphasizing the need for BMPs to prevent runoff into these streams.

Minnesota Department of Natural Resources Comments

On April 20, 2026, the Minnesota Department of Natural Resources (DNR) provided a hearing comment.³¹ In their comments, the DNR expressed concerns regarding fencing, state-listed species, and vegetation management. The DNR emphasized the need for continued coordination regarding these potential impacts and supported special conditions 5.1 (Lighting), 5.2 (Wildlife-friendly Erosion Control) and 5.3 (Dust Control) of the DSPs. The DNR also proposed a special condition which reads as follows:

The Permittee will comply with applicable Minnesota Department of Natural Resources requirements related to state-listed endangered and threatened species in accordance with Minnesota's Endangered Species Statute (Minnesota Statutes, section 84.0895) and associated Rules (Minnesota Rules, part 6212.1800 to 6212.2300 and 6134). The Permittee shall keep records of compliance with this section and provide them upon the request of EIP staff.

EIP staff support the inclusion of this special condition in the draft permits for the solar facility and the BESS.

In its letter, the DNR asked whether a data center proposed by the parent company of the Applicants would be considered a phased and connected action to the project. While the parent company of Summit Solar, LLC and Summit Lake Storage, LLC was involved in the proposal, the Applicants are not the proposers of the data center project. Additionally, the Commission would not be the permitting agency

³⁰ PCA, Comments (April 15, 2026) (eDockets no. [20264-230428-01](#)).

³¹ DNR, Letter (April 20, 2026) (eDockets no. [20264-230710-01](#)).

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for a proposed data center, as Nobles County would be the permitting authority for a potential project. Further, Nobles County has rejected a proposal to amend the Nobles County zoning ordinance that would have allowed data centers as a conditional use in the County's Agricultural Preservation District.³²

Interagency Vegetation Management Plan Working Group Comments

On April 20, 2026, the interagency Vegetation Management Plan Working Group (VMPWG) filed comments related to the Applicants' draft vegetation management plan.³³ The VMPWG's comments suggested that the proposed VMP be further amended to identify native seed mixes and substitutions suitable for the site, provide more detail in the installation, management, and monitoring plans, clarify annual reporting details, and further clarify additional project-specific details and management units. Section 5.8 of the BESS DSP and Section 4.3.17 of the solar facility DSP require permittees to prepare a VMP in coordination with the VMPWG.

³² MPR News- "[Nobles County Board votes against zoning change, preventing massive data centers](#)"

³³ VMPWG, Comments (April 20, 2026) (eDockets no. [20264-230701-01](#)).

2. EIP Comments on Proposed Findings

EIP proposes revisions to several of the applicants' proposed FOF.³⁴ Many of the recommended revisions are technical edits intended to accurately reflect the record and ensure consistency.

EIP summarizes the proposed revisions here. The full text of EIP's recommended revisions is shown in strikeout and underline in Attachment A.

1. EIP recommends revising Finding 16 to clarify that the EA Scoping Decision was submitted by Commission staff, not Commerce Staff.
2. EIP recommends revising Finding 58 to reflect a more accurate summary of wetlands in the Land Control Area.
3. EIP recommends revising Finding 182 to reflect the project's potential negative economic impacts to agribusiness.
4. EIP recommends amending Finding 196 to clarify the Nobles County Solar Ordinance setbacks distances that are inconsistent with the site layout proposed by the Applicants.
5. EIP recommends revising Findings 199 and 201 to more accurately reflect the findings presented in the EA.
6. EIP recommends revising Finding 280 to reflect that the Suckley's Cuckoo Bumble Bee is proposed to be listed as a Threatened species, and that nesting bald eagles may be present near the Land Control Area.
7. EIP recommends revising Findings 318 and 320 to indicate EIP staff's support and record support for a Community Impact Mitigation Agreement (CIMA).

³⁴ Applicants' Proposed Findings of Fact, Conclusions of Law, and Recommendations (May 4, 2026), (eDockets no. [20265-231446-02](#)).

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EIP appreciates the opportunity to comment on the proposed project.

Sincerely,

A handwritten signature in black ink that reads "Sam Weaver". The signature is written in a cursive, flowing style.

Sam Weaver

Environmental Review Manager

Attachment A

PUC EIP Proposed Findings of Fact- Summit Lake Solar and Storage Project

**STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION**

**In the Matter of the Joint Application of
Summit Lake Solar, LLC and Summit
Lake Storage, LLC for a Solar Energy
Generating System Site Permit and a
Battery Energy Storage System Site Permit
for the up to 200 MW Summit Lake Solar
Facility and the up to 200 MW Battery
Summit Lake Energy Storage System in
Nobles County, Minnesota**

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MPUC Docket Nos. IP-7153/GS-25-89
& IP-7153/ESS-25-88

**SUMMIT LAKE SOLAR, LLC’S AND
SUMMIT LAKE STORAGE, LLC’S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

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**SUMMIT LAKE SOLAR, LLC’S AND
SUMMIT LAKE STORAGE, LLC’S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND
RECOMMENDATIONS**

This matter was assigned to Administrative Law Judge Kimberly Middendorf to conduct a joint public hearing and prepare a report on the Joint Application of Summit Lake Solar, LLC (Summit Lake Solar)¹ for a Site Permit for the up to 200 megawatt (MW) Summit Lake Solar Project (Solar Facility) and Summit Lake Storage, LLC (Summit Lake Storage)² (collectively, Summit Lake Storage and Summit Lake Solar are the “Applicants”) for the up to 200 MW/800-megawatt hour (MWh) battery energy storage system (BESS) in Nobles County, Minnesota (the Project). Applicants are both a wholly owned subsidiaries of Geronimo Power, LLC (Geronimo). On April 8, 2025, the Public Utilities Commission (Commission) requested the Administrative Law Judge provide a full report with findings of fact, conclusions of law, and recommendations regarding the Project following public hearings.³

The Administrative Law Judge held two joint public hearings. The first hearing was convened in Nobles County on April 6, 2026. The second hearing was held remotely by telephone and internet on April 7, 2026. The Applicants filed responses to public comments on May 4, 2026. Commission’s Energy Infrastructure Permitting (EIP), formerly the Department of Commerce Energy Environmental Review and Analysis (EERA), filed responses to public comments on [TBD].

Jeremy P. Duehr, Fredrikson & Byron P.A., 60 South Sixth Street, Suite 1500, Minneapolis, Minnesota 55402, attorneys for Summit Lake Solar, and Alia Mohammad, Karsen Rumpf, Victoria Orchard and Andrew Larson, Geronimo, 8400 Normandale Lake Blvd., Suite 1200, Bloomington, MN 55437, appeared on behalf of the Applicants at the public hearings.

¹ At the time of its application, Geronimo was registered and operated under a different name, National Grid Renewables Development, LLC. *See* Ex. SLS-2 (Joint Site Permits Application (Joint Application)).

² As part of December 18, 2025 amendments to the Joint Application, discussed *infra*, Summit Lake Solar requested that “the Commission change the name of the applicant for the BESS to Summit Lake Storage, LLC.” Ex. SLS-21(Joint Site Permits Application Amendment ([Application Amendment])).

³ Ex. PUC-14 (Completeness Order).

Sam Weaver, Environmental Review Manager, EIP, formerly EERA, 85 Seventh Place East, Suite 280, Saint Paul, Minnesota 55101, appeared on behalf of EIP at the public hearings.

Craig Janezich, Commission Staff, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota 55101, appeared on behalf of the Commission at the public hearings.

STATEMENT OF ISSUES

Has Summit Lake Solar satisfied the criteria established in Minn. Stats. Chapter 216E and Minn. Admin. Rules Chapter 7850 for a Site Permit for the proposed up to 200 MW Solar Facility in Nobles County, Minnesota?

Has Summit Lake Storage satisfied the criteria established in Minn. Stats. Chapter 216E and Minn. Admin. Rules Chapter 7850 for a Site Permit for the proposed up to 200 MW BESS facility in Nobles County, Minnesota?

SUMMARY OF RECOMMENDATIONS

Summit Lake Solar has satisfied the applicable legal requirements, and the Commission should GRANT a Site Permit for the Solar Facility, subject to the recommendations discussed below.

Summit Lake Storage has satisfied the applicable legal requirements, and the Commission should GRANT a Site Permit for the BESS, subject to the recommendations discussed below.

Based on the Application, proceedings, and other evidence in the record, the Administrative Law Judge makes the following findings:

FINDINGS OF FACT

I. Applicants

1. The Applicant for the Solar Facility is Summit Lake Solar, LLC and Applicant for the BESS is Summit Lake Storage, LLC. Summit Lake Solar and Summit Lake Storage are wholly owned subsidiaries of Geronimo Power, LLC, formerly known as National Grid Renewables Development, LLC.
2. Geronimo, through its affiliates, develops, constructs, and operates utility-scale solar and battery storage projects across the United States.⁴

⁴ Ex. SLS-2 (Joint Application).

II. Joint Site Permit Application and Related Procedural Background

3. Summit Lake Solar, filed a Notice of Intent to Submit Site Permit Application Under the Alternative Permitting Process on February 5, 2025.⁵ The Notice of Intent addressed both the Solar Facility and BESS.
4. On February 21, 2025, the Summit Lake Solar filed a Joint Application for Site Permits for the Solar Facility and BESS (Joint Application or Application).⁶
5. On February 27, 2025, the Commission announced a Notice of Comment Period on the completeness of the Joint Application. The initial comment period closed March 13, 2025, and the reply and supplemental comment periods closed on March 20 and 25, 2025, respectively.⁷
6. From February 25 to March 15, the following members of the public submitted comments regarding the Project: Debra Rogers, Malory Fritz, Becky Baumhoefner, Russ Penning, Darla Fritz, and Darrel Ponto.⁸ Following the close of the public comment period, Danielle Rogers submitted a public comment on April 4, 2025.⁹
7. On March 10, 2025, EERA staff submitted comments regarding Application completeness, environmental review, procedural requirements, and other issues. EERA staff recommended that the Commission accept the Application as substantially complete. Staff also recommended a full Administrative Law Judge report for the public hearing but concluded that an advisory task force was not warranted.¹⁰
8. On March 20, 2025, Summit Lake Solar submitted reply comments regarding the completeness of the Application, the need for an advisory task force, and the application review process.¹¹
9. On April 3, 2025, the State Historic Preservation Office (SHPO) commented on the *Phase I Cultural Resource Survey, Summit Lake Solar and Battery Storage Project, Nobles County, Minnesota* prepared for Summit Lake Solar by Tetra Tech, Inc.¹² SHPO agreed with the Survey’s conclusions that archaeological site 21NO0093 – located in the southern portion of the Land Control Area and characterized in the Survey as a “post-contact ‘cultural material scatter’” – should be avoided or evaluated to determine eligibility for

⁵ Ex. SLS-1 (Notice of Intent to File Joint Application).

⁶ Ex. SLS-2 (Joint Application).

⁷ Ex. PUC-1 (Notice of Comment Period on Application Completeness).

⁸ Exs. EIP-2 at p. 8 (Written Comments on EA Scope); PUC-5 (Public Comment); PUC-6 (Public Comment); PUC-11 (Debra Rogers Comment); PUC-2 (Danielle Rogers Comment); PUC-3 (Public Comment); PUC-4 (Public Comment); PUC-7 (Russell Penning Comment); PUC-8 (Becky Baumhoefner Comment); PUC-9 (Darla Fritz Comment 1); PUC-10 (Darla Fritz Comment 2); PUC-12 (Public Comment).

⁹ Ex. PUC-13 (Public Comment).

¹⁰ Ex. EIP-1 (Comments on Application Completeness).

¹¹ Ex. SLS-14 (Completeness Reply Comments).

¹² Exs. SLS-27 at p. 5 (Application Amendment Appendix F – Agency Correspondence); SLS-2 at § 5.4.3-4 (Joint Application).

listing on the National Register of Historic Places (NRHP).¹³ Other than 21N9O0093, SHPO also concurred with the Survey that no NRHP or State Register of Historic Properties will be impacted by the Project.¹⁴

10. On April 08, 2025, the Commission accepted the Application as substantially complete and “[r]equested a full Administrative Law Judge report with recommendations for the project’s public hearing.”¹⁵
11. On May 07, 2025, the Commission issued a Notice of Public Information and Environmental Assessment (EA) Scoping Meetings for the Project, announcing that the in-person meeting was scheduled for May 22, 2025 in Worthington, Minnesota, and that the online meeting would be held via Webex on May 21, 2025. Public comments were accepted through June 5, 2025.¹⁶
12. On May 19, 2025, the Commission issued sample solar site and energy storage system site permits.¹⁷
13. Between May 21 and June 5, 2025, the Commission received sixteen written public comments on the Project.¹⁸ EERA filed a compilation of additional *Written Public Comments Received on the Scope of the Environmental Assessment for the Summit Lake Project Docket Nos. ESS 25-88 and GS-25-89*.¹⁹
14. On June 5, 2025, the Minnesota Department of Natural Resources (DNR) submitted written comments, in addition to a Natural Heritage Review Letter.²⁰
15. On June 23, 2025, EERA filed a letter explaining that although no public comments proposed a specific alternative location for the Summit Lake Solar Facility, one suggested moving the BESS north of the existing Nobles Substation. EERA deemed relocating the BESS to an alternative site north / northeast of the Joint Application site infeasible because Summit Lake Solar does not own or control that land and likewise found relocation to the area east of McCall Avenue and south of 190th Street infeasible due to hydrological factors. EERA further noted that relocation would require extending the electrical routing between the BESS and proposed substation, causing transmission losses and decreased efficiency, and would push the generation tie (gen-tie) line beyond 1,500 feet, triggering a route permit from the Commission. EERA therefore recommended “the Commission authorize EERA to include solely the site for the project identified by Summit Lake Solar in its joint

¹³ Exs. SLS-27 at p. 5 (Application Amendment Appendix F – Agency Correspondence); SLS-2 at § 5.4.3-4 (Joint Application).

¹⁴ Ex. SLS-27 at p. 5 (Application Amendment Appendix F – Agency Correspondence).

¹⁵ Ex. PUC-14 (Completeness Order).

¹⁶ Ex. PUC-15 (Notice of Public Information and EA Scoping Meetings).

¹⁷ Ex. PUC-16 (Sample Permits)

¹⁸ Exs. EIP-2 at pp. 4-12, 21-23 (Written Comments on Scope of the EA); PUC-18 (Loretta Halbur Comment); PUC-19 (Kathy Henderschiedt Comment); PUC-20 (Judy Christians Comment 1); PUC-21 (Judy Christians Comment 2); PUC-22 (Becky Baumhoefner Comment).

¹⁹ EIP-2 (Written Comments on Scope of the EA).

²⁰ DNR Comments (June 5, 2025) (eDockets No. [20256-219615-01](#)); DNR Natural Heritage Review Letter (June 5, 2025) (eDockets No. [20256-219615-02](#)).

application in the scoping decision for the EA,” and noted it would “identify measures to mitigate the concerns of the public regarding noise, safety, and aesthetics” resulting from the BESS location in the EA, including, but not limited to, “noise barriers or berms, vegetative screening, and emergency response training and resources to assist local first responders.”²¹

16. On July 17, 2025, ~~EERA~~ PUC EIP (formerly EERA) staff issued a decision on scoping for the EA (Scoping Decision).²²
17. On July 18, 2025, Summit Lake Solar provided notice that National Grid Renewables Development, LLC has been acquired by Brookfield Asset Management, and that as a result, National Grid Renewables Development, LLC has changed its name to Geronimo Power, LLC. The notice further clarified that “[t]he applicant in this matter has not changed and will continue to be Summit Lake Solar, LLC.”²³
18. This matter was assigned to Judge Kimberly Middendorf. On July 25, 2025, Judge Middendorf issued an Order for Prehearing Conference setting the conference date for August 15, 2025.²⁴
19. On August 21, 2025, Judge Middendorf issued a First Prehearing Order, setting forth, among other things, the deadline to intervene, procedures for public participation, and the prehearing and hearing schedule.²⁵
20. On October 14, 2025, Summit Lake Solar requested that proceedings on the Joint Application be paused. Specifically, Summit Lake Solar noted that in response to public comments, it was in the process of revising the design and layout of the Project. Summit Lake Solar further noted that additional time was needed for an amended application reflecting the changes to the Project and for the EA to reflect those changes as well. Summit Lake Solar requested, therefore, that the proceedings be paused and a new prehearing and hearing schedule be developed, in coordination with Commission staff, once an amended application has been submitted.²⁶
21. On October 15, 2025, Judge Middendorf granted Summit Lake Solar’s request to stay proceedings on its Joint Application and cancelled the hearings and all other deadlines / milestone set forth in the August 15 First Prehearing Order.²⁷
22. On December 3, 2025, the Commission issued an authorization to initiate consultation with the SHPO under Minn. State. § 138.665. The authorization required, *inter alia*, that Applicants, at the time that they submit their prehearing testimony, and prior to the public hearing on the Project, file a compliance filing informing the Commission of the status of consultation with SHPO demonstrating that consultation has occurred, whether the

²¹ Ex. EIP-4 (Alternatives Identified During Scoping Comment Period).

²² Ex. PUC-24 (EA Scoping Decision).

²³ Ex. SLS-17 (Notice of Ownership Filing).

²⁴ Order for Prehearing Conference (July 25, 2025) (eDockets No. [20257-221390-01](#)).

²⁵ First Prehearing Order (Aug. 21, 2025) (eDockets No. [20258-222286-01](#)).

²⁶ Ex. SLS-19 (Request to Pause).

²⁷ Order Staying Proceedings (Oct. 15, 2025) (eDockets No. [202510-223987-01](#)).

proposed project will affect designated properties, and if so, identify any permit terms and conditions agreed upon by the applicant and SHPO to avoid or mitigate any adverse effects on the designated or listed properties.²⁸

23. On December 18, 2025, Applicants submitted a Joint Site Permits Application Amendment to the Commission for the Summit Lake Solar Energy Generating System and Battery Energy Storage System (Application Amendment).²⁹
24. As part of the Application Amendment, Summit Lake Solar requested that “the Commission change the name of the applicant for the BESS to Summit Lake Storage, LLC.”³⁰
25. The Application Amendment details material changes to the Project including, *inter alia*: reducing the total preliminary development area by 65.1 acres,³¹ relocating the BESS to an area further away from the city of Reading and selecting quieter BESS technology for use at the Project,³² increasing setbacks from residences, the County drain tile, and road centerlines,³³ revising the vegetation management plan and providing additional vegetative screening,³⁴ increasing the area and capacity of stormwater retention ponds,³⁵ and eliminating portions of the Project area coinciding with areas identified by the SHPO as eligible for listing in the National Register of Historic Places.³⁶ These changes are discussed in more detail below.
26. The Application Amendment did not include any changes to the Solar Facility or BESS nameplate capacity, Point of Interconnection (POI) location, Project schedule, costs, or planned operations.³⁷
27. On January 22, 2026, the Commission issued an Amended EA Scoping Decision for the Project (Amended Scoping Decision).³⁸
28. On January 26, 2026, Judge Middendorf issued a Second Order for Prehearing Conference setting the conference date for February 6, 2026.³⁹
29. On January 28, 2026, Applicants submitted a revised Draft Vegetation Management Plan (VMP) as Attachment E to the Application.⁴⁰

²⁸ Ex. PUC-25 (SHPO Consultation Authorization).

²⁹ Ex. SLS-21 (Application Amendment).

³⁰ Ex. SLS-21 at § 1 (Application Amendment).

³¹ Ex. SLS-21 at §§ 1.0 & 2.0; Table 2.0-1 (Application Amendment).

³² Ex. SLS-21 at §§ 2.0 & 2.1 (Application Amendment).

³³ Ex. SLS-21 at § 2.0 and Table 2.0-2 (Application Amendment).

³⁴ Ex. SLS-21 at § 2.1 (Application Amendment).

³⁵ Ex. SLS-21 at § 2.0 (Application Amendment).

³⁶ Ex. SLS-21 at § 2.1 (Application Amendment).

³⁷ Ex. SLS-21 at § 1.0 (Application Amendment).

³⁸ Ex. PUC-26 (Amended Scoping Decision).

³⁹ Second Order for Prehearing Conference (Jan. 26, 2026) (eDockets No. [20261-227386-01](#)).

⁴⁰ Ex. SLS-29 (Application Amendment – Revised Appendix E – VMP).

30. On January 29, 2026, the Commission issued a Notice of Amended Environmental Assessment Scoping Decision.⁴¹
31. On February 10, 2026, Judge Middendorf issued a Second Prehearing Order.⁴²
32. On March 11, 2026, the Commission issued the Summit Lake Project EA.⁴³
33. On March 13, 2026, the Commission issued the Notice of Public Hearings and Availability of EA for the Project. The notice set an in-person hearing for April 6, 2026, to be held in Worthington, Minnesota, and a virtual hearing set for April 7, 2026. The notice set the deadline for public comments as April 20, 2026.⁴⁴
34. On March 20, 2026, Applicants submitted the Direct Testimony of Alia Mohammad on behalf of Summit Lake Solar and Summit Lake Storage, with accompanying Schedules A-C. The Direct Testimony addressed, among other things, the status of coordination with SHPO and Nobles County Drainage Authority, design changes resulting from the Application Amendment, additional measures to mitigate noise, aesthetic, and drain tile impacts, and comments on the Draft Energy Storage System Site Permit (BESS DSP) and Draft Solar Energy Generating System Site Permit (Solar DSP; collectively with the BESS DSP, the DSPs), included as an appendix to the EA.⁴⁵
35. During the EA comment period, members of the public submitted 43 written comments on the Project and provided in person comments at the two public hearings held on the EA on April 6 and 7, 2026.⁴⁶

III. Description of the Proposed Project

36. Applicants propose to construct and operate an up to 200 MW alternating current solar energy generating system (Solar Facility), stand-alone BESS with an up to 200 MW / 800-MWh name plate capacity, and ancillary facilities. Applicants also propose to construct a

⁴¹ Ex. PUC-27 (Notice of Amended Scoping Decision).

⁴² Second Prehearing Order (Feb. 10, 2026) (eDockets No. [20262-227991-01](#)).

⁴³ Ex. PUC-28 (EA).

⁴⁴ Ex. PUC-29 (Notice of Public Hearings and Availability of EA).

⁴⁵ Ex. SLS-30 (Direct Testimony of Alia Mohammad); Affidavit of Publication and Tear Sheet for Notice of Public Hearings and Availability of EA (May 1, 2026) (eDockets No. [20265-231406-01](#)).

⁴⁶ Jake Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); Brenda Paulzine Comments (April 7, 2026) (eDockets No. [20264-230106-01](#)); Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Eric Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Rodney Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); Molly Vagle Comments (April 9, 2026) (eDockets No. [20264-230203-01](#)); Yvonne Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); Wendy and Wally Cooper Comments (April 14, 2026) (eDockets No. [20264-230366-01](#)); IBEW Local 426 and LIUNA Comments (April 21, 2026) (eDockets No. [20264-230712-01](#)); Jake Cuperus Comments (April 14, 2026) (eDockets ID Nos. [20264-230364-01](#)); Deb Rogers Comments (April 14, 2026) (eDockets No. [20264-230357-01](#)); Darrel Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); Kevin and Shelly Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); Mallory Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); Rodney Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); Haley Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments (April 21, 2026) (eDockets No. [20264-230726-01](#)); In-Person EA Hearing Tr. (April 6, 2026); Virtual EA Hearing Tr. (April 7, 2026).

substation for the Project (the Project Substation) that will collect energy generated by the Solar Facility and move that energy to the POI for both the Solar Facility and BESS at the Nobles Substation.⁴⁷

37. Applicants initially proposed to connect the Project Substation to the Nobles Substation via a 1,100-foot long 345 kilovolt (kV) gen-tie transmission line.⁴⁸ The Application Amendment reduces the length of gen-tie line by 108 feet for a final length of approximately 992 feet.⁴⁹
38. The BESS will share the gen-tie transmission line and Project Substation with the Solar Facility but will operate independently of the Solar Facility. The BESS will charge its batteries using electricity from the grid, via the gen-tie transmission line and Project Substation, and feed electricity into the grid when needed using the same facilities.⁵⁰
39. The expected service life of the Project is approximately 30 years after which the Applicants may extend the Project by application to and approval by the Commission.⁵¹
40. The Solar Facility is currently designed with a net generating capacity of up to 200 MW. It will transmit a maximum of 200 MW of solar energy generation to the grid, via the Nobles Substation in accordance with the Generator Interconnection Agreement (GIA) that Summit Lake Solar has executed with the Xcel Energy and Midcontinent Independent System Operator, Inc. (MISO).⁵²
41. Summit Lake Storage is pursuing a separate GIA whereby the Project Substation would connect the BESS to the electrical grid via the Nobles Substation. The BESS is designed to accommodate up to 200 MW of surplus energy that can be injected back into the electrical grid in times of need; though at no point, would the BESS inject over 200 MW at the POI.⁵³
42. The Solar Facility components will include solar modules mounted on a linear axis tracking rack system, inverters, a collection system, a Project Substation, a gen-tie line, an operations and maintenance (O&M) facility, a parking lot, stormwater retention ponds, fencing, and access roads.⁵⁴ The modules will be affixed to tracking mechanisms that will allow the modules to track the sun for maximum electricity production.⁵⁵ The Solar Facility will also include up to six weather stations that will each be up to 20 feet tall.⁵⁶
43. The Project Substation will occupy approximately 5.1 acres in the southwestern portion of the Project Area, and will include the substation, transformer, and gen-tie transmission

⁴⁷ Ex. SLS-2 at § 1.0 (Joint Application).

⁴⁸ Ex. SLS-2 at § 1.0 (Joint Application).

⁴⁹ Ex. SLS-21 at § 1.0 (Application Amendment).

⁵⁰ Ex. SLS-2 at § 1.0 (Joint Application).

⁵¹ Ex. SLS-2 at § 4.5 (Joint Application).

⁵² Ex. SLS-2 at § 2.4 (Joint Application).

⁵³ Ex. SLS-2 at § 2.4 (Joint Application).

⁵⁴ Ex. SLS-2 at § 4.1 (Joint Application).

⁵⁵ Ex. SLS-2 at § 4.1.1.1 (Joint Application).

⁵⁶ Ex. SLS-2 at § 4.1.5.5 (Joint Application).

line.⁵⁷ The Project Substation facility will be surrounded by a six-foot-tall chain link fence topped with one foot of barbed wire. The Substation will include high voltage electrical structures, breakers, a 34.5 to 345 kV step-up transformer, metering, and switchgear. Underground collector lines from the solar and BESS inverters will deliver energy to the Substation.⁵⁸ Energy will then be transmitted to the Nobles Substation via an overhead genetic line.⁵⁹

44. The electric collection system will include cables and accessories, inverters, step up transformers, and a Supervisory Control and Data Acquisition (SCADA) system. Based on preliminary design, the inverters will convert approximately 1,500 volts of direct current (DC) power from the solar modules to between 650 to 950 volts of alternating current (AC) power depending on inverter specification.⁶⁰ Step-up transformers will convert the AC voltage to an intermediate voltage of 34.5 kV, and collection will cables carry the converted voltage to the Project Substation.⁶¹
45. Inverter skids will be installed at locations throughout the preliminary development area. Each skid will provide the foundation for an inverter, transformer, and SCADA system. The Project's preliminary design proposes 44 inverters skids. The skids will be placed on concrete slab or pier foundations typically measuring 10 x 25 feet; each skid is approximately eight to 12 feet above grade.⁶²
46. The BESS will utilize a form of lithium-ion (i.e., lithium-iron phosphate) batteries with up to 200 MW of storage capacity.⁶³ The BESS will be able to charge its batteries with energy supplied by the grid during periods of low demand, and feed electricity into the grid when demand is high and/or when energy supplies are low.⁶⁴
47. Summit Lake Storage has incorporated all reasonable safety precautions into the design of the proposed BESS. The storage cells (lithium-ion batteries) will be arranged in a modular system encased in standalone enclosures.⁶⁵ The enclosures will be weatherproof and will include fully integrated heating, ventilation, and air conditioning systems for temperature control, sensors, and controls for remote monitoring; no off-gassing or air emissions are produced by the BESS.⁶⁶
48. Automatic fire detection and suppression systems will be installed for each of the BESS standalone enclosures.⁶⁷

⁵⁷ Ex. SLS-2 at § 2.2 (Joint Application).

⁵⁸ Ex. SLS-2 at § 4.1.1.2 (Joint Application).

⁵⁹ Ex. SLS-2 at § 1.0 (Joint Application).

⁶⁰ Ex. SLS-2 at § 4.0 (Joint Application).

⁶¹ Ex. SLS-2 at § 4.1.1.2 (Joint Application).

⁶² Ex. SLS-2 at § 4.1.1.2 (Joint Application).

⁶³ Ex. SLS-2 at § 4.1.2 (Joint Application).

⁶⁴ Ex. SLS-2 at § 4.1.2 (Joint Application).

⁶⁵ Ex. SLS-2 at § 4.1.2 (Joint Application).

⁶⁶ Ex. SLS-2 at § 4.1.2.1 (Joint Application).

⁶⁷ Ex. SLS-2 at § 5.2.5.1 (Joint Application).

49. The BESS facility will also include a complex monitoring system to monitor many different aspects within the system. Each battery will be equipped with cell level, module level, rack level, and system level monitoring points that produce real-time data that is fed into automatic control systems housed in the battery management system (BMS) and site controller. These systems ensure the BESS facility is operating within the original equipment manufacturer's operating parameters. If any operating limit is exceeded or an alarm is triggered, the batteries will disconnect from the system. In the event of a fire safety warning, the control system will automatically contact the local fire department.⁶⁸
50. The Applicants will select equipment suppliers that manufacture to stringent quality standards, and equipment must be tested and certified by third party professionals. Standards, certifications, and code requirements from multiple nationally recognized organizations will be required for the engineering, design, manufacture, and testing of the enclosures and equipment included in the BESS. The BESS equipment will be tested for compliance with prominent safety standards, including International Electrotechnical Commission 62619, International Electrotechnical Commission 6244-1, Underwriters Laboratories 1973, and Underwriters Laboratories 9540A. BESS design shall comply with International Fire Code 2018, National Fire Protection Association (NFPA) 855, and NFPA 70.⁶⁹
51. The BESS will include inverters and medium voltage transformers; low voltage cables will connect from the containers to pad-mounted switchgear, step-up transformers, and a power distribution system.⁷⁰ The BESS will also include access roads and fencing, and monitoring and hazard mitigation systems.⁷¹
52. The Project also includes the construction of an O&M building.⁷² Initially proposed in the Joint Application to be located adjacent to the BESS, the Application Amendment proposes to locate the O&M building to an area adjacent to the Project Substation.⁷³ The O&M building will include an office for the onsite Plant Manager, a technician room, a restroom, a SCADA cabinet, and an adjacent gravel parking area. The O&M building will house spare panels, spare parts for the Project Substation and BESS, and equipment to operate the Project Substation, as well as safety equipment for working with live electricity.⁷⁴ As proposed by the Application Amendment, the total area used for the O&M building, including the associated parking lot, will decrease from 1.1 acres to 0.5 acres.⁷⁵
53. The Project will contribute to the goals set forth in Minnesota's Clean Energy Law. In particular, the Project will contribute to meeting the carbon-free energy standards, as well

⁶⁸ Ex. SLS-2 at § 4.1.2.3 (Joint Application).

⁶⁹ Ex. SLS-2 at § 4.1.2.2 (Joint Application).

⁷⁰ Ex. SLS-2 at §§ 4.1.2, 4.4.2 (Joint Application).

⁷¹ Ex. SLS-2 at §§ 4.1.2.1, 4.1.2.3, 4.1.3, & 4.1.4 (Joint Application).

⁷² Ex. SLS-2 at § 4.1.5.2 (Joint Application).

⁷³ Exs. SLS-2 at § 4.1.5.2 (Joint Application); SLS-21 at § 2.0 (Application Amendment).

⁷⁴ Ex. SLS-2 at § 4.1.5.2 (Joint Application).

⁷⁵ Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

the renewable energy standard requiring that 55% of energy sold to Minnesota customers come from renewable sources by 2035.⁷⁶

IV. Site Location and Characteristics

54. Applicants obtained lease and purchase options for 1,989.6 acres of privately-owned land (the “Land Control Area” or “Project Area”). Of the Land Control Area, approximately 1,416.5 acres (the Preliminary Development Area) will be needed for the construction and operation of the Project.⁷⁷ Applicants maintain site-control over the remaining 573 acres, but that land may ultimately be excluded from the area controlled by Applicants during the operation of the Project.⁷⁸
55. The region in which the Project is located is predominantly agricultural. The Land Control Area is located in Summit Lake and Elk Townships, directly adjacent to the town of Reading and approximately five miles northwest of the City of Worthington in Nobles County, Minnesota.⁷⁹ Specifically, the Solar Facility will be located in Township 103N, Range 40W, Section 18 in Elk Township and Township 103N, Range 41W, Sections 10, and 12-15, and 22-24 in Summit Lake Township.⁸⁰ As proposed by the Application Amendment, the BESS will be located to the north-northeast of the City of Reading in Summit Lake Township, Township 103N, Range 41W, Section 18.⁸¹
56. The Land Control Area is generally bound by 170th Street to the north, Knauf Avenue to the west, 200th Street to the south, and Nystrom Avenue to the east. County State Aid Highway 25 cuts diagonally through the southwestern corner of the Land Control Area as it travels south of Reading in a southeast-northwest direction.⁸²
57. The landscape in which the Land Control Area is located ranges in elevation from 1,656 to 1,747 feet above sea level and is comprised largely flat topography.⁸³ Land use within the Land Control Area focuses on row crop production, predominantly corn and forage crops.⁸⁴ Within the Preliminary Development Area, the predominant land use is agricultural land, constituting approximately 99.8 percent of land used.⁸⁵
58. A total of 23 wetlands comprising 9.54 acres of the Land Control Area were identified by the onsite wetland delineation, all of which were designated as having emergent (herbaceous) vegetation, such as marshes and flooded basins. A majority of the delineated wetlands were largely roadside ditches and drainage swales. One of the wetlands identified is a marsh complex with 0.59 acres of the complex located in the Land Control Area that

⁷⁶ Ex. SLS-2 at § 1.1 (Joint Application).

⁷⁷ Ex. SLS-21 at § 2.0 & Table 2.1-1 (Application Amendment) (the original preliminary development area was 1,481.6 acres).

⁷⁸ Exs. SLS-2 at § 2.1 (Joint Application); SLS-21 at § 2.0 & Table 2.1-1 (Application Amendment).

⁷⁹ Ex. SLS-2 at § 5.1 (Joint Application).

⁸⁰ Ex. SLS-2 at § 2.1; Figure 2.1-1 (Application).

⁸¹ Exs. SLS-21 at § 2.0 (Application Amendment); SLS-28 at Map 3 (Application Amendment Maps).

⁸² Ex. SLS-2 at § 5.1 (Joint Application).

⁸³ Ex. SLS-2 at § 5.2.1 (Joint Application).

⁸⁴ Ex. SLS-2 at § 5.1 (Joint Application).

⁸⁵ Ex. SLS-2 at § 5.2.9.2 (Joint Application).

~~extends for 18.547 acres outside the Land Control Area⁸⁶ Thirty-four wetlands were delineated within the Land Control Area totaling 48.7 acres, all of which are located in an agricultural setting and are farmed, excavated or seasonal in nature.⁸⁷~~

59. As proposed by the Application Amendment, the total area of wetlands impacted within the Preliminary Development Area will increase from approximately 0.10 acres to 0.12 acres, when compared with the Joint Application.⁸⁸ The increase is due to changes to road access, as well as collection and communication line placement.⁸⁹
60. Pursuant to Minn. R. 7850.3100 (2023), the Applicants are not required to analyze alternative sites but are required to identify rejected sites and the reasons for rejecting them. Applicants considered citing the Project in areas in the central portion of Minnesota; in those areas, the Project would be better situated to comply with the Prime Farmland Rule. However, no feasible and prudent alternative was identified to the Land Control Area, which benefits from proximity to existing transmission infrastructure, willing participants, optimal solar resources, and opportunities to minimize environmental impacts to the extent practicable. As a result, no alternatives analysis was conducted.⁹⁰

V. Solar Resource Considerations

61. According to data compiled by the Minnesota Solar Suitability Analysis program, southern Minnesota, including Nobles County, has some of the best locations for exposure to solar radiation in the state.⁹¹ In addition to the available solar resources, Summit Lake selected the Land Control Area for development based, in part, on the supportive community, the available capacity to interconnect the Project to the transmission system, the presence of adequate roads for access, and relatively, flat, unobstructed terrain in the vicinity of the Nobles Substation to maximize the utilization of the solar resource.⁹²
62. The Applicants sought to minimize impacts to prime farmland, but after prioritizing high solar resource areas and selecting a location to minimize impacts to natural resources, some impacts to prime farmland were unavoidable and there was otherwise no feasible and prudent alternative to the Project location.⁹³

VI. Project Schedule

63. Applicants anticipate that construction on the Project will begin as early as the first quarter of 2027, with a targeted completion date, and commencement of commercial operation, of the fourth quarter of 2028.⁹⁴

⁸⁶ Ex. PUC-28 at § 4.7.4, p. 87 (EA).

⁸⁷ Ex. SLS-2 at § 5.5.5.5 (Joint Application).

⁸⁸ Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

⁸⁹ Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

⁹⁰ Ex. SLS-2 at § 3.4 (Joint Application).

⁹¹ Ex. SLS-2 at § 3.1; Figure 3.1-1 (Joint Application).

⁹² Ex. SLS-2 at § 3.1; Figure 3.1-1 (Joint Application).

⁹³ Ex. SLS-2 at § 3.3 (Joint Application).

⁹⁴ Ex. SLS-30 at p. 4 (Direct Testimony of Alia Mohammad).

VII. Summary of Public Comments

A. State Agency Comments – Scoping Period

64. On February 25, 2025, the Minnesota Department of Agriculture submitted a written comment indicating that it had reviewed and had no objections to Applicants' Agricultural Impact Mitigation Plan (AIMP).⁹⁵
65. On June 5, 2025, the DNR submitted comments on the Project.⁹⁶ The DNR provided comments recommending that Applicants: increase proposed fencing height from seven to ten feet in accordance with DNR's guidance for commercial solar facilities, refrain from using of chloride products to control dust, utilize downward facing lighting to minimize blue hue, utilize lighting which has a nominal color temperature that does not exceed 4,000 kelvin, utilize ecofriendly erosion control materials, such as "bio-netting" or "natural netting" to minimize wildlife entanglement, limit the use of hydro-mulch, the synthetic fibers of which, can migrate into waterways, and utilize a VMP throughout the permitted sites that is consistent with DNR's *Prairie Establishment and Maintenance Technical Guidance for Solar Standards*.
66. Previously, on November 14, 2024, DNR completed a Formal Natural Heritage Review for the Project.⁹⁷ That document reviewed the Project for "potential effects to rare features." DNR concluded that "[n]o ecologically significant areas have been documented in the vicinity of the project[.]" and further that "[n]o state-listed endangered or threatened species have been documented in the vicinity of the project." DNR did find that one state-listed species of special concern, the Regal Fritillary butterfly, had been documented in the vicinity of the Project. DNR recommended to the extent that suitable habitat of the Regal Fritillary would be impacted by the Project, that the Applicants modify the location and/or timing of Project activities and otherwise avoid or minimize those impacts consistent with the DNR Rare Species Guide. Finally, DNR found that "[t]he Natural Heritage Information System does not contain any records for federally listed species within one mile of the proposed project."

B. Local / Regional Government Comments – Scoping Period

67. On June 3, 2025, Lorretta Halbur submitted comments on behalf of the Nobles County Drainage Authority (Drainage Authority), raising concerns about how the Project could alter drainage benefits calculations after construction and affect the Authority's ability to maintain the drain tile system. The Drainage Authority also expressed concern about additional impervious surfaces increasing pressure on the system, particularly in light of recurring and significant flooding in the area since 2018. It recommended that, before any changes to tile construction or operation, Applicants conduct the same hydrological analysis required by DNR for drainage authorities, including evaluation of peak flows, velocities, elevations, and volumes. The Drainage Authority stated that proposed setbacks from drain tiles are insufficient for inspection, maintenance, and system protection, and

⁹⁵ Minnesota Department of Agriculture Comments (Feb. 26, 2025) (eDockets No. [20252-215789-01](#)).

⁹⁶ DNR Comments (June 5, 2025) (eDockets No. [20256-219615-01](#)).

⁹⁷ DNR Natural Heritage Review Letter (June 5, 2025) (eDockets No. [20256-219615-02](#)).

that the proposed rerouting plan does not meet statutory requirements because it would cut off upstream drainage, incorporate 90-degree bends, reduce hydraulic capacity, and adversely affect downstream landowners. It further noted that rerouting tiles through hills would require larger maintenance setbacks. Finally, the Drainage Authority emphasized the need for an agreement with Applicants to protect and maintain the tile system and recommended extending repair and maintenance obligations to 1,000 feet downstream to address potential sediment or debris impacts from construction.⁹⁸

C. Written Public Comments – Scoping Period

68. During the comment period EA scoping, 19 members of the public and two state agencies submitted written comments.⁹⁹
69. Members of the public raised concerns regarding the aesthetic impacts of the Project, including glare, fencing, and alteration of the rural landscape; potential adverse effects on property values for both participating and non-participating landowners; and the conversion of farmland from agricultural to solar use, including economic impacts to agriculture-related industries. Commenters also requested that Applicants maintain vegetative screening to block views of the Project, expressed concerns that planned vegetation would take too long to establish, and raised concerns that Project infrastructure may exacerbate snow drifts.¹⁰⁰
70. Members of the public raised concerns regarding potential adverse environmental impacts, including harm to wildlife, adverse effects to the drain tile system, and air and water pollution. Commenters expressed concern that fires at the BESS could release toxic air emissions, that pollutants may contaminate downstream waters and groundwater through floodwaters or other means, and raised concerns regarding disposal of panels and other potentially hazardous Project-associated waste. One commenter suggested that baseline groundwater testing be conducted in advance of the Project.¹⁰¹
71. Members of the public raised public health and safety concerns, including noise generated by the Project, possible fire and explosion risks at the BESS, and the siting of the Project and BESS in proximity to Reading; one commenter suggested an alternative location for the BESS to minimize noise impacts. Commenters also raised concerns regarding the funding for and feasibility of remediation following decommissioning, including requests

⁹⁸ Loretta Halbur, Nobles County Drainage Authority Comments (June 3, 2025) (eDockets No. [20256-219547-01](#))

⁹⁹ Ex. PUC-26 (Amended Scoping Decision).

¹⁰⁰ Exs. PUC-2 (Danielle Rogers Comment); PUC-11 (Debra Rogers Comment); PUC-3 (PUC Batch Comments); PUC-4 (PUC Batch Comments); PUC-8 (Becky Baumhoefner Comment) PUC-7 (Russell Penning Comment); PUC-9 (Darla Fritz Comment); PUC-10 (Darla Fritz Comment); PIC-12 (PUC Batch Comments); EIP-2 at pp. 6, 9, 21, 23 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment); PUC-22 (Becky Baumhoefner Comment); PUC-20 (Judy Christians Comment); PUC-21 (Judy Christians Comment).

¹⁰¹ Exs. PUC-8 (Becky Baumhoefner Comment); PUC-12 (PUC Batch Comments); EIP-2 at pp. 6-9, 11-12 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment); PUC-22 (Becky Baumhoefner Comment); PUC-21 (Judy Christians Comment).

that funds be set aside for drain tile repair, site restoration, and compensation for damage to property resulting from the Project.¹⁰²

72. Members of the public expressed concerns regarding the adequacy of public outreach, communication, and involvement in the Project planning process; one commenter raised concerns of self-dealing and conflict of interest.¹⁰³

D. Application Amendment

73. Applicants submitted the Application Amendment on December 18, 2025.
74. In response to comments received by SHPO on April 3, 2025, the Application Amendment presented revisions to the Project to entirely avoid Site 21NO0093.¹⁰⁴
75. The Application Amendment proposed consolidation of the planned stormwater retention ponds into thirteen larger ponds, resulting in an 11.1-acre increase in total pond area, from 17.2 acres, as originally proposed in the Joint Application, to 28.3 acres.¹⁰⁵
76. The Application Amendment proposes to consolidate the area allocated for construction laydown yards into 2.7 acres compared with the originally planned 5.4 acres as proposed in the Joint Application.¹⁰⁶
77. The Joint Application proposed that the BESS be located on approximately 16 acres in the south-central portion of the Preliminary Development Area, adjacent to the east side of the Project Substation.¹⁰⁷ The Application Amendment, proposed to relocate the BESS to the north-northeast to reduce noise impacts, increase the distance between the BESS and the city of Reading, and to avoid collection lines associated with the Nobles County Wind Farm.¹⁰⁸ The Application Amendment, furthermore, proposed to increase the total area allocated for the BESS to 20 acres.¹⁰⁹
78. Relocating the BESS as proposed in the Application Amendment will increase the distance from the BESS and the nearest residence by 890 feet.¹¹⁰
79. The Application Amendment noted that the BESS model selected by Summit Lake Storage is 12 dBA (as defined herein) quieter than the model contemplated by the Joint Application.

¹⁰² Exs. PUC-7 (Russell Penning Comment); PUC-12 (PUC Batch Comments); EIP-2 at pp. as4-6, 8, 22 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment); PUC-22 (Becky Baumhoefer Comment); PUC-20 (Judy Christians Comment); PUC-21 (Judy Christians Comment).

¹⁰³ Exs. PUC-2 (Danielle Rogers Comment); PUC-4 (PUC Batch Comments); PUC-3 (PUC Batch Comments); PUC - 11 (Debra Rogers Comment); PUC-9 (Darla Fritz Comment); PUC-10 (Darla Fritz Comment); EIP-2 at pp. 4-5 (Written Comments on Scope of the EA); PUC-19 (Kathy Henderschiedt Comment).

¹⁰⁴ Ex. SLS-21 at § 2.0 (Application Amendment).

¹⁰⁵ Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

¹⁰⁶ Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

¹⁰⁷ Ex. SLS-2 at § 4.1.2 (Joint Application).

¹⁰⁸ Ex. SLS-21 at § 2.0 (Application Amendment).

¹⁰⁹ Ex. SLS-21 at § 2.0 & Table 2.0-1 (Application Amendment).

¹¹⁰ Ex. SLS-21 at § 2.1 & Table 2.1-1 (Application Amendment).

80. The Application Amendment increases setbacks when compared to the Joint Application. Specifically, the Application Amendment proposed to increase: solar array setbacks from all residences from 228 feet to at least 300 feet and at least 150 feet from non-participating residential property lines; BESS setbacks from the nearest residence from 261 feet to 1,151 feet; solar array setbacks from all road centerlines from 85 feet to 122 feet; BESS setbacks from all road centerlines from 90 feet to 1,376 feet; solar array setbacks from the Nobles County drain tile from 42 feet to at least 75 feet; and BESS setbacks from drain tile from 35 feet to 84 feet.¹¹¹ In all cases, all Project facilities will maintain a 75 foot setback on each side of the drain tile centerline.¹¹²
81. The Application Amendment also proposes a 50-foot setback between all Project fencing and the edge of the public right-of-way (ROW) to address concerns related to impediments to snow removal.¹¹³ Applicants performed a snow drift analysis that confirmed the efficacy of the proposed setback and further propose the installation of vegetative screening in specific areas to control drifting in locations in accordance with the results of the analysis.¹¹⁴ The vegetative screening recommendations have been incorporated into the Project design and Landscape Plan provided in Attachment A to the Application Amendment.¹¹⁵
82. Through coordination with the Drainage Authority, Applicants have added measures to the Application Amendment design to mitigate potential impacts to the County drain tile system.¹¹⁶ These efforts also included collecting data from potentially affected landowners on the locations of private drain tiles.¹¹⁷
83. Summit Lake Solar confirmed to the Drainage Authority that the updated site layout provided in the Application Amendment includes the maximum number of drain tile re-routes that will be needed as part of the Project.¹¹⁸
84. The Application Amendment proposed to relocate the solar arrays originally planned for the northwest corner of the intersection of McCall Avenue and 190th Street such that the existing Nobles County drain tile in this location will not be disturbed by the Project.¹¹⁹
85. In response to concerns expressed by the Drainage Authority, Summit Lake Solar has committed, to the extent practicable, to designing collection lines to avoid crossing over existing public drain tiles; where crossing is otherwise unavoidable, Summit Lake Solar may install collection lines below the existing public drain tile at those locations.¹²⁰
86. In response to concerns of landowners regarding potential drainage impacts associated with the repair or relocation of private tile lines during construction, Summit Lake Solar has

¹¹¹ Ex. SLS-21 at § 2.0 & Table 2.0-2 (Application Amendment).

¹¹² Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹³ Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹⁴ Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹⁵ Ex. SLS-21 at § 2.0 and Appendix A – Landscape Screening Plan (Application Amendment).

¹¹⁶ Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹⁷ Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹⁸ Ex. SLS-21 at § 2.0 (Application Amendment).

¹¹⁹ Ex. SLS-21 at § 2.0 (Application Amendment).

¹²⁰ Ex. SLS-21 at § 2.0 (Application Amendment).

developed and offered landowners Drainage Compensation Agreements that would provide compensation for Project construction-related drainage impacts.¹²¹

87. In response to public concerns over visual impacts, Summit Lake Solar has also developed and offered landowners Good Neighbor Agreements.¹²²

E. May 22, 2025, Public Scoping Meeting¹²³

88. Members of the public attended the May 22, 2025 Public Scoping Meeting and provided comments on the Project.
89. Representatives from the International Union of Operating Engineers, Local 49 (IUOE Local 49), and a regional council representing 27,000 carpenters, millwrights, and pile drivers expressed support for the Project.¹²⁴
90. Commenters raised concerns about impacts to private and county-regulated drainage tile systems, including potential damage from construction, liability for repairs, and downstream water contamination. The Nobles County Coordinator recommended hydrological modeling and identified potential reductions to county drainage benefits and hydraulic capacity. Commenters also objected to locating the Project on prime farmland, citing the cumulative loss of agricultural land to solar development, and raised concerns about leaching and contamination from panels, changes to drainage patterns, and the potential for pollinator-friendly vegetation to harbor pest insects affecting adjacent cropland.¹²⁵
91. Commenters raised concerns about fire risk associated with the BESS, potential leakage from battery enclosures, the proximity of the system to the village of Reading, and the risk of battery units being submerged during flooding events. Concerns were also raised about decommissioning and end-of-life management, including assurances that decommissioning will occur and the adequacy of the decommissioning fund in the early years of operation.¹²⁶
92. Commenters raised concerns about the adequacy of proposed residential and roadway setbacks, aesthetic and noise impacts, property value impacts, and the effectiveness and maintenance of vegetative screening. The Project was described as effectively surrounding the village of Reading. Commenters expressed concern that it would discourage new residents, undermine community viability, and further questioned the benefits of the Project to the community.¹²⁷

¹²¹ Ex. SLS-21 at § 2.0 (Application Amendment).

¹²² Ex. SLS-21 at § 2.0 (Application Amendment).

¹²³ No members of the public submitted verbal comments at the virtual scoping meeting held on May 21, 2025.

¹²⁴ In-Person Scoping Hearing Tr. at pp. 17-18, 76-77 (May 22, 2025).

¹²⁵ In-Person Scoping Hearing Tr. at pp. 18-19, 24-26, 28-34, 38-40, 48, 56-57, 62-65, 89-94, 97-103, 111-114 (May 22, 2025).

¹²⁶ In-Person Scoping Hearing Tr. at pp. 18-19, 24-25, 57-58, 77-82, 125 (May 22, 2025).

¹²⁷ In-Person Scoping Hearing Tr. at pp. 19, 22-24, 26-28, 37-38, 40, 47, 54-59, 67-75, 85-89, 104-110, 113-119 (May 22, 2025).

93. Commenters noted wildlife species of special concern in the Project area and raised concerns about construction-related disturbance and disruption to natural predator-prey dynamics from Project fencing. Members of the public questioned the suitability of the site, and why the Project is not located elsewhere, including closer to urban load centers or on less productive land. Commenters expressed concern about the quality of construction work, including soil compaction, and skepticism that permitting commitments and conditions would be honored during construction and operation.¹²⁸

F. Comments received during the April 6 and 7, 2026 public hearings and associated comment period

(1) Public Written Comments

94. Members of the public submitted 42 written comment letters during the comment period on the Environmental Assessment.
95. Several commenters, including the International Brotherhood of Electrical Workers Local 426 (IBEW Local 426) and LIUNA Minnesota and North Dakota (LIUNA), expressed support for the Project, noting the importance of clean, renewable energy sources.¹²⁹
96. A February 24, 2026, resolution by Nobles County declining to amend applicable zoning ordinances to permit the construction of data centers was submitted as a written comment.¹³⁰
97. Several comments expressed strong support for the Project citing economic benefits locally and to participating landowners.¹³¹
98. Members of the public raised concerns about the risk of thermal runaway and catastrophic fires at the BESS, including the dangers such events pose to nearby residents, first responders, and the environment. Commenters questioned the adequacy of emergency response planning for local volunteer fire departments and urged the Commission to require the Applicants to fund specialized equipment, training, and infrastructure upgrades for local responders.¹³²
99. Members of the public raised concerns about potential adverse environmental impacts of the Project, including the conversion of prime agricultural land to industrial use, alteration of existing drainage patterns and drain tile systems, increased stormwater runoff,

¹²⁸ In-Person Scoping Hearing Tr. at pp. 31, 38-44, 46-48, 54, 57, 89-95, 106, 111-115 (May 22, 2025).

¹²⁹ Molly Vagle Comments (April 9, 2026) (eDockets No. [20264-230203-01](#)); Wendy and Wally Cooper Comments (April 14, 2026) (eDockets No. [20264-230366-01](#)); IBEW Local 426 and LIUNA Comments (April 21, 2026) (eDockets No. [20264-230712-01](#)).

¹³⁰ PUC Batch Comments at pp. 3-8 (April 20, 2026) (eDockets No. [20264-230619-01](#)).

¹³¹ PUC Batch Comments at pp. 7-8, 12 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³² Kevin and Shelly Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Eric Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Jake Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); Yvonne Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); PUC Batch Comments at pp. 5, 13, 24-25 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at p. 13 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

contamination of nearby soils, surface waters, groundwater, residential water wells, and resulting health impacts; concerns were also raised regarding habitat fragmentation, adverse impacts to pollinators and local wildlife. Commenters urged the Applicants to conduct water quality testing before, during, and after construction and argued that the EA does not adequately address stormwater and runoff management.¹³³

100. Members of the public raised concerns over impacts to real estate and farmland property values, the adequacy of setbacks, noise from construction and operation of the facility, heat island effects, and aesthetic impacts including industrial lighting, glare, and loss of open views. Other commenters described the emotional and psychological toll the proposed Project has imposed on nearby residents and raised questions regarding temporary worker housing during construction.¹³⁴
101. Comments raised concerns over cascading impacts on the local agricultural economy as a result of the Project.¹³⁵
102. Members of the public criticized the adequacy of the developer's community engagement, raised concerns about the proposed decommissioning framework, questioned the need and local benefits of the Project, and argued that the EA improperly segments review and fails to evaluate cumulative impacts. Commenters called for independent third-party monitoring, enforceable decommissioning bonding requirements, and a transparent cost and tax impact analysis.¹³⁶

¹³³ Eric Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Kevin and Shelly Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); Brenda Paulzine Comments (April 7, 2026) (eDockets No. [20264-230106-01](#)); Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Jake Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); Jake Cuperus Comments (April 14, 2026) (eDockets ID Nos. [20264-230364-01](#)); Deb Rogers Comments (April 14, 2026) (eDockets No. [20264-230357-01](#)); Darrel Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); Yvonne Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); Mallory Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); Rodney Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); Haley Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at pp. 3-8, 11-13, 15-18, 23-24, 27, 29, 31-32, 34-36 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at 2, 5-6, 10-11, 13-21 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³⁴ Rodney Burkard Comments (April 8, 2026) (eDockets Nos. [20264-230148-01](#)); Rodney Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); Yvonne Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); Mallory Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); Eric Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Kevin and Shelly Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); Jake Cuperus Comments (April 6, 2026) (eDockets No. [20264-230036-01](#)); Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Darrel Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); Haley Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at pp. 3-8, 11-14, 17-18, 23-24, 27-29, 31-32, 34-36 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at pp. 4-6, 10-11, 13, 15-17, 19-21 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³⁵ PUC Batch Comments at pp. 15-17 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³⁶ Darla Agard Comments (April 8, 2026) (eDockets No. [20264-230155-01](#)); Kevin and Shelly Onken Comments (April 16, 2026) (eDockets No. [20264-230529-02](#)); Eric Parrish Comments (April 8, 2026) (eDockets No. [20264-230154-01](#)); Yvonne Sieve Comments (April 14, 2026) (eDockets No. [20264-230368-01](#)); Rodney Burkard Comments (April 16, 2026) (eDockets No. [20264-230529-01](#)); Darrel Ponto Comments (April 15, 2026) (eDockets No. [20264-230415-01](#)); Mallory Fritz Comments (April 21, 2026) (eDockets No. [20264-230745-01](#)); Haley Slater Comments (April 20, 2026) (eDockets No. [20264-230611-01](#)); PUC Batch Comments at pp. 5-7, 13-14, 16-18, 24-

103. Some commenters advanced larger policy arguments questioning the utility of solar power generally, and further questions the decision to site the Project in Minnesota.¹³⁷

(2) April 6, 2026, In-Person Hearing – Public Comments

104. An in-person public hearing on the EA was held on April 6, 2026 in Worthington, Minnesota. Judge Middendorf presided over the hearing. Representatives for Applicants, the PUC, and members of the public spoke at the hearing.¹³⁸
105. Representatives from the Mankato Minnesota Valley Building Construction Trades Council, LIUNA, and IUOE Local 49 each expressed support for the Project, citing economic benefits and job creation.¹³⁹
106. Members of the public raised concerns about noise from the proposed solar facility, BESS, inverters, and associated substation infrastructure, including whether the Project would comply with the 50 dBA state noise standard and the effects of construction-phase noise such as pile driving. Potential recreational impacts (e.g. hunting) were noted. Commenters also raised concerns about aesthetic impacts, including lighting and visual impacts, light trespass from existing and proposed substation lighting, the adequacy of proposed setbacks and vegetative screening, and the visual transformation of the rural landscape from open farmland to solar panels and infrastructure.¹⁴⁰
107. Commenters expressed strong opposition to the conversion of productive agricultural land to solar energy use for 30 years and raised concerns about the resulting impacts to property values for nearby homes and acreages. Concerns were also raised about impacts to county drainage infrastructure, including damage to public and private drain tile during construction and decommissioning, and the reduction in drainage benefits under Minnesota Statute 103E.¹⁴¹
108. Concerns were raised regarding the BESS, including the risk of thermal runaway, potential for toxic smoke and chemical release in the event of a fire, and the proximity of the BESS to residences and high-voltage transmission lines, and risks posed by electromagnetic fields. Commenters questioned whether local fire departments are trained and equipped to respond to a BESS fire. Commenters also noted potential traffic and public safety impacts resulting from Project construction.¹⁴²
109. Members of the public raised concerns about stormwater management and water quality, including the potential for standing water in retention basins to increase mosquito populations and for panel materials to contaminate surface water, groundwater, and private

25, 27-28, 31-33 (April 20, 2026) (eDockets No. [20264-230619-01](#)); PUC Batch Comments at pp. 2, 15-16, 20 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³⁷ PUC Batch Comments at p. 2 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

¹³⁸ In-Person EA Hearing Tr. at pp. 1-4 (April 6, 2026).

¹³⁹ In-Person EA Hearing Tr. at pp. 33-39 (April 6, 2026).

¹⁴⁰ In-Person EA Hearing Tr. at pp. 36-42, 44-48, 61, 84-85, 98-100, 115-118, & 121-123, 135-136, 143 (April 6, 2026).

¹⁴¹ In-Person EA Hearing Tr. at pp. 59-65, 69-77, 80-81, 83, 111-114, 119, 131, & 134-135 (April 6, 2026).

¹⁴² In-Person EA Hearing Tr. at pp. 53-58, 84, 115-117, 126-128, 133, 137, & 143-145 (April 6, 2026).

wells. Concerns were also raised about heat island effects resulting from the solar panels affecting nearby crops and livestock fertility, wildlife habitat disruption from Project fencing and cumulative effects on wildlife movement corridors, and potential impacts to livestock health from mosquito-borne disease, heat stress, and battery and panel material contamination of groundwater.¹⁴³

110. Commenters questioned the feasibility of restoring land to agricultural use following decommissioning, including concerns about soil degradation and potential contamination from panel materials over the Project's operational life. Additional concerns were raised regarding noxious weed control and the adequacy of the vegetation management plan.¹⁴⁴
111. Multiple commenters criticized the Project development process, stating that nonparticipating landowners and area residents were not adequately notified or consulted during the leasing and land acquisition phase. Commenters questioned the need for additional energy generation in the area and expressed skepticism about projected economic benefits, including the adequacy and reliability of tax revenue, community benefit commitments, and whether the Project primarily benefits the developer rather than local residents.¹⁴⁵

(3) April 7, 2026, Virtual Hearing – Public Comments

112. A virtual public hearing on the EA was held on April 7, 2026. Judge Middendorf presided over the hearing. Representatives for Applicants, the PUC, and members of the public spoke at the hearing.¹⁴⁶
113. Members of the public raised concerns regarding the conversion of prime agricultural land to an industrial-scale solar facility, citing the irreversible nature of the land use change and potential effects on crop production and local agricultural processing operations. Commenters also expressed concern about recurring flooding in and around the Project area, including the potential for submersion of solar panels and inverters during flood events and the associated risk of groundwater contamination, particularly given the proximity of residential wells. Additional concerns were raised regarding potential impacts to local wildlife, including a potential bald eagle nest located near the Project, and the adequacy of wildlife studies conducted for the Project.¹⁴⁷
114. Participants raised concerns about potential fire hazards associated with the BESS, noise and glare from the proposed facility, and impacts to residential property values for nonparticipating landowners in close proximity to the facility. Multiple commenters described the potential loss of the area's agricultural identity and rural character.¹⁴⁸

¹⁴³ In-Person EA Hearing Tr. at pp. 51, 68-69, 98, 104-109, 126-131, 133-136, 139-140, & 144 (April 6, 2026).

¹⁴⁴ In-Person EA Hearing Tr. at pp. 61-62, 72-75, 85-86, 101-102, 124-125, 133-134, & 137-142 (April 6, 2026).

¹⁴⁵ In-Person EA Hearing Tr. at pp. 59-60, 66, 75-76, 81-97, 110-111, 114-115, & 123-124 (April 6, 2026).

¹⁴⁶ Virtual EA Hearing Tr. at pp. 1-3 (April 7, 2026).

¹⁴⁷ Virtual EA Hearing Tr. at pp. 37-46 (April 7, 2026).

¹⁴⁸ Virtual EA Hearing Tr. at pp. 42-45 (April 7, 2026).

115. Concerns were raised about the adequacy of developer communication and outreach to nearby nonparticipating residents, and about the apparent inconsistency between local agricultural preservation zoning and the state-level permitting process.¹⁴⁹
116. A representative of the Northern Midwest Regional Counsel of Carpenters spoke in support of the Project, citing the economic benefits of construction jobs, family-sustaining wages, the Project's alignment with clean energy goals, and the developer's good-faith engagement throughout the permitting process.¹⁵⁰

(4) State Agency Comments

117. On April 15, 2026, the Minnesota Pollution Control Agency (MPCA) submitted a comment letter on the EA noting that the Project's Land Control Area is located in uplands along several streams, to the west of Elk Creek and Judicial Ditch 8, both of which contribute to downstream waters that were determined in 2016 to meet general use standards for both fish and macroinvertebrate communities. The MPCA recommended that stormwater and runoff management practices be installed to reduce the transport of sediment and nutrients to both the Elk Creek/Judicial Ditch 8 system and the Jack Creek and Little Rock River watersheds during the construction phase, and that stormwater catchments and other best management practices be considered to reduce runoff from impervious surfaces once construction is complete. The MPCA noted Project addresses how the proposed Project will mitigate impacts on downstream hydrology and aquatic biology, both during construction and after, including revegetation with perennial cover.¹⁵¹
118. On April 20, 2026, the DNR submitted comments on the Project.¹⁵² DNR expressed concern that the proposed fence height could increase the risk of large wildlife entrapment and requested compliance with DNR fencing guidance, including a minimum fence height of 10 feet or demonstration of safe deer removal without DNR assistance. DNR also supported draft site permit condition 4.3.32 requiring coordination with DNR on final fence design.¹⁵³
119. DNR also question whether the proposed solar facility and a separately proposed adjacent data center will be considered phased and/or connected actions.¹⁵⁴
120. DNR proposed the addition of a special condition to both site permits requiring compliance with Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) and associated rules, with recordkeeping requirements, consistent with the condition included in the permitted Benton Solar Project.¹⁵⁵
121. Finally, DNR expressed support for the Applicants' VMP and the applicable standard conditions in the draft site permits for both the solar facility and the BESS. DNR also

¹⁴⁹ Virtual EA Hearing Tr. at pp. 37, 47-48 (April 7, 2026).

¹⁵⁰ Virtual EA Hearing Tr. at pp. 34-36 (April 7, 2026).

¹⁵¹ MPCA Comment(April 15, 2026) (eDockets No. [20264-230428-01](#)).

¹⁵² DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

¹⁵³ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

¹⁵⁴ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

¹⁵⁵ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

expressed support for special conditions 5.1, 5.2, and 5.3 included in both draft site permits.¹⁵⁶

122. The Vegetation Management Planning Working Group (VMPWG) submitted comments on the Project's VMP on April 20, 2026. The VMPWG did not recommend any action by the Commission at that time but provided detailed recommendations to facilitate transparency in the record and to ensure the VMP meets pre-construction compliance filing requirements.¹⁵⁷
123. The VMPWG noted that the plan for site restoration and implementation appears achievable to meet anticipated permit conditions and the Applicants' objectives, including establishing sustainable perennial grassland communities, managing invasive species, maintaining at least 95 percent vegetated cover with 90 percent native species, and establishing conditions suitable for haying or grazing during operations. The VMPWG provided specific recommendations addressing management areas and seed mixes tailored to soil type and hydrology, site preparation methods, seed installation techniques, mowing and haying timing to avoid wildlife impacts, grazing management, herbicide use, monitoring and annual reporting, and enrollment in the State's Habitat Friendly Solar Program.
124. The VMPWG recommended that the Applicants continue to coordinate with EIP staff and other state agencies as the VMP is finalized prior to construction, including the development of native seed mixes and substitutions suitable for the site, refinement of installation, management, and monitoring plans, and further clarification of Project-specific details and management units.

(5) Regional Government Comments

125. Nobles County Public Works formally requested that the setbacks established in the Nobles County Solar Energy Ordinance (a minimum of 150 feet from all property lines and 200 feet from road centerlines) be enforced for this Project.¹⁵⁸
126. On April 20, 2026, Nobles County Commissioner Gene Metz submitted individual comments on the Project. Commissioner Metz noted the Project would provide additional production tax revenue to the County and questioned whether the Project would increase wind energy curtailment due to existing transmission constraints. He further stated that the Project is too large in scale, expressed concerns over aesthetic impacts, and recommended increased setbacks of 750 feet from residences and that future projects be required to evaluate agrivoltaics potential for livestock or robotic truck gardening.¹⁵⁹

¹⁵⁶ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

¹⁵⁷ VMPWG Comments (April 20, 2026) (eDockets No. [20264-230701-01](#)).

¹⁵⁸ Nobles County Public Works Comment (April 16, 2026) (eDocket No. [20264-230529-03](#)).

¹⁵⁹ Nobles County Commissioner Comment (April 20, 2026) (eDockets No. [20264-230625-01](#)).

SITE PERMIT

I. Site Permit Criteria

127. Large electric power generating plants (LEPGP) are governed by Minn. Stat. ch. 216E (2022) and Minn. R. 7850.1000 - .5600 (2023). Minn. Stat. § 216E.01, subd. 5, defines an LEPPG as “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.”
128. A LEPPG powered by solar energy is eligible for the alternative permitting process authorized by Minn. Stat. § 216E.04 (2022). Summit Lake Solar filed its Joint Application under the process established by the Commission in Minn. R. 7850.2800 -.3900 (2023).
129. Under Minn. Stat. § 216E.04 (2022), for a LEPPG permitted under the alternative permitting process, EERA prepares an EA containing information on the human and environmental impacts of the proposed Project and addresses mitigating measures. The EA is the only state environmental review document required to be prepared on the Project.
130. The Power Plant Siting Act (PPSA), Minn. Stat. ch. 216E (2022), requires that site permit determinations “be guided by the state’s goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state’s electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.”¹⁶⁰
131. Under the PPSA, the Commission must be guided by the following responsibilities, procedures, and considerations:
 - (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power facilities and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
 - (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
 - (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

¹⁶⁰ Minn. Stat. § 216E.03, subd. 7.

- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
- (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
- (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;
- (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;
- (8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- (10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved;
- (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities;
- (13) evaluation of the benefits of the proposed facility with respect to (i) the protection and enhancement of environmental quality, and (ii) the reliability of state and regional energy supplies;
- (14) evaluation of the proposed facility's impact on socioeconomic factors; and

(15) evaluation of the proposed facility's employment and economic impacts in the vicinity of the facility site and throughout Minnesota, including the quantity and quality of construction and permanent jobs and their compensation levels. The commission must consider a facility's local employment and economic impacts and may reject or place conditions on a site or route permit based on the local employment and economic impacts.¹⁶¹

132. In addition to the PPSA, the Commission is governed by Minn. R. 7850.4100 (2023), which mandates consideration of the following factors when determining whether to issue a permit for a large electric power generating plant:

- A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- B. effects on public health and safety;
- C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- D. effects on archaeological and historic resources;
- E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- F. effects on rare and unique natural resources;
- G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;

¹⁶¹ Minn. Stat. § 216E.03, subd. 7

M. adverse human and natural environmental effects which cannot be avoided; and

N. irreversible and irretrievable commitments of resources.¹⁶²

133. There is sufficient evidence on the record for the Commission to assess the Project on the record using the criteria and factors set out above.

II. Application of the Siting Criteria to the Proposed Project

1. Human Settlement

134. Minnesota Rules Section 7850.4100(A) (2023) requires consideration of the Project's effects on human settlement, including displacement of residences and businesses, noise created during construction and by operation of the Project, and impacts to aesthetics, cultural values, recreation, and public services.

A. Displacement

135. The Project will have no significant impact on displacement. There are no residences, businesses, or structures such as barns or sheds located within the Land Control Area, and none will be displaced by the Project.¹⁶³

B. Noise

136. Noise can be defined as any undesired sound. It is measured in units of decibels on a logarithmic scale. The A-weighted scale (dBA) is used to duplicate the sensitivity of the human ear. A three dBA change in sound is barely detectable to average human hearing, whereas a five dBA change is clearly noticeable. A 10 dBA change is perceived as a sound doubling in loudness.¹⁶⁴
137. In Minnesota, noise standards are based on noise area classifications (NAC) corresponding to the location of the listener, referred to as a receptor. NACs are assigned to areas based on the type of land use activity occurring at that location.¹⁶⁵
138. Household units, designated camping and picnicking areas, resorts and group camps are assigned to NAC 1; recreational activities (except designated camping and picnicking areas) and parks are assigned to NAC 2; agricultural and related activities are assigned to NAC 3.¹⁶⁶
139. Noise standards are expressed as a range of permissible dBA over a one-hour period. L₁₀ may be exceeded 10 percent of the time, or six minutes per hour, while L₅₀ may be

¹⁶² Minn. R. 7850.4100.

¹⁶³ Ex. PUC-28 at § 4.10.1, pp. 100-101 (EA).

¹⁶⁴ Ex. PUC-28 at § 4.3.2, pp. 46-47 (EA).

¹⁶⁵ Ex. PUC-28 at § 4.3.2, p. 47 (EA).

¹⁶⁶ Ex. PUC-28 at § 4.3.2, p. 47 (EA).

exceeded 50 percent of the time, or 30 minutes per hour. Standards vary between daytime and nighttime hours.¹⁶⁷

140. Potential noise impacts from the Project are associated with construction noise and operational noise. The primary noise receptors are the local residences. Residences are in NAC 1, with daytime L₁₀ and L₅₀ with daytime limits of 65 dBA and 60 dBA, respectively, and nighttime limits of 55 dBA and 50 dBA, respectively.¹⁶⁸
141. There are 87 residences within one mile of the Land Control Area, including 10 residences surrounded by the Project. The Project is in a rural, agriculturally dominated area. Rural residential areas are assumed to have an ambient noise level of 45 dBA.¹⁶⁹
142. During construction, noise will be emitted by construction vehicles and equipment and will vary based on construction activities. Construction associated noise will likely be perceptible at adjacent residences. Large construction equipment is anticipated to emit noise between 76-85 dBA at 50 feet. Noise associated with this equipment will primarily occur during the initial site preparation, which will include grading and access road construction and is expected to last approximately six weeks. Summit Lake anticipates pile driving of the rack supports to create the most noise measured at 101 dBA at 50 feet. Typical sound pressure levels in dBA at 50 feet for various construction equipment range from 80 dBA to 101 dBA.¹⁷⁰
143. Construction noise may exceed state noise standards at select times and locations. Exceedances would be short-term and confined to daytime hours.¹⁷¹
144. The main source of noise from the Project during operation will be from the inverters, which include air conditioners housed in each inverter, and, to a lesser extent, from the transformers and rotation of the tracking system. For the BESS units, the main source of noise will be from the cooling fans.¹⁷²
145. The results of noise modeling conducted by the Applicants for the BESS and solar arrays show that noise levels will be less than 50 dBA at residences closest to the BESS. Inverters are the main source of noise for the Solar Facility, and because the inverters are located within the middle of the solar arrays, the noise levels from the Solar Facility equipment are not expected to be discernible from background noise levels at noise receptors in the vicinity.¹⁷³
146. Potential BESS-specific noise mitigation measures that could be utilized for the BESS include, but are not limited to, adding baffle kits to BESS units to decrease operational noise, constructing earthen berms or acoustic barriers along the site perimeter, and

¹⁶⁷ Ex. PUC-28 at § 4.3.2, p. 47 (EA).

¹⁶⁸ Ex. PUC-28 at § 4.3.2, p. 48 (EA).

¹⁶⁹ Ex. PUC-28 at § 4.3.2, p. 48 (EA).

¹⁷⁰ Ex. PUC-28 at § 4.3.2, p. 48-49, Table 4.3.2-2 (EA).

¹⁷¹ Ex. PUC-28 at § 4.3.2, p. 49 (EA).

¹⁷² Ex. PUC-28 at § 4.3.2, p. 49 (EA).

¹⁷³ Ex. PUC-28 at § 4.3.2, p. 49 & Appendix F (EA).

adjusting operational settings to meet the Minnesota state noise standard.¹⁷⁴ Applicants also indicated that they will conduct modeling and a comprehensive noise study to ensure that operations of the BESS do not exceed noise standards once final design for the Project has been established.¹⁷⁵

147. The record demonstrates that Applicants have taken steps to avoid and minimize noise impacts.
148. Sections 4.3.7 of the DSPs require Applicants to comply with noise standards established under Minnesota Minn. R. 7030.010 to 7030.0080, and to limit construction and maintenance activities to daytime hours to the extent practicable.¹⁷⁶
149. Additional BESS DSP special conditions designed to mitigate BESS noise include sections 5.5, 5.6, and 5.7.¹⁷⁷
150. BESS DSP Section 5.5 is a special condition requiring the permittee to submit a pre-construction noise modeling and impact assessment summarizing noise propagation results based on the selected equipment and final layout before construction. The condition also requires the permittee to submit an updated noise impact assessment before modifying the permitted facility.¹⁷⁸
151. BESS DSP Section 5.6 is a special condition requiring the permittee to submit a proposed methodology for a post-construction noise study before construction and to complete the study within 18 months of operation. It also clarifies that the Project must comply with MPCA noise standards at all times and that the permittee may be required to modify the facility's design or operation to maintain compliance.¹⁷⁹
152. Section 5.5 of the Solar DSP and Section 5.7 of the BESS DSP are special conditions that require the permittees to notify adjacent landowners detailing the timing of any planned major noise-producing construction activities through written notice and a website that would be updated weekly.¹⁸⁰
153. In addition to special conditions set forth in the BESS DSP, and following design changes in the Application Amendment, the BESS will be relocated to the north-northeast of the previously planned location to reduce noise impacts, specifically by increasing the distance between the BESS and the city of Reading. As a result of these changes the distance between the BESS and the nearest residence would be increased by 890 feet from the original design presented in the Joint Application.¹⁸¹

¹⁷⁴ Ex. PUC-28 at § 4.3.2, p. 50 (EA).

¹⁷⁵ Ex. PUC-28 at § 4.3.2, p. 50 (EA).

¹⁷⁶ Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

¹⁷⁷ Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

¹⁷⁸ Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

¹⁷⁹ Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

¹⁸⁰ Ex. PUC-28 at § 4.3.2, p. 50 and Appendix C (EA).

¹⁸¹ Ex. SLS-30 at 5 (Direct Testimony of Alia Mohammad).

C. Aesthetic Impacts

154. The visible elements of the solar facility will consist of new photovoltaic (PV) panel arrays, transformers and inverters, a BESS, weather stations, an O&M facility, a new substation, a short transmission line, and security fencing surrounding the Project.¹⁸²
155. The Project will be a noticeable change in the landscape, converting approximately 1,416.5 acres of agricultural fields into energy production. The Project will be immediately adjacent to existing transmission line and substation infrastructure. How an individual viewer perceives the change from a field of corn to a field of solar panels depends, in part, on how a viewer perceives solar panels.¹⁸³
156. For residents outside the Project vicinity and for others with low viewer sensitivity, such as travelers through the area, aesthetic impacts are anticipated to be minimal. For these viewers, the solar panels would be relatively difficult to see due to fencing and vegetation or would be visible for a very short period. For residents in the Project vicinity and for others with high viewer sensitivity living on or traveling on local roads in the Project vicinity, aesthetic impacts are anticipated to be moderate to significant.¹⁸⁴
157. Down-lit security lighting will be installed at the locked entrance to the facility as well as outside the O&M facility and Project Substation. Lighting will be motion-activated and downlit to minimize impacts and effects to people and wildlife.¹⁸⁵
158. The Applicants have included updated visual simulations of what the Project would look like from roadways with incorporated vegetative screening in a draft Visual Screening Plan (VSP) that was included with the Application Amendment.¹⁸⁶
159. The Applicants propose several measures to mitigate aesthetic impacts of the Project. Vegetative screening will be installed between the Project and adjacent residences and supplemented by Good Neighbor Agreements offered to owners of adjacent residences. The Project layout has been revised to relocate the BESS farther from the city of Reading, remove certain solar arrays from areas near the city, and significantly increase setbacks from non-participating property lines and existing residences. The revised BESS location increases the nearest non-participating residence setback from 261 feet to 1,151 feet, and the solar array includes setbacks of at least 66 feet from non-participating, non-residential property lines, 150 feet from non-participating residential property lines, and 300 feet from all existing residences. These design modifications are anticipated to reduce overall aesthetic impacts on the surrounding community.¹⁸⁷

¹⁸² Ex. PUC-28 at § 4.3.1.1, p. 45 (EA).

¹⁸³ PUC-28 at § 4.3.1.1, p. 45 (EA).

¹⁸⁴ Ex. PUC-28 at § 4.3.1.1, p. 45 (EA).

¹⁸⁵ Ex. PUC-28 at § 4.3.1.1, p. 45 (EA).

¹⁸⁶ Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

¹⁸⁷ Ex. SLS-30 at pp. 6-7 (Direct Testimony of Alia Mohammad).

160. The record demonstrates that Applicants have taken steps to avoid and minimize visual impacts. Further, Section 4.3.8 of the DSPs requires the permittee to consider landowner input with respect to visual impacts and to use care to preserve the natural landscape.¹⁸⁸
161. In addition, Special Condition 5.4 of the DSPs provides a mechanism for mitigation of aesthetic impacts to properties that are adjacent to or surrounded by the Project through the development of a VSP. This condition requires that prior to construction, Applicants file with the Commission, the VSP, documentation of coordination with landowners within 500 feet of the site boundary regarding their preferences for the location of shrubs and trees used for screening and an affidavit confirming the distribution of the VSP to those landowners.¹⁸⁹
162. Special Condition 5.1 of the DSPs Sections 5.1 of the DSPs requires the use of shielded and downward facing lighting and LED lighting that minimizes blue hue.¹⁹⁰

D. Cultural Values

163. The Project contributes to the growth of renewable energy and is likely to strengthen and reinforce this value in the area.¹⁹¹
164. The value residents put on the character of the landscape within which they live is subjective, meaning its relative value depends upon the perception and philosophical or psychological responses unique to individuals. Because of this, construction of the Project might—for some residents—change their perception of the area’s character thus potentially eroding their sense of place.¹⁹²
165. The Project is not anticipated to impact or alter the work and leisure pursuits of residents in such a way as to impact the underlying culture of the area. Differences between cultural values related to renewable energy and rural character has the potential to create tradeoffs that cannot be addressed in the site permit.¹⁹³
166. The Project will not have a disproportionate impact to low-income or minority populations.¹⁹⁴
167. The Project will have various positive impacts for the community. The economic benefits of the Project are also anticipated to be positive; the use of local workers is expected to have significant positive benefits not just through employment on this Project but also by increasing local spending activities and the payment of production tax and lease and

¹⁸⁸ Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

¹⁸⁹ Ex. PUC-28 at § 4.3.1.1, p. 46 (EA).

¹⁹⁰ Ex. PUC-28 at § 4.7.6.1, p. 93 (EA).

¹⁹¹ Ex. PUC-28 at § 4.3.3, p. 51 (EA).

¹⁹² Ex. PUC-28 at § 4.3.3, p. 51 (EA).

¹⁹³ Ex. PUC-28 at § 1.10.1, p. 12 (EA).

¹⁹⁴ Ex. PUC-28 at § 4.3.9, p. 64 (EA).

easement payments. The Project is also expected to result in a long-term reduction in greenhouse gas emissions.¹⁹⁵

168. Section 8.5 of the DSPs require quarterly reports concerning Applicants' efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.¹⁹⁶
169. Section 5.8 of the Solar Facility DSP is a special condition that requires the permittee to enter into a Community Impact Mitigation Agreement with Nobles County that mitigates impacts to the community of Reading. While the Commission would not dictate how funds are to be used by Nobles County, Nobles County would be required to report how the funds are used in the community five years after the start of construction.¹⁹⁷ Summit Lake Solar opposed the inclusion of this special condition in the Solar Facility Site Permit.¹⁹⁸

E. Transportation and Public Services

170. Large energy projects can impact public services, such as buried utilities or roads. These impacts are usually temporary, for example, road congestion associated with material deliveries. Impacts can be long-term if they change the area in a way that precludes or limits public services.¹⁹⁹
171. The Applicants do not anticipate impacts to water and wastewater systems. One domestic well will be located approximately 475 feet from the Preliminary Development Area. A single domestic-sized water well will be required for the O&M facility, and because of this a well construction permit will be required from the Minnesota Department of Health (MDH). Those underground utilities that are present in the Project Area will be marked prior to the start of construction.²⁰⁰
172. Access to the Preliminary Development Area will be via existing county and township roads. With the limited possible exception of minor field access or driveway changes depending on final design, no changes to existing roadways will occur. During the construction phase, temporary traffic impacts are anticipated on some public roads near the Preliminary Development Area, primarily from construction personnel traveling to and from the Project and slow-moving construction vehicles.²⁰¹
173. Construction traffic will rely on the existing county roadway system to access the Preliminary Development Area and transport materials and personnel. For most of the construction period, average daily traffic is expected to include approximately 150–180 employee vehicles (e.g. cars & trucks) and 18–49 semi-trucks delivering facility components, with delivery volumes fluctuating based on construction phase and equipment

¹⁹⁵ Exs. PUC-28 at §§ 4.3.8, p. 62 & 4.3.9 (EA); SLS-30 at 14 (Direct Testimony of Alia Mohammad).

¹⁹⁶ Ex. PUC-28 at § 4.3.8, p. 62;

¹⁹⁷ Ex. PUC-28 at § 4.3.3, p. 52; Appendix D, p.16 (EA).

¹⁹⁸ Ex. SLS-30 at p. 14 (Direct Testimony of Alia Mohammad).

¹⁹⁹ Ex. PUC-28 at § 4.3.7, p. 59 (EA).

²⁰⁰ Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

²⁰¹ Ex. PUC-28 at § 4.3.7, p. 59 (EA).

scheduling. Overweight or oversized loads are not expected; however, if needed, the Applicants would secure all required approvals.²⁰²

174. Because the average daily traffic within the area is well below the design capacity of a rural two-lane highway, this increased traffic is not expected to affect traffic function. Once construction is complete, traffic impacts will be negligible.²⁰³
175. Changes or additions to driveways from county roads will require permits from and coordination with MnDOT and Nobles County. Sections 4.3.20 of the BESS DSP and 4.3.22 of the Solar DSP require permittees to inform road authorities of roads that will be used during construction and acquire necessary permits and approvals for oversize and overweight loads. Permitted fencing and vegetative screening cannot interfere with road maintenance activities, and the least number of access roads shall be constructed.²⁰⁴
176. The Project will interconnect into the Nobles Substation. The Project is not expected to affect existing transmission lines that interconnect to this substation. However, during the actual interconnection process, there is a slight possibility that customers may experience brief flickering or very short outages as the Nobles Substation is temporarily shut down and service is being restored. The timing and duration of any service interruptions would be determined and communicated to consumers by the interconnecting utility.²⁰⁵
177. Sections 4.3.5 of the DSPs are standard permit conditions that require the permittee to minimize disruptions to public utilities.²⁰⁶
178. No impacts to railroads are anticipated as there are no railroads within the Project Area.²⁰⁷
179. No impacts to pipelines are anticipated as there are no pipelines within the Project Area.²⁰⁸
180. There are no FAA-registered airports that will be affected by the Project, as the nearest airport is approximately 7 miles away.²⁰⁹

F. Socioeconomics

181. Potential economic impacts associated with construction will be positive, but minimal and short-term. Significant positive effects might occur for individuals. Impacts from operation will be long-term, positive, and moderate for some in Nobles County.²¹⁰

²⁰² Ex. PUC-28 at § 4.3.7, p. 59 (EA).

²⁰³ Ex. PUC-28 at § 4.3.7, p. 59 (EA).

²⁰⁴ Ex. PUC-28 at § 4.3.7, p. 60 (EA).

²⁰⁵ Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

²⁰⁶ Ex. PUC-28 at § 4.3.7, p. 60 (EA).

²⁰⁷ Ex. PUC-28 at § 4.3.7, p. 59 (EA).

²⁰⁸ Ex. PUC-28 at § 4.3.7, p. 60 (EA).

²⁰⁹ Ex. PUC-28 at § 4.3.7, p. 60 (EA).

²¹⁰ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

182. Operational impacts are expected to be long-term, positive, and moderate for some individuals in Nobles County, though negative effects may occur for parts of the agribusiness sector. Construction would remove about 1,416 acres from agricultural production, potentially reducing demand for farm-related businesses such as equipment, seed, and input suppliers. The extent of any economic impacts to agribusiness is difficult to determine, but the removal of approximately 0.4 percent of the approximately 366,330 acres of cropland in Nobles County represents a potential marginal, negative impact to agricultural-related businesses. Because this represents only about 0.4 percent of the county's cropland, the resulting impact on agricultural-related businesses is expected to be marginal.²¹¹
183. The Project will not disproportionately impact low-income or minority populations, so adverse impacts to these communities are not anticipated.²¹²
184. Construction of the Project would provide temporary increases in revenue locally through increased demand for lodging, food services, fuel, transportation and general supplies.²¹³
185. Temporary construction jobs will generate indirect economic benefits - employees spend their income on local goods and services and pay local sales tax. During peak construction, an estimated 250 jobs will be created, with an average of 175 jobs throughout the period of construction.²¹⁴
186. To the greatest extent practicable, procurement of construction resources will give preference to local, union construction craft employees. The Applicants anticipate supporting an average of 130 union temporary construction and installation jobs for this Project.²¹⁵
187. General skilled labor is expected to be available in Nobles County or Minnesota to serve the Project's basic infrastructure and site development needs. Specialized labor will be required for certain aspects of the Project.²¹⁶
188. The Project will provide production tax payments to Nobles County of approximately \$400,500 annually over 30 years. Additionally, Summit Lake and Elk Townships, combined, will receive approximately \$100,100 annually over 30 years. In addition, lease payments paid to participating landowners will offset potential financial losses associated with removing a portion of their land from agricultural production.²¹⁷

²¹¹ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²¹² Ex. PUC-28 at §§ 4.3.8, p. 62; 4.3.9 (EA).

²¹³ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²¹⁴ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²¹⁵ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²¹⁶ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²¹⁷ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

189. Section 8.5 of the DSPs require quarterly reports concerning efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.²¹⁸

²¹⁸ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

G. Environmental Justice

190. Environmental justice (EJ) is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” The goal of this “fair treatment” is not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts.²¹⁹
191. In Minnesota, environmental justice areas are defined as census tracts in which: at least 40 percent of the population is nonwhite, 35 percent of households have income at or below 200 percent of the federal poverty level, or which are located within Indian County, as defined in United States Code, title 18, section 1151.²²⁰
192. While the Project is not within an EJ community, there are EJ communities in Nobles County. The Project would impact an area that is relatively less diverse, has greater English proficiency, and has fewer households in poverty when compared to the rest of Nobles County. No impacts to EJ communities are anticipated, and impacts to nearby EJ communities, which are centered in Worthington, may be positive, as Worthington would see financial benefits due to increased demand for commodities and lodging during Project construction.²²¹
193. The Project will not create disproportionate or adverse impacts to low-income or minority populations because no environmental justice areas are present within the Project Area. No additional mitigation is proposed.²²²

H. Land Use and Zoning

194. Development of a solar farm in this area will temporarily change the land use from predominantly agricultural uses to energy generation for the life of the Project. Approximately 1,416 acres of agricultural land will be converted to solar energy generation and energy storage use for the life of the Project. The conversion of agricultural land within the Preliminary Development Area will have a minimal impact on the availability of agricultural land in Nobles County.²²³
195. Of the 457,658 acres in Nobles County, approximately 80 percent (approximately 366,330 acres) are currently used for agricultural production. Conversion of 1,416 acres of agricultural land to operate the Project would reduce the amount of actively cultivated agricultural land in Nobles County by less than 0.4 percent.²²⁴
196. Summit Lake Solar has designed the solar array to include setbacks of at least: 66 feet from non-participating, non-residential property lines; 150 feet from non-participating

²¹⁹ Ex. PUC-28 at § 4.3.9, p. 63 (EA).

²²⁰ Ex. PUC-28 at § 4.3.9, p. 63 (EA); Minnesota Statute 216B.1691, subd. 1(e).

²²¹ Ex. PUC-28 at § 4.3.9, p. 64 (EA).

²²² Ex. PUC-28 at § 4.3.9, p. 64 (EA).

²²³ Ex. PUC-28 at § 4.3.4, p. 54 (EA).

²²⁴ Ex. PUC-28 at § 4.3.4, p. 54 (EA).

residential property lines; 300 feet from all existing residences; 75 feet from the center line of public drain tile; and 122 feet from the centerline of all public roads. Fences will be set back at least 50 feet from the edge of public road right-of-way. Here, all setbacks exceed Nobles County setback requirements except the Nobles County required setbacks for all non-participating property lines (150 feet) and road centerlines (200 feet).²²⁵

I. Property Values

197. There is limited sales information related to properties near large solar facilities in Minnesota. A study conducted by the Lawrence Berkeley National Laboratory found that, in Minnesota, homes within one-half mile of large solar energy facilities had a four percent reduction in home sales prices compared to homes two to four miles from such a facility. The study only found such an effect for large solar facilities. The study did not consider site design, local landscape features or setbacks, or the broader economic impacts of solar facilities.²²⁶
198. Market studies involving smaller sample sizes, including one conducted by Chisago County Environmental Services and Zoning, did not consistently find negative impacts of solar facilities to real estate values.²²⁷
199. Based on analysis of other utility-scale solar projects sited on previously agricultural land, minimal to moderate negative property value impacts could occur for properties close to the Project. These impacts are expected to be localized within one-half mile of the solar facility and to decrease with distance from the project and with time²²⁸
200. Based on a study of the impacts solar installations may have on agricultural land prices, sites of larger-~~er~~-than-median scale, such as the Project, are not expected to have an effect on land value.²²⁹
201. Measures and permit conditions to mitigate aesthetic impacts and impacts to future land use, discussed previously, will similarly may mitigate impacts to property values.²³⁰

2. Public Health and Safety

202. Minnesota Rules Section 7850.4100(B) (2023) requires the Commission to consider the effects of the Project on public health and safety.
203. Potential impacts stemming from Project operation and construction are anticipated to be negligible and are not expected to negatively affect human health.²³¹

²²⁵ Ex. SLS-30 at pp. 6-7 (Direct Testimony of Alia Mohammad).

²²⁶ Ex. PUC-28 at § 4.3.5, p. 56 (EA).

²²⁷ Ex. PUC-28 at § 4.3.5, p. 56 (EA).

²²⁸ Ex. PUC-28 at § 4.3.5, p. 56 (EA).

²²⁹ Applicants Response to Hearing Comments, May 4, 2026 (eDockets No. 20265-231446-01TBD).

²³⁰ Ex. PUC-28 at § 4.3.5, p. 57 (EA).

²³¹ Ex. PUC-28 at § 4.4.1, p. 67 (EA).

204. Project facilities that would generate electric and magnetic fields (EMF) include the electrical collection lines and transformers installed at each inverter associated with the Solar Facility, BESS, and the gen-tie line. Electric and magnetic fields from electrical collection lines, regardless of whether they are below-ground or above-ground, transmission lines, and transformers dissipate rapidly with distance from the source.²³²
205. The nearest residence to the solar arrays is at least 300 feet away; the nearest residence to an inverter, electrical collection line, and transformer is approximately 447 feet away; the nearest residence to the gen-tie line is 835 feet away; and the nearest residence to the BESS is approximately 1,151 feet away. At this distance, both electric and magnetic fields would have dissipated to background levels before reaching the residence. As such, impacts will be negligible and no mitigation measures are proposed.²³³
206. Worker safety issues are primarily associated with construction, and public safety concerns would be most associated with unauthorized entry to the Project. Like any construction project, there are risks for injuries from falls, equipment and vehicle use, electrical accidents, etc. To mitigate safety risks, electrical and construction work will follow established procedures and comply with local, state, and federal regulations.²³⁴
207. Public risks resulting from the Project include electrocution resulting from unauthorized entry into the fenced area. To minimize this risk, the Project will be fenced and locked to prevent unauthorized access, and signs will be posted to warn unauthorized persons not to enter fenced area due to the presence of electrical equipment.²³⁵
208. The main safety hazard of a BESS, relative to the Solar Facility and other electrical systems, is battery failure leading to thermal runaway which has the potential to spread to nearby batteries and containers.²³⁶
209. There are two major types of lithium-ion battery technology used in BESS facilities; Nickel Manganese Cobalt (NMC) batteries and Lithium Iron Phosphate (LFP) batteries. LFP batteries have a higher thermal runaway temperature, making them more stable and less prone to fire when compared to NMC batteries.²³⁷
210. In addition to the use of the more stable LFP technology, the BESS design uses modular containers that are tested by the manufacturer to ensure fire resistance. Modern BESS containers include explosion prevention systems to remove flammable gases during a thermal runaway event and relieve pressure to limit gas levels within the containers from reaching levels that can be flammable or explosive. The containers are spaced to minimize the potential for fire to spread to other containers. The BESS equipment is monitored

²³² Ex. PUC-28 at § 4.4.1, p. 67 (EA).

²³³ Ex. PUC-28 at § 4.4.1, p. 67 (EA).

²³⁴ Ex. PUC-28 at § 4.4.2, p. 67-68, & 70. (EA).

²³⁵ Ex. PUC-28 at § 4.4.2, p. 67 & 70 (EA).

²³⁶ Ex. PUC-28 at § 4.4.2, p. 69 (EA).

²³⁷ Ex. PUC-28 at § 4.4.2, p. 69 (EA).

remotely, tracking cell voltage and temperature to identify and isolate potential issues before they occur.²³⁸

211. Summit Lake Storage conducted utility scale battery storage training for the Wilmont and Worthington Fire Departments. The training was hosted on November 6, 2025 by the Energy Safety Response Group (ESRG). ESRG is an independent firm made up of former and current fire fighters focused on the testing and safe development, installation and operations of utility scale battery energy storage systems. Approximately 7 volunteers attended the training. Summit Lake Storage will provide annual training on battery technology used in the BESS and associated facility technology for local firefighting crews and emergency services personnel as required by Section 5.13 of the BESS DSP.²³⁹
212. The Emergency Response Plan (ERP) to be developed by Summit Lake Storage will similarly require annual safety drills and/or safety training with local first responders. The ERP will cover possible incidents that could occur at the BESS and include corresponding emergency response procedures. Summit Lake Storage will coordinate with local emergency responders to develop the ERP prior to construction of the Project.²⁴⁰
213. In addition, the DSPs include several requirements to ensure adequate public safety protections, including requiring Applicants to: (1) provide landowner educational materials and appropriate signage (Sections 4.3.28 of BESS DSP and 4.3.30 of Solar DSP); (2) prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the Project, which will be filed with the Commission prior to operation (Sections 8.11 of BESS DSP and 8.12 of Solar DSP); (3) disclose any extraordinary events, such as fires etc. (Sections 8.12 of BESS DSP and 8.13 of Solar DSP); (4) require a decommissioning plan to be updated every five years (Section 9.1 of the DSPs); (5) file a Hazard Mitigation Analysis detailing testing results for selected equipment and associated technology risks, at least 30 days before the pre-construction meeting (Section 5.14 of the BESS DSP); and (6) provide regular training on lithium-iron batteries and associated facility technology for local firefighting crews (Section 5.14 of the BESS DSP).²⁴¹

3. Land-based Economies

214. Minnesota Rules Section 7850.4100(C) (2023) requires the Commission to consider the effects of the Project on land-based economies, including agriculture, forestry, tourism, and mining.
215. Solar facilities impact land-based economies by precluding or limiting land use for other purposes.²⁴²

²³⁸ Ex. PUC-28 at § 4.4.2, p. 69 (EA).

²³⁹ Ex. SLS-30 at p. 12 (Direct Testimony of Alia Mohammad).

²⁴⁰ Ex. SLS-30 at p. 12 (Direct Testimony of Alia Mohammad).

²⁴¹ Ex. PUC-28 at § 4.4.2, p. 71 (EA).

²⁴² Ex. PUC-28 at § 4.5, p. 71 (EA).

A. Agriculture & Prime Farmland

216. Potential impacts to agricultural producers are anticipated to be minimal to moderate — lost farming revenues will be offset by lease or easement agreements. A loss of farmland in Nobles County would occur for the life of the Project. Potential impacts are localized and unavoidable but can be minimized.²⁴³
217. Rural areas, with large parcels of relatively flat, open land, are ideal for solar development, which require six to eight acres of land to generate one MW of electricity. The Project will result in up to 1,479.4 acres of farmland being removed from agricultural production for the life of the Project. This change in land use would take productive farmland out of production for the life of the Project, representing approximately 0.4 percent of existing agricultural land in Nobles County.²⁴⁴
218. Pursuant to the Application Amendment, and in cooperation with the Drainage Authority, solar array setbacks from public drain tile will be at least 75 feet on each side of public drain tile centerlines.²⁴⁵
219. Additionally, Summit Lake Solar has also revised the Project to relocate the solar arrays originally planned for the northwest corner of the intersection of McCall Avenue and 190th Street such that the existing public drain tile in this location will not be disturbed by the Project.²⁴⁶
220. Summit Lake Solar has worked with participating landowners to map the locations of existing private drain tile and has also proposed Drainage Compensation Agreements to private landowners that would provide compensation for any construction-related drainage impacts. Applicants will use the private drain tile location information in the design of the Project. If private drain tile cannot be avoided, it will be repaired or replaced to ensure adequate drainage during construction and operation of the Project.²⁴⁷
221. The DSPs include a number of measures to mitigate agricultural and soil impacts, including, for example, the protection and segregation of topsoil (Section 4.3.9), minimization and rectification of soil compaction (Section 4.3.10), use of BMPs to prevent erosion and runoff including as required by the construction stormwater permit (Section 4.3.11), development of a VMP (Sections 5.8 of the BESS DSP and 4.3.17 of the Solar DSP), development of an AIMP (Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP), preparation of a Drain Tile Reroute and Abandonment (Section 5.10 of the BESS DSP and 5.6 of the Solar DSP) and restoration or compensation for damages to crops and agricultural infrastructure, including drain tile (Section 4.3.27 of the BESS DSP and 4.3.29 of the Solar DSP).²⁴⁸

²⁴³ Ex. PUC-28 at § 4.5.1, p. 71 (EA).

²⁴⁴ Ex. PUC-28 at § 4.5.1, p. 71 (EA).

²⁴⁵ Ex. SLS-30 at pp.7-8 (Direct Testimony of Alia Mohammad).

²⁴⁶ Ex. SLS-30 at p. 8 (Direct Testimony of Alia Mohammad).

²⁴⁷ Ex. SLS-30 at p. 8 (Direct Testimony of Alia Mohammad).

²⁴⁸ Ex. PUC-28 at § 4.5.1, p. 73-74 (EA).

B. Tourism and Recreation

222. Primary tourism activities in the vicinity of Project facilities are associated with visitors to local snowmobile trails, wildlife management areas, and other outdoor recreational resources. Visitors also attend local community festivals and events such as the International Festival and the Nobles County Fair, both hosted by the city of Worthington which is about 5.0 miles southeast of the Land Control Area.²⁴⁹
223. Impacts to tourism and recreation are anticipated to be minimal and temporary. Due to construction, there will be short-term increases in traffic and noise that could potentially impact recreational activities in close proximity to the Project Area; however, impacts will be temporary. No significant long-term impacts to recreational activities are anticipated. The snowmobile trail would not be impacted by Project operation, since no fencing will be present where the trail crosses the Land Control Area along County State Aid Highway 25.²⁵⁰
224. All Project facilities, moreover, will be located on privately-owned land, therefore impacts to tourism and recreation are anticipated to be minimal. Short-term impacts to outdoor recreational activities could occur during construction due to noise and traffic increase, however these impacts will be temporary and short-term in duration. Because significant impacts are not anticipated, no additional mitigation measures are proposed.²⁵¹

C. Local Economy

225. Potential economic impacts associated with construction will be positive, but minimal and short-term. Significant positive effects might occur for individuals. Impacts from operation will be long-term, positive, and moderate for some in Nobles County, but there is also potential for negative impacts to those in agribusiness.²⁵²
226. Construction of the Project would provide temporary increases to the revenue of the area through increased demand for lodging, food services, fuel, transportation and general supplies.²⁵³
227. Temporary construction jobs will generate indirect economic benefits for the area, as employees spend their income on local goods and services and pay local sales tax. During peak construction, an estimated 250 jobs will be created, with an average of 175 jobs throughout the period of construction.²⁵⁴

²⁴⁹ Ex. PUC-28 at § 4.3.6, p. 57 (EA).

²⁵⁰ Ex. PUC-28 at § 4.3.6, p. 57 (EA).

²⁵¹ Ex. PUC-28 at § 4.5.2, p. 75 (EA).

²⁵² Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²⁵³ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²⁵⁴ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

228. To the greatest extent practicable, procurement of construction resources will give preference to local, union construction employees. The Applicants anticipate supporting an average of 130 union temporary construction and installation jobs for this Project.²⁵⁵
229. Section 8.5 of the DSPs require quarterly reports concerning Applicants' efforts to hire Minnesota workers. Section 8.6 of the DSPs require the permittee, as well as its construction contractors and subcontractors, to pay no less than the prevailing wage rate.²⁵⁶
230. The Project will provide production tax payments to Nobles County of approximately \$400,500 annually over 30 years. Additionally, Summit Lake and Elk Townships, combined, will receive approximately \$100,100 annually over 30 years. In addition, lease payments paid to participating landowners will offset potential financial losses associated with removing a portion of their land from agricultural production.²⁵⁷

4. Archaeological and Historic Resources

231. Minnesota Rules Section 7850.4100(D) (2023) requires the Commission consider the effects on archaeological and historic resources. Archaeological resources are locations where objects or other evidence of archaeological interest exist, and can include aboriginal mounds and earthworks, ancient burial grounds, prehistoric ruins, or historical remains. Historic resources are sites, buildings, structures, or other antiquities of state or national significance.²⁵⁸
232. Applicants retained Tetra Tech to conduct a Phase I investigation of the Land Control Area to identify archaeological sites and historic structures that could be affected by the Project. No previously documented archaeological sites were identified within the Land Control Area; however, one archaeological site was identified within a one-mile buffer of the Land Control Area. The site is a pre-contact isolated find and is recommended as not eligible for listing in the National Register of Historic Places.²⁵⁹
233. The Applicants submitted the Phase I inventory report to SHPO on February 12, 2025. The SHPO provided comment on the report on April 3, 2025, and agreed with the Applicants' recommendations regarding site eligibility for listing in the National Register of Historic Places. In particular, SHPO agreed that one resource, Site NO0093, should be avoided or evaluated for eligibility. The Applicants indicate that the Project design has been updated to avoid this site. SHPO agreed that if Site NO0093 is avoided, the Project will not affect properties listed in or eligible for the National or State Registers of Historic Places, or within the Historic Sites Network.²⁶⁰
234. Prudent siting to avoid impacts to archaeological and historic resources is the preferred mitigation. Sections 4.3.21 and 4.3.23 of the DSPs, address archeological resources and

²⁵⁵ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²⁵⁶ Ex. PUC-28 at § 4.3.8, p. 62;

²⁵⁷ Ex. PUC-28 at § 4.3.8, p. 62 (EA).

²⁵⁸ Ex. PUC-28 at § 4.6, p. 75 (EA).

²⁵⁹ Ex. PUC-28 at § 4.6, p. 75 (EA).

²⁶⁰ Exs. PUC-28 at § 4.6, p. 75-76 (EA); SLS-27 at p. 5 (Application Amendment, Appendix F – Agency Correspondence).

require Applicants to avoid impacts to archaeological and historic resources where possible and to mitigate impacts where avoidance is not possible. If previously unidentified archaeological sites are found during construction, the conditions require Applicants to stop construction and contact SHPO to determine how best to proceed. Ground disturbing activity will stop, and local law enforcement will be notified should human remains be discovered.²⁶¹

235. The record demonstrates that the Project will not cause adverse impacts to archaeological and historic resources. Consistent with Sections 5.11 and 5.7 of the DSPs, Applicants will develop an Unanticipated Discoveries Plan that will be followed in the event human remains or other historic or cultural artifacts are located during construction. In the event of a discovery, work will stop, and the find will be examined by an archaeologist. The SHPO and State Archaeologist will be notified if necessary.²⁶²

5. Natural Environment

236. Minnesota Rules Section 7850.4100(E) (2023) requires that the Commission consider the effects of the Project on the natural environment, including effects on air and water quality resources and flora and fauna.

A. Wildlife

237. The impact intensity level to wildlife is expected to be minimal. Impacts could be positive or negative and depend on species type. Potential impacts will be short- and long-term and can be mitigated.
238. The Project landscape is dominated by agriculture, also including roads, homes, and farmsteads. Landscape types and vegetation communities vary throughout the local vicinity. Fencerows and woodlots, as well as small pockets of wetlands and grassland, provide habitat for terrestrial and avian wildlife. Wildlife utilizing the land control area are common species associated with disturbed habitats and are accustomed to human activities (e.g., agricultural activities and road traffic) occurring in the area.²⁶³
239. Mammals, reptiles, and amphibians are present. These species include raccoon, coyote, red fox, striped skink, white tailed deer, woodchuck, American toad, common garter snake, and the northern leopard frog. There are no DNR Wildlife Management Areas (WMAs) in the Land Control Area.²⁶⁴
240. Avian species common to the site include the killdeer, red-winged blackbird, ring-necked pheasant, various small songbirds, and common raptors such as red-tail hawks.²⁶⁵

²⁶¹ Ex. PUC-28 at § 4.6, p. 76 (EA).

²⁶² Ex. PUC-28 at § 4.6, p. 76 (EA).

²⁶³ Ex. PUC-28 at § 4.7.6, p. 90 (EA).

²⁶⁴ Ex. PUC-28 at § 4.7.6, p. 90 (EA).

²⁶⁵ Ex. PUC-28 at § 4.7.6, p. 91 (EA).

241. Non-avian species will be displaced, and some may be killed during construction. Population-level impacts are not anticipated. The largest impact to wildlife associated with solar facilities is fencing which can entangle wildlife. Gates will be strategically installed at corners for deer egress.²⁶⁶
242. Plastic erosion control netting is frequently used for erosion control during construction and landscape projects and can negatively impact wildlife populations. Wildlife entanglement and death from plastic netting and other plastic materials has been documented in birds, fish, mammals, and reptiles.²⁶⁷
243. Early studies identified risks to birds near concentrating solar facilities in the desert Southwest, hypothesizing that reflected light mimicked water and caused migrating birds to attempt landing—an explanation known as the “lake effect.” Subsequent research reanalyzing the underlying data found that most reported fatalities lacked a clear cause and that many observations were merely feather spots, undermining earlier conclusions. More recent studies indicate that newer technologies, such as tracker panels and anti-reflective coatings, are associated with substantial reductions in bird deaths, with most documented impacts limited to older concentrating or fixed-tilt PV facilities.²⁶⁸
244. Studies of midwestern PV sites show that solar facilities supporting native vegetation can increase bird diversity, though some species may be negatively affected. Similar increases in activity and diversity have been observed in bats. Camera studies at Midwest solar sites found no bird collisions with solar panels and indicated that most fatalities result from natural predation, consistent with other research.²⁶⁹
245. The Project will benefit wildlife through restoration of herbaceous cover and native habitat in areas that are currently row-cropped. This will provide small animals and insects with additional food, cover, and habitat.²⁷⁰
246. If Summit Lake Solar determines an active bald eagle nest is present near the Solar Facility prior to construction, Summit Lake Solar will comply with the U.S. Fish and Wildlife Service’s (USFWS) Bald Eagle Management Guidelines (Guidelines) related to construction activities.²⁷¹
247. The DSPs include measures to minimize and mitigate impacts to wildlife, including site restoration with native perennial vegetation (Section 4.3.16) to create beneficial habitat for Wildlife (Section 4.3.16), coordination with the DNR to minimize impacts from fencing (Sections 4.3.30 and 4.3.32), quarterly reporting of any wildlife injuries or fatalities (Section 8.13), use of shielded and downward facing lighting and LED lighting that minimizes blue hue (Section 5.1), use of wildlife friendly erosion control materials (Section 5.2), and restrictions on the use of chloride-based dust control chemicals (Section 5.3). Additional

²⁶⁶ Ex. PUC-28 at § 4.7.6, p. 91 (EA).

²⁶⁷ Ex. PUC-28 at § 4.7.6, p. 91 (EA).

²⁶⁸ Ex. PUC-28 at § 4.7.6, p. 91 (EA).

²⁶⁹ Ex. PUC-28 at § 4.7.6, p. 92 (EA).

²⁷⁰ Ex. PUC-28 at § 4.7.6, p. 92 (EA).

²⁷¹ Applicants Response to Hearing Comments, May 4, 2026 (eDockets No. *TBD*).

mitigation measures include siting facilities away from wildlife corridors, removing wildlife caught in open trenches before backfilling, restricting mowing of established vegetation to avoid impacts to ground-nesting birds, reducing glare on panels, and using biodegradable erosion control materials.²⁷²

248. The record demonstrates that Applicants have taken steps to avoid and minimize impacts to wildlife. Further, the DSPs contains general conditions that adequately protect wildlife.

B. Vegetation

249. Pre-European settlement vegetation in the Project Area consisted primarily of tallgrass prairie; wet prairies and forested areas were restricted to narrow stream margins and riparian areas. Agriculture has largely replaced the historic vegetation on the landscape.²⁷³
250. Construction activities at the Solar Facility could introduce or spread invasive species and noxious weeds and the early phases of site restoration and seeding of native species can result in populations of non-native and invasive species on site.²⁷⁴
251. Agricultural land within the Solar Facility would be converted to perennial, low growing vegetative cover for the life of the Project, resulting in a net increase in vegetative cover for the life of the Project.²⁷⁵
252. Summit Lake Solar will utilize a shorter prairie seed mix within the panel footprint, taller prairie plantings in the open spaces between the fence and array, and a wet seed mix for wet areas including wetlands. The mixes are designed to be native and are developed with prairie specialists in coordination with the Minnesota Interagency VMPWG to design a mix that will promote pollinator habitat, establish stable ground cover, reduce erosion, reduce runoff, and improve infiltration.²⁷⁶
253. Section 4.3.15 of DSPs governs vegetation removal. Sections 5.8 of the BESS DSP and Section 4.3.17 of the Solar DSP require the Applicants to develop and file a VMP in coordination with the appropriate state agencies. The VMP will include descriptions of management objectives, and planned restoration, management, and monitoring activities, including timing, techniques, and frequency of management and maintenance.²⁷⁷
254. The record demonstrates that the Applicants have taken steps to avoid and minimize impacts to vegetation. Further, the DSPs contains additional adequate conditions to monitor and mitigate the Project's potential impacts on vegetation. Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP require the permittee to develop an AIMP which details methods to minimize soil compaction, preserve topsoil, and establish and maintain appropriate vegetation to ensure the Project is designed, constructed, operated, and

²⁷² Ex. PUC-28 at § 4.7.6.1, p. 93 (EA).

²⁷³ Ex. PUC-28 at § 4.7.5, p. 89 (EA).

²⁷⁴ Ex. PUC-28 at § 4.7.5, p. 89 (EA).

²⁷⁵ Ex. PUC-28 at § 4.7.5, p. 89 (EA).

²⁷⁶ Ex. PUC-28 at § 4.7.5, p. 89 (EA).

²⁷⁷ Ex. PUC-28 at § 4.7.5, p. 89-90 (EA).

ultimately restored in a manner that would preserve soils to allow for the land to be returned to agricultural use.²⁷⁸

255. Sections 4.3.15 of the DSPs also require the permittee to minimize the number of trees removed and to leave existing low growing species in the ROW undisturbed to the extent possible, or to replant to blend in with adjacent areas following construction.²⁷⁹

C. Soils, Geologic, and Groundwater Resources

256. The Land Control Area is located in Province 5 (Western), which is characterized by fine-grained (e.g., clay and silt) glacial sediment. Limited extents of surficial and buried sand aquifers are located within the province and fractured bedrock is commonly buried deeply beneath the glacial sediment and is of limited use as an aquifer. The near surface materials are considered very low for pollution sensitivity.²⁸⁰
257. There is one documented well within the Project Area and 25 wells within one mile of the Project Area.²⁸¹ A single domestic-sized water well will be required for the O&M facility which will require a permit from the MDH.²⁸²
258. The Applicants will conduct geotechnical soil borings as engineering advances and use that information to assess potential impacts to geologic resources. However, potential impacts to geology and groundwater can occur directly or indirectly. Impacts to geological resources are likely to be minimal due to the absence of karst features.²⁸³
259. The Project will require a construction stormwater permit and may also require a National Pollution Discharge Elimination System from the MPCA, which will include development of a stormwater pollution prevention plan (SWPPP). The SWPPP will include best management practices (BMPs) to limit erosion and sediment discharge during construction and describe permanent stormwater management controls during Project operation.²⁸⁴
260. The impact intensity level is expected to be low to moderate. Primary impacts to soils include compaction from construction equipment, soil profile mixing during grading and pole auguring, rutting from tire traffic, and soil erosion.²⁸⁵
261. Soil cover and management at the Solar Facility will change from cultivated cropland to a mixture of pervious areas with native groundcover plantings and semi-impervious surfaces. Once permanent vegetation is properly established, stormwater management, as well as general soil health, would improve due to use of native plants.²⁸⁶

²⁷⁸ Ex. PUC-28 at § 4.7.5, p. 90 (EA).

²⁷⁹ Ex. PUC-28 at § 4.7.5, p. 90 (EA).

²⁸⁰ Ex. PUC-28 at § 4.7.2, p. 79 (EA).

²⁸¹ Ex. PUC-28 at § 4.7.2, p. 79 (EA).

²⁸² Ex. PUC-28 at § 4.3.7, p. 59-60 (EA).

²⁸³ Ex. PUC-28 at § 4.7.2, p. 80-81 (EA).

²⁸⁴ Ex. PUC-28 at § 4.7.2, p. 82 (EA).

²⁸⁵ Ex. PUC-28 at § 4.7.3, p. 84 (EA).

²⁸⁶ Ex. PUC-28 at § 4.7.3, p. 84 (EA).

262. To minimize and mitigate soil-related impacts, the DSPs will require protection and segregation of topsoil (Section 4.3.9), minimization and rectification of soil compaction (Section 4.3.10), use of BMPs to prevent erosion and runoff including as required by the construction stormwater permit (Section 4.3.11), development of a VMP (Sections 5.8 of the BESS DSP and 4.3.17 of the Solar DSP), and development of an AIMP (Sections 5.9 of the BESS DSP and 4.3.18 of the Solar DSP).²⁸⁷

D. Surface Water and Wetlands

263. The Project is located in the Des Moines River – Headwaters (HUC8: 07100001) and Rock River (HUC8: 10170204) watersheds (MDNR, 2023). Agricultural use is the dominant land use in both watersheds.²⁸⁸
264. The Project area is mapped by the Federal Emergency Management Agency as Zone X, which is an area of minimal flood hazard.²⁸⁹
265. While no rivers or streams are present in the Land Control Area, a Public Waters Inventory (PWI) watercourse runs up to the eastern boundary of the Land Control Area. There are no lakes or ponds present in the Land Control Area.²⁹⁰
266. A total of 23 wetlands comprising 9.54 acres of the Land Control Area were identified by the wetland delineation, all of which were designated as having emergent (herbaceous) vegetation, such as marshes and flooded basins. A majority of the delineated wetlands were largely roadside ditches and drainage swales. One of the wetlands identified is a marsh complex that extends beyond the Land Control Area, with only 0.59 acres of the complex located in the Land Control Area and 18.547 acres located outside the Land Control Area.²⁹¹
267. The Project is designed to avoid direct impacts to surface waters by avoiding placement of Project components such as access roads, solar arrays, inverters, or transmission structures in surface waters.²⁹² Additionally, 300-foot buffer is planned around the PWI watercourse that abuts the eastern boundary of the Land Control Area. This buffer is consistent with the Nobles County Shoreland Zoning Ordinance and would occupy 2.4 acres of the Land Control Area.²⁹³
268. The Project site layout has been designed to avoid all wetlands and other surface waters delineated to date. If any wetland impacts are anticipated, the Applicants will coordinate with the appropriate state and federal agencies.²⁹⁴

²⁸⁷ Ex. PUC-28 at § 4.7.3, p. 84-85 (EA).

²⁸⁸ Ex. PUC-28 at § 4.7.4, p. 85 (EA).

²⁸⁹ Ex. PUC-28 at § 4.7.4, p. 86 (EA).

²⁹⁰ Ex. PUC-28 at § 4.7.4.7, p. 87 (EA).

²⁹¹ Ex. PUC-28 at § 4.7.4, p. 87 (EA).

²⁹² Ex. PUC-28 at § 4.7.4, p. 87 (EA).

²⁹³ Ex. PUC-28 at § 4.7.4.8, p. 88 (EA).

²⁹⁴ Ex. PUC-28 at § 4.7.4.8, p. 88 (EA).

269. Direct impacts to wetlands, such as dredging, filling, or staging of construction equipment, are not expected to occur.²⁹⁵
270. Section 4.3.13 of the DSPs governs Project activities in wetlands and water resources. BMPs and erosion control measures will be implemented as required by the construction stormwater permit and applicable SWPPP (See Section 4.3.11 of the DSPs).²⁹⁶

E. Air and Water Emissions

271. The nearest air quality monitor to the Project is in Marshall, Minnesota, approximately 54 miles north of the Project Area. Air quality in the area was classified as good between 206 and 309 days per year between 2019 and 2023. Air quality was considered unhealthy for sensitive groups on ten days in 2023 and three days in two days in 2021. Finally, air quality was considered unhealthy for two days in both 2022 and 2021.²⁹⁷
272. Impacts on air quality from construction of the Project would be minimal and limited to the period of construction. When necessary, dust from construction traffic will be controlled using standard construction practices such as watering of exposed surfaces, covering of disturbed areas, and reduced speed limits.²⁹⁸
273. Overall, dust emissions currently experienced annually in the area through farming activities will be reduced for the life of the Project through the establishment of perennial vegetative cover.²⁹⁹
274. In order to minimize air emissions, the Applicants will follow BMPs such as running vehicles and equipment only when necessary, watering exposed surfaces, and reducing speed limits. The Applicants will also follow BMPs included in the SWPPP and AIMP to minimize fugitive dust emissions.³⁰⁰
275. The Project is not expected to have water emissions outside of stormwater runoff, addressed as part of potential groundwater and surface water impacts.³⁰¹

F. Solid and Hazardous Waste

276. The Project is not expected to generate solid or hazardous waste except during construction and decommissioning activities.

²⁹⁵ Ex. PUC-28 at § 4.7.4, p. 87 (EA).

²⁹⁶ Ex. PUC-28 at § 4.7.4, p. 87 (EA).

²⁹⁷ Ex. PUC-28 at § 4.7.1, p. 77; Table 4.7.1-1 (EA).

²⁹⁸ Ex. PUC-28 at § 4.7.1, p. 78 (EA).

²⁹⁹ Ex. PUC-28 at § 4.7.1, p. 78 (EA).

³⁰⁰ Ex. PUC-28 at § 4.7.1, p. 79 (EA).

³⁰¹ Ex. PUC-28 at §§ 4.7.2 & 4.7.3 (EA).

277. Unless specifically designated otherwise, solar panels are assumed to be hazardous waste due to the probable presence of heavy metals. During decommissioning or if a panel is broken, the panels will be properly recycled or disposed of in a special facility.³⁰²
278. Additionally, Sections 4.3.26 of the BESS DSP and 4.3.28 of the Solar DSP require that Applicants be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all waste generated during construction and restoration of the Project.³⁰³

6. Rare and Unique Natural Resources

279. Minnesota Rules Section 7850.4100(F) (2023) requires that the Commission consider the effects of the Project on rare and unique natural resources.
280. Several federal special status species may be present in or near the Project Area, including the Topeka Shiner, Monarch Butterfly, Suckley's Cuckoo Bumble Bee. Field surveys conducted in 2024 indicate that streams which could provide habitat for the Topeka Shiner are not present within the Land Control Area. The Monarch butterfly is proposed to be listed as threatened under the Endangered Species Act (ESA) and is found in areas with native plants and milkweed. There is limited suitable habitat for the monarch in the Project Area. The Suckley's Cuckoo Bumble Bee is proposed to be listed as threatened under the ESA. Due to the agricultural landscape, suitable bumble bee habitat is generally limited in the land control area. Once native vegetation is established in the Project Area during operation of the Project, it will provide habitat for bumblebees and could support populations of the Suckley's Cuckoo Bumble Bee. Finally While typical, nesting habitat suitable for bald eagles is-not present within or adjacent to the Land Control Area, a bald eagle nest may be present near the north central portion of the Land Control Area.³⁰⁴
281. There are no Minnesota Biodiversity Survey sites of moderate, high, or outstanding biodiversity significance within the Land Control Area. There are no native plant community sites within the Project Area. There are no Native Plant Communities, native prairies, calcareous fens, WMAs, large block habitats, or Reinvest in Minnesota (RIM) conservation easements within the Land Control Area. However, the Nobles RIM Easement, a wetland restoration project, is located adjacent to the northern boundary of the Land Control Area.³⁰⁵
282. The regal fritillary is listed as a species of special concern in the state of Minnesota. It is a non-migratory butterfly that is found in native tallgrass prairie habitats. Regal fritillaries can range widely, with females potentially traveling up to 100 miles searching. Habitat can only be considered suitable for all life stages if violet species are present to provide shelter and forage for larvae.³⁰⁶

³⁰² Ex. PUC-28 at § 4.4.2, p. 70 (EA).

³⁰³ Ex. PUC-28, Appendix C, p. 10-11 & Appendix D, p. 12 (EA, Appendices C and D).

³⁰⁴ Ex. PUC-28 at § 4.7.7, pp. 94-95 (EA).

³⁰⁵ Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

³⁰⁶ Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

283. Techniques for minimizing impacts to wildlife and vegetation also minimize impacts to rare species.³⁰⁷
284. The record shows that the DSPs and Project development plans will effectively mitigate the effects of the Project on rare and unique natural resources.

7. Energy Efficiency

285. Minnesota Rules Section 7850.4100(G) (2023) requires the Commission to consider the application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity.
286. The final layouts for the Solar Facility and BESS will optimize electrical generation, efficiency, and storage while avoiding and minimizing impacts on environmental and cultural resources and existing infrastructure.³⁰⁸
287. Applicants recognize that over the life of the certain Project components will lose some efficiency over the life of the Project. Applicants will plan for and maintain the facility as needed to maintain efficient operations. Summit Lake Storage, moreover, has designed the Project layout to incorporate future augmentation BESS units within the fenced area as needed to maintain capacity.³⁰⁹
288. The record reflects that Applicants will maximize energy efficiency while mitigating adverse environmental effects.

8. Use of Existing Boundaries

289. Minnesota Rules Section 7850.4100(H) (2023) requires the Commission to consider whether the Project uses or parallels existing ROWs, survey lines, natural division lines, and agricultural field boundaries.
290. Landowners involved in the Project have voluntarily agreed to lease their land to the Applicants for the Project.³¹⁰
291. The record demonstrates that the Applicants have taken steps to make use of existing boundaries, and the Project generally follows existing agricultural field boundaries and roadway boundaries.³¹¹

9. Use of Existing Generating Sites

292. Minnesota Rules Section 7850.4100(I) (2023) requires the Commission to consider whether the Project uses existing large electric power generating plant sites. The Project

³⁰⁷ Ex. PUC-28 at § 4.7.7, pp. 95-96 (EA).

³⁰⁸ Ex. SLS-2 at § 4.2 (Joint Application).

³⁰⁹ Ex. SLS-2 at § 4.1.2 & 4.5 (Joint Application).

³¹⁰ Ex. SLS-2 at § 3.1 (Joint Application).

³¹¹ Ex. PUC-28, Appendix A, Figures 1 & 5 (EA).

does not use existing large electric power generating plant sites, so this factor does not apply.

10. Use of Existing Electrical Transmission Systems

- 293. Minnesota Rules Section 7850.4100(H) (2023) requires the Commission to consider whether the Project uses existing transportation, pipeline, and electrical transmission systems or ROWs.
- 294. The Project is close to existing transmission infrastructure, including the existing Nobles Substation. The Project will connect to the existing Nobles Substation via an approximately 902-foot 345 kV generation tie transmission line.³¹²
- 295. The Project in close proximity to existing transmission infrastructure and will use existing infrastructure for transmission.³¹³
- 296. The record demonstrates that the Project will effectively make use of existing electrical transmission systems.

11. Electrical System Reliability

- 297. Minnesota Rules Section 7850.4100(K) (2023) requires the Commission to consider impacts of the Project on electrical system reliability.
- 298. Under Minnesota's Clean Energy Law, climate legislation establishes a carbon-free energy standard and a renewable energy standard. The carbon-free energy standard requires electrical utilities to achieve 80 percent carbon-free energy by 2030, 90 percent by 2035, and 100 percent by 2040.³¹⁴
- 299. The Project will help meet Minnesota's 100 percent carbon-free energy standard by 2040 and will contribute to meeting the Minnesota Renewable Energy Objectives and other clean energy requirements in Minnesota, neighboring states, and the country at large.³¹⁵
- 300. The BESS will help to shape the solar output in a way that reduces curtailments, which have been prevalent at the Nobles Substation, and increases reliable output during times when the electrical grid requires supplemental energy or when market prices are high.³¹⁶
- 301. The record shows that the Project will improve the reliability of the electrical system by providing an additional reliable energy supply that is consistent with Minnesota's state-level energy goals.

³¹² Exs. PUC-28, Appendix A, Figure 5 (EA, Appendix A); SLS-2 at § 1, p.1 (Joint Application).

³¹³ Exs. PUC-28, Appendix A, Figure 5 (EA, Appendix A); SLS-2 at §§ 1, p.1 & 2.1, p. 9 (Joint Application).

³¹⁴ See Minn. Stat. § 216B.1691, subd. 2g (2024).

³¹⁵ Ex. SLS-2 at § 1, p.1 (Joint Application).

³¹⁶ Ex. SLS-2 at § 4.0, p.20 (Joint Application).

12. Costs of constructing, operating, and maintaining the facility

- 302. Minnesota Rules Section 7850.4100(L) (2023) requires the Commission to consider the cost of constructing, operating, and maintain the facility which are dependent on design and route.
- 303. The Applicants estimate the cost to develop, design, and construct the Solar Facility at between \$339 to \$409 million.³¹⁷
- 304. The cost to develop, design, and construct the BESS is estimated at between \$71 to \$84 million.³¹⁸
- 305. Interconnection, financing, and Project gen-tie line costs are estimated at between \$13,650,000 and \$17,300,000.³¹⁹
- 306. The estimated total installed capital costs for the entire Project is approximately \$510 million.³²⁰
- 307. The Applicants estimate that decommissioning will cost approximately \$23,593,198 million in today's dollars.³²¹
- 308. The record reflects that the Applicants selected the most cost-effective option for sitting the Project, including selecting a location that is proximate to existing electricity and transportation infrastructure, and has outlined estimated costs for construction, operation, and maintenance for the Solar Facility and BESS that are reasonable.³²²

13. Unavoidable Impacts

- 309. Minnesota Rules Section 7850.4100(M) (2023) requires the Commission to consider unavoidable adverse human and natural environmental effects.
- 310. The primary unavoidable impacts that will resolve following construction include the following: fugitive dust, noise disturbance to nearby residents and recreationalists, visual disturbance to nearby residents and recreationalists, soil compaction and erosion, disturbance and temporary displacement of wildlife, as well as direct impacts to wildlife inadvertently struck or crushed, minor amounts of marginal habitat loss, possible traffic delays, and minor greenhouse gas emissions from construction equipment and workers commuting.³²³
- 311. Unavoidable adverse impacts associated with the operation would last as long as the life of the Project and include; visual impacts of the Project, cultural impacts due to a change in

³¹⁷ Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).

³¹⁸ Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).

³¹⁹ Ex. SLS-2 at § 2.3, Table 2.3-1 (Joint Application).

³²⁰ Ex. SLS-2 at § 2.3 (Joint Application).

³²¹ Ex. SLS-9 (Appendix G – Decommissioning Plan).

³²² Ex. SLS-2 at § §§ 1, 2.1, & 2.3 (Joint Application).

³²³ Ex. PUC-28 at § 4.8, p.99-100 (EA).

the sense of place for local residents, loss of land for agricultural purposes, injury or death of birds and mammals from fencing.³²⁴

312. The Applicants will mitigate these impacts to the extent possible. To the extent complete mitigation is not possible, the unavoidable impacts are consistent with other projects like the Project, and the Project will include permit conditions typical for projects like it.

14. Irreversible and Irretrievable Commitments of Resources.

313. Minnesota Rules Section 7850.4100(N) (2023) requires the Commission to consider irreversible and irretrievable commitments of resources.
314. Resource commitments are irreversible when it is impossible or very difficult to redirect that resource to a different future use; an irretrievable commitment of resources means the resource is not recoverable for later use by future generations.³²⁵
315. Irreversible and irretrievable resource commitments are primarily related to Project construction, including the use of water, aggregate, hydrocarbons, steel, concrete, wood, and other consumable resources. Some, like fossil fuel use, are irretrievable. Others, like water use, are irreversible. Still others might be recyclable in part, for example, the raw materials used to construct PV panels would be an irretrievable commitment of resources, excluding those materials that may be recycled at the end of the panels' useful life. The commitment of labor and fiscal resources to develop, construct, and operate the Project is considered irretrievable.³²⁶

III. Site Permit Conditions

316. The DSPs include a number of proposed permit conditions, many of which, together with additional special permit conditions proposed by the Applicants, have been discussed above. The conditions apply to site preparation, construction, cleanup, restoration, operation, maintenance, decommissioning, and other aspects of the Project.
317. The EA and DSPs prepared by EIP include various recommendations and potential site conditions specific to the Solar Facility and BESS.³²⁷ Summit Lake Solar responded to EIPs recommendations and proposed permit conditions in the Direct Testimony of Alia Mohammed,³²⁸ as well as in its written response to public comments.³²⁹
318. With the above-referenced responses to the DSPs, the record in this matter supports the inclusion of and/or revisions to the conditions identified in Summit Lake Solar's direct testimony and written response to public hearing comments, as detailed in the paragraphs that follow excepting as regards Solar DSP section 5.8.-

³²⁴ Ex. PUC-28 at § 4.8, p.99-100 (EA).

³²⁵ Ex. PUC-28 at § 4.9, p. 100 (EA).

³²⁶ Ex. PUC-28 at § 4.9, p. 100 (EA).

³²⁷ Ex. PUC-28, Appendices C and D (EA, Appendices C and D).

³²⁸ Ex. SLS-30 (Direct Testimony of Alia Mohammed).

³²⁹ Applicants Response to Hearing Comments, May 4, 2026 (eDockets No. *TBD*).

319. Summit Lake Solar requested that the Project location information in the Solar DSP be updated. Specifically, The Solar DSP lists the location of those portions of the Solar Facility within Summit Lake Township as: Township 103N, Range 40W, and Sections 10 and 12-15. Summit Lake Solar requested that Sections 22-24 be added to the location information in the Solar DSP.³³⁰
320. Summit Lake Solar requested that Solar DSP section 5.8 be removed from the Permit. Section 5.8 ~~is prescribed~~ was proposed by EIP as mitigation for potential impacts to cultural values, and requires that Summit Lake Solar enter into a Community Impact Mitigation Agreement (CIMA) with Nobles County if Nobles County is willing.³³¹ The Project will not have a disproportionate impact to low-income or minority populations.³³² The Project is not anticipated to impact or alter the work and leisure pursuits of residents in such a way as to impact the underlying culture of the area.³³³ In general, Differences between cultural values related to renewable energy and rural character ~~has~~ have the potential to create tradeoffs that cannot be addressed in ~~the a~~ site permit.³³⁴ However, community benefit agreements have been used in several states to address these tradeoffs.³³⁵ Public comments ~~, moreover, regarding the project~~ were mixed and did not uniformly oppose the Project, with some residents expressing support for the ~~same~~ Project.³³⁶ At the same time Summit Lake Solar suggested that, the primary concerns raised by members of the public are addressed in other permit conditions, including those requiring visual screening to mitigate aesthetic impacts.³³⁷ Finally, Summit Lake Solar argued that the condition itself lacks sufficient specificity as to the required provisions, terms, and goals of the CIMA; as a result, the condition creates uncertainty as to Summit Lake Solar's compliance obligations.³³⁸ ~~Indeed, t~~he Commission has declined to include a similar conditions in a final permits in a recent permitting matter.³³⁹ The Commission has also included a similar condition in a final permit in a recent permitting matter.³⁴⁰
321. Summit Lake Storage requested that Section 5.13 of the BESS DSP be revised to increase the required time period to obtain an offtake agreement or other enforceable mechanism to four years.³⁴¹ The revision will align the timing requirements with BESS DSP Section 6,

³³⁰ Ex. SLS-30 at p. 15 (Direct Testimony of Alia Mohammed).

³³¹ Ex. PUC-28, Appendix D (EA, Appendix D)

³³² Ex. PUC-28 at § 4.3.9, p. 64 (EA).

³³³ Ex. PUC-28 at § 4.3.9, p. 50 (EA).

³³⁴ Ex. PUC-28 at § 1.10.1, p. 12 (EA).

³³⁵ Ex. PUC-28 at § 4.3.9, p. 52 (EA).

³³⁶ Molly Vagle Comments (April 9, 2026) (eDockets No. [20264-230203-01](#)); Wendy and Wally Cooper Comments (April 14, 2026) (eDockets No. [20264-230366-01](#)); PUC Batch Comments at pp.7-8, 12 (April 21, 2026) (eDockets No. [20264-230726-01](#)).

³³⁷ Ex. SLS-30 at pp. 15-16 (Direct Testimony of Alia Mohammed).

³³⁸ Ex. SLS-30 at p. 16 (Direct Testimony of Alia Mohammed).

³³⁹ Ex. SLS-30 at p. 16 (Direct Testimony of Alia Mohammed). *See also In the Matter of the Application of Coneflower Energy, LLC for a Site Permit for the up to 235 MW Coneflower Solar Project in Lyon County, Minnesota*, eDockets No. IP-7132/GS-24-215, Findings of Fact, Conclusions of Law, and Recommendations (June 26, 2025); Order and Site Permit for Coneflower Solar Project (Aug. 25, 2025).

³⁴⁰ In the Matter of the Application of Northern States Power Co. d/b/a Xcel Energy for an Up to 135.5 MW Battery Energy Storage System Site Permit for the Blue Lake Battery Energy Storage Project in Scott County, Minnesota, eDockets No. E-002/ESS-25-214, Order and Site Permit for the Blue Lake BESS Project (May 4, 2026).

³⁴¹ Ex. SLS-30 at pp. 16-17 (Direct Testimony of Alia Mohammed).

which requires that Summit Lake Storage file a Failure to Construct Report with the Commission if construction or improvement of the site has not commenced within four years.³⁴² The Commission has recently granted site permits that similarly align these two permit conditions at four years.³⁴³

322. Finally, Summit Lake Storage noted that Sections 5.8, 5.9, and 5.10 of the BESS DSP require the preparation of a VMP, AIMP, and Drain Tile Reroute and Abandonment Plan.³⁴⁴ Summit Lake Storage requested that because those plans have already been prepared pursuant to analogous permit conditions found in the Solar DSP, and to the extent that they apply to and include information relevant to the BESS, that Summit Lake Storage be permitted to utilize those same plans to comply with Sections 5.8, 5.9, and 5.10 rather than completing separate plan(s) for both the Solar Facility and BESS.³⁴⁵
323. The DNR recommended a special condition be included in the site permits for the BESS and Solar Facility regarding State-listed special status species.³⁴⁶ Applicants are amenable to inclusion of the DNR's proposed condition in the DSPs.³⁴⁷ It is reasonable to include the DNRs proposed special condition in the DSPs.

IV. Notice

324. Minnesota statutes and rules require Applicants to provide certain notice to the public and local governments before and during the Application process.³⁴⁸
325. Applicants provided notice to the public and local governments in satisfaction of Minnesota statutory and rule requirements.³⁴⁹
326. Minnesota statutes and rules also require the Commission and EIP to provide certain notice to the public throughout the Site Permit processes.³⁵⁰
327. The Commission and EIP provided the notice in satisfaction of Minnesota statutes and rules.³⁵¹

V. Environmental Review

328. The EA process is the alternative environmental review approved by the Minnesota Environmental Quality Board for solar energy generation facilities and energy storage systems. The Commission is required to determine the completeness of the EA. An EA is

³⁴² Exs. SLS-30 (Direct Testimony of Alia Mohammed); & PUC-28, Appendix C (EA, Appendix C).

³⁴³ Ex. SLS-30 at p. 17 (Direct Testimony of Alia Mohammed).

³⁴⁴ Exs. SLS-30 at p. 17 (Direct Testimony of Alia Mohammed); PUC-28, Appendix C (EA, Appendix C).

³⁴⁵ Ex. SLS-30 at 17 (Direct Testimony of Alia Mohammed).

³⁴⁶ DNR Comment (April 20, 2026) (eDockets No. [20264-230710-01](#)).

³⁴⁷ Applicants Response to Hearing Comments, May 4, 2026 (eDockets No. *TBD*).

³⁴⁸ Minn. Stat. § 216E.03, subds. 3a, 4; Minn. R. 7850.2100, subps. 2, 4.

³⁴⁹ Exs. SLS-1 (Notice of Intent to File Joint Application; SLS-13 (Notice of Joint Application Filing).

³⁵⁰ Minn. Stat. § 216E.03, subd. 6; Minn. R. 7850.2300, subp. 2; Minn. R. 7850.3700, subps. 2, 3, and 6.

³⁵¹ Exs. PUC-15 (Notice of Public Information and EA Scoping Meetings); PUC-29 (Notice of Public Hearings and Availability of EA); Notice of Public Hearings and EA Availability on EQB Monitor (May 4, 2026) (eDockets No. [20265-231429-01](#)).

complete if it and the record address the issues and alternatives identified in the Scoping Decision.³⁵²

329. The evidence in the record demonstrates that the EA is adequate because the EA and the record created at the public hearing and during the subsequent comment period address the issues and alternatives raised in the Scoping Decision.
330. Any of the foregoing Findings more properly designated Conclusions of Law are hereby adopted as such.

Based on the foregoing Findings of Fact and the record in this proceeding, the Administrative Law Judge recommends that the Commission make the following:

CONCLUSIONS OF LAW

1. Any of the foregoing findings of fact more properly designated as conclusions of law are hereby adopted as such. Any of the conclusions of law which are more properly designated findings of fact are hereby adopted as such.
2. The Commission has jurisdiction over the Joint Application and Application Amendment pursuant to Minn. Stat. § 216B.243 (2022).
3. Applicants, EIP, and the Commission provided all required notices for the Site Permits proceedings.
4. The Commission has the authority under Minn. Stat. § 216E.03 (2022) to place conditions on Site Permits.
5. The DSPs, with the permit conditions revised as set forth above, contains a number of important mitigation measures, other reasonable conditions, and sample special conditions, permissible under Minn. R. 7850.4000 (2023) and related laws.
6. The record in this proceeding demonstrates that Applicants each have satisfied the criteria for the issuance of Site Permits for a Solar Facility and a BESS, as set forth in Minn. Stat. § 216E.03 (2022) and Minn. R. 7850.4000 (2023) and all other applicable legal requirements.
7. The Project does not present the potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act or the Minnesota Environmental Policy Act.

Based on the findings of fact and conclusions of law contained herein and the entire record of this proceeding, the Administrative Law Judge hereby makes the following

³⁵² Minn. R. 4410.4400, subp. 6; Minn. R. 7850.3900, subp. 2.

RECOMMENDATIONS

1. The Commission should grant Summit Lake Solar a Site Permit for the Solar Facility because required legal criteria have been met.
2. The Commission should grant Summit Lake Storage a Site Permit for the BESS because required legal criteria have been met.
3. The conditions in the DSPs, as amended and agreed to by the parties and addressed herein, should be incorporated into the final site permits.

Dated on _____

Judge Kimberly Middendorf

NOTICE REGARDING EXCEPTIONS

Notice is hereby given that exceptions to this Report, if any, by any party adversely affected must be filed under the time frames established in the Second Prehearing Order of February 10, 2026, unless otherwise directed by the Commission. Exceptions should be specific and stated and numbered separately. Oral argument before a majority of the Commission will be permitted pursuant to Minn. R. 7829.2700, subp. 3. The Commission will make the final determination of the matter after the expiration of the period for filing exceptions, or after oral argument, if an oral argument is held.

The Commission may, at its own discretion, accept, modify, or reject the Administrative Law Judge's recommendations. The recommendations of the Administrative Law Judge have no legal effect unless expressly adopted by the Commission as its final order