

December 15, 2020

ELECTRONIC FILING

Will Seuffert, Executive Secretary
Public Utilities Commission
127 Seventh Place East, Suite 350
Saint Paul, MN 55101-2147

RE: **Comments and Recommendations on Application Acceptance**
Red Rock Solar Project
Docket Nos. IP7014/CN-19-486 and IP7014/GS-19-620

Dear Mr. Seuffert:

Attached are the comments and recommendations of the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff on application acceptance in the following matter:

In the Matter of Red Rock Solar, LLC's Certificate of Need and Site Permit applications for the Red Rock Solar Project and associated facilities in Cottonwood County, Minnesota

The applications were filed by:

c/o Apex Clean Energy, Inc.
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EERA staff recommends the Minnesota Public Utilities Commission (Commission) accept the applications for the proposed project as complete.

Sincerely,



Richard Davis
Environmental Review Manager

Enclosure

cc: Louise Miltich, Energy Environmental Review and Analysis
Mary Otto, Department of Commerce
Charley Bruce, Public Utilities Commission

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMPLETENESS COMMENTS AND RECOMMENDATIONS MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

Docket Nos. IP7014/CN-19-486 and IP7014/GS-19-620

Date: December 15, 2020

Staff: Richard Davis | (507) 380-6859 | richard.davis@state.mn.us

In the Matter of Red Rock Solar, LLC's Certificate of Need and Site Permit applications for the Red Rock Solar Project and associated facilities in Cottonwood County, Minnesota

Issues Addressed: These comments and recommendations address the completeness of the certificate of need and site permit applications, environmental review, the advisability of combining the proceedings, contested issues of fact, and the appointment of an advisory task force.

Figures and Tables:

- (1) Table 1 Conceptual Schedule for Big Bend Wind Project, Big Bend Wind HVTL, and Red Rock Solar Projects
- (2) Table 2 Application Completeness Checklist
- (3) Table 3 Environmental Information Requirements to Include in Application
- (4) Figure 1 Preliminary Project Layout (Figure 3 from Solar SPA)

Additional documents and information can be found on the eDockets website at <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year "19" and the number "486" for the CN, year "19" and the number "620" for the Site Permit). The EERA webpage also has a Red Rock Solar Project page: <https://mn.gov/eera/web/project/14155/>.

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

Introduction and Background

On November 9 and 10, 2020 Red Rock Solar, LLC (Applicant) filed a Certificate of Need (CN) Application¹ and a Site Permit Application (SPA)² to construct an up to 60 megawatt (MW) solar energy generating system Cottonwood County. The Public Utilities Commission (commission) issued a notice soliciting comments on the completeness of the applications and other concerns on November 23, 2020.³

Project Purpose

The applicant indicates the proposed project will be constructed and operated as part of a hybrid wind/solar renewable project in conjunction with the proposed Big Bend Wind Project (Docket # WS-19-619). The proposed solar project could generate up to 60 MW of solar electrical energy, which would only be a portion of the total of up to 335 MW from them hybrid wind/solar projects⁴ The combined wind/solar hybrid renewable energy project is more attractive from a demand perspective, and development of a solar facility along with a wind energy project is more cost efficient than the development of a stand alone solar facility.⁵ The proposed Red Rock Solar Project will provide renewable solar energy that will be available to utility, commercial, or industrial purchasers to help them meet clean energy goals.⁶

Project Description

The applicant proposes to construct the Red Rock Solar Project on approximately 485 acres of land in Sections 1, 2, 11, 12, 14, 22, and 23 of Midway Township (Township 106 North, Range 34 West) Cottonwood County (**Figure 1**). Its primary components include photovoltaic (PV) panels affixed to a linear ground-mounted single-axis tracking system, inverters and transformers housed in electrical cabinets, electrical collection system, solar project substation, and SCADA systems and metering equipment.⁷ The project also requires fencing, access roads, laydown areas, weather stations, and stormwater drainage basins.⁸ If the solar project needs an operation and maintenance (O&M) facility, the Project will share facility space in the O&M facility for the Big Bend Wind Project, which is included in the wind project Site Permit Application.⁹

The Project will connect to the proposed 18 mile long – 161 kilovolt (kV) Big Bend Wind High Voltage Transmission Line (HVTL), and the solar generated electricity will be connected to the Blue Lake-Wilmarth-Interstate Interconnection 345 kV transmission line at the Xcel Energy Crandall Switching Station or as a “net-zero” interconnection at the Great River Energy Lakefield Junction Natural Gas Peaking Plant located approximately two miles southwest of the Xcel Energy Crandall Switching

¹ Red Rock Solar, LLC. Initial Filing – Certificate of Need Application and Appendices. November 9, 2020. eDocket ID# [202011-168166-03](#), [202011-168166-04](#), [202011-168166-05](#) (hereinafter referred to as the CN Application)

² Red Rock Solar, LLC. Initial Filing – Site Permit Application and Appendices. November 9 and 10, 2020. eDocket ID# [202011-168174-02](#), [202011-168174-03](#), [202011-168174-04](#), [202011-168174-05](#), [202011-168174-06](#), [202011-168174-07](#), [202011-168174-08](#), [202011-168174-09](#), [202011-168174-10](#), [202011-168178-01](#), [202011-168178-03](#), [202011-168178-04](#) (hereinafter referred to as the Solar SPA)

³ Public Utilities Commission. Notice of Comment Period. November 23, 2020. eDocket ID# [202011-168500-01](#).

⁴ Solar SPA at Section 1.1

⁵ Solar SPA at Section 1.1

⁶ Solar SPA at Section 1.1

⁷ Solar SPA at Section 2.2

⁸ Solar SPA at Section 2.2

⁹ Solar SPA at Section 2.2

Station.¹⁰ The 161 kV Big Bend Wind HVTL project has submitted a Route Permit Application (RPA) under Docket # IP7013/TL-19-621.

The Application currently holds lease agreements with landowners of all parcels of lands to be utilized for construction and operation of the Red Rock Solar Project.¹¹ Red Rock plans to purchase and hold title on some of the Project properties if the Site Permit is issued, and project lands to remain under lease will move into the operation terms of the lease agreements.¹² The properties currently under lease, but not utilized for Project construction and operation, will revert to previous land uses, farming.¹³

Regulatory Process and Procedures

The Project requires a site permit from the Commission.¹⁴ Because the project is powered by solar energy it qualifies for the alternative permitting process.¹⁵ Applicants must provide the Commission with written notice of their intent to file an application under the alternative permitting process,¹⁶ which was provided August 27, 2020.¹⁷

A certificate of need (CN) is also required for the Project.¹⁸ The applicant applied to the Commission for a CN on November 9, 2020.¹⁹ The CN application is considered under the process outlined in Minnesota Statute [216B.243](#) and Minnesota Rules [7849](#).

Site Permit Application and Acceptance

The solar site permit application (Solar SPA) must provide specific information.²⁰ This includes, but is not limited to, information about the Applicant, descriptions of the project and site, and discussion of potential human and environmental impacts and possible mitigation measures.²¹ Under the alternative permitting process an applicant is not required to propose alternative sites; however, if alternative sites were evaluated and rejected, the application must describe these sites and reasons for rejecting them.²²

¹⁰ Solar SPA at Section 2.1

¹¹ Solar SPA at Section 2.2

¹² Solar SPA at Section 2.2

¹³ Solar SPA at Section 2.2

¹⁴ Minn. Stat. [216E.03](#), subd. 1 (no person may construct a large electric generating plant without a site permit from the commission); Minn. Stat. [216E.01](#), Subd. 5 (“large electric power generating plant” shall mean electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more).

¹⁵ Minn. Stat. [216E.04](#), subd. 2(8).

¹⁶ Minn. R. [7850.2800](#), subp. 2.

¹⁷ Red Rock Solar, LLC. Initial Filing – Red Rock Notice of Intent to Submit a Site Permit Application Under Alternative Permitting Process. August 27, 2020. eDocket ID# [20208-166221-01](#).

¹⁸ Minn. Stat. [216B.243](#), subd. 2 (no “large energy facility” shall be constructed without issuance of a certificate of need); Minn. Stat. [216B.2421](#), subd. 2(1) (“large energy facility” means any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more).

¹⁹ CN Application

²⁰ Minn. Stat. [216E.04](#), subd. 3; Minn. R. [7850.3100](#).

²¹ Minn. Stat. [216E.04](#), subd. 3; Minn. R. [7850.3100](#).

²² Minn. Stat. [216E.04](#), subd. 3; Minn. R. [7850.3100](#).

Upon receiving a site permit application the Commission may accept it as complete, reject it and advise the applicant of its deficiencies, or accept it as complete but require the applicant submit additional information.²³ If the Commission determines the application is complete, environmental review begins. The Commission is required to make a permit decision within six months from the date an application is accepted, and this time limit may be extended up to three months for just cause or upon agreement of the applicant.²⁴

Advisory Task Force

The Commission may appoint an advisory task force to aid in the environmental review process.²⁵ If appointed, an advisory task force would assist Energy Environmental Review and Analysis (EERA) staff in identifying additional sites or particular impacts to evaluate in the environmental assessment (EA) prepared for the Project.²⁶ If appointed, an advisory task force must include certain local government representatives.²⁷ The advisory task force expires upon completion of its charge or issuance of the scoping decision.²⁸

Appointment of an advisory task force is not required. In the event no advisory task force is appointed citizens may request one be created.²⁹ If such a request is made, the Commission must make this determination at its next scheduled agenda meeting.³⁰

The decision whether to appoint an advisory task force does not need to be made at this time; however, a decision should be made as soon as practicable to ensure an advisory task force could complete its charge prior to issuance of the scoping decision.

Environmental Review

The alternative permitting process requires completion of an EA, which is prepared by EERA staff.³¹ An EA contains an overview of the resources affected by the project, and discusses potential human and environmental impacts and mitigation measures.³² Under the alternative permitting process an EA is the only required state environmental review document.

EERA conducts necessary public scoping meetings in conjunction with a public comment period to inform the content of the EA.³³ The Commissioner of the Department of Commerce or his designee determines the scope of the EA,³⁴ and may include alternative sites suggested during the scoping process if they would aid the Commission in making a permit decision.³⁵

²³ Minn. R. 7850.3200.

²⁴ Minn. Stat. 216E.04, subd. 7

²⁵ Minn. Stat. 216E.08, subd. 1; Minn. R. 7850.3600, subp. 1.

²⁶ Minn. R. 7850.2400, subp. 3.

²⁷ Minn. Stat. 216E.08, subd. 1.

²⁸ Minn. R. 7850.2400, subp. 4.

²⁹ Minn. R. 7850.2400, subp. 2.

³⁰ Minn. R. 7850.2400, subp. 2.

³¹ Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 1.

³² Minn. Stat. 216E.04, subd. 5; Minn. R. 7850.3700, subp. 4.

³³ Minn. R. 7850.3700, subp. 2.

³⁴ Minn. R. 7850.3700, subp. 3.

³⁵ Minn. R. 7850.3700, subp. 2.

Certificate of Need

Minnesota Statute 216B.243 precludes construction of any large energy facility without a Certificate of Need issued by the Commission. The proposed project includes an electric power generating plant with a combined capacity of 50,000 kilowatts; accordingly the proposed project meets the statutory definition of a large energy facility in Minnesota Statutes 216B.2421, Subdivision 2(1) and requires a certificate of need from the Commission.³⁶ The certificate of need application must be considered using the process prescribed by Minnesota Statute 216B.243 and Minnesota Rules 7849.

The commission has 12 months to approve or deny a certificate of need from the date the application is filed.³⁷

Environmental Review

CN applications are subject to environmental review. EERA staff must prepare an environmental report for the project.³⁸ The report contains *“information on the human and environmental impacts of the [project] associated with the size, type, and timing of the project, system configurations, and voltage.”*³⁹ It also contains information on alternatives to the project, as well as mitigation measures.

If an applicant for a CN applies for a site permit prior to completion of the environmental report, EERA may elect to prepare an EA in lieu of an environmental report. If so, the EA must include the content required by Minnesota Rule [7849.1500](#).

Public Hearing

The alternative permitting process requires a public hearing be held in the project area upon completion of the EA⁴⁰ in accordance with the procedures outlined in Minnesota Rule [7850.3800](#), subpart 3. If the site permitting process and CN determination are proceeding concurrently, the Commission may order that a joint hearing be held to consider both siting and need.⁴¹

The hearing is typically presided over by an administrative law judge (ALJ) from the Office of Administrative Hearings (OAH). The Commission may request the ALJ provide a summary of the hearing (summary report), or request the ALJ provide findings of fact, conclusions of law, and recommendations regarding the site permit application (summary proceeding).

EA Completeness and Final Site Permit Decision

The Commission shall make a final decision on a site permit application within 60 days after receipt of the report of the ALJ. A final decision must be made within one year after the Commission's determination that an application is complete. The Commission may extend this time limit for up to three months for just cause or upon agreement of the applicant. When the Commission makes its final decision on site permit issuance it must also determine if the EA and the public hearing record address the issues identified

³⁶ Minnesota Statute 216B.2421; Minnesota Statute 216B.243

³⁷ Minn. Stat. [216B.243](#), subd. 5; Application at page 4 (the applicant anticipates the site permit decision to be made in summer 2020).

³⁸ Minn. R. [7849.1200](#).

³⁹ Minn. R. [7849.1200](#).

⁴⁰ Minn. R. [7850.3800](#), subp. 1.

⁴¹ Minn. Stat. [216B.243](#), subd. 4 (stating that unless a joint hearing is not feasible or more efficient, or otherwise not in the public interest, a joint hearing shall be held).

in the Scoping Decision.⁴² The Commission shall not make a final decision on a site permit for a project that requires a CN from the PUC until the applicant has obtained the necessary approval.⁴³

EERA Staff Analysis and Comments

EERA provides technical expertise and assistance to the Commission.⁴⁴ EERA and the Commission work cooperatively, but function independently to meet their respective statutory responsibilities. EERA staff has reviewed the applications, and provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to the procedures to review and process the applications.

Completeness of Applications

EERA staff has conferred with Red Rock, agency partners, and several tribes about the Project and reviewed drafts of both the site permit application. EERA staff believes that its comments on the draft application have been substantially addressed in both the application submitted to the Commission.

EERA staff has reviewed the site permit application pursuant the requirements of Minnesota Rule 7850, and believes that the application provides the information required by Minnesota Rule 7850.1900 in a format that members of the public can access (**Table 2**).

EERA staff has reviewed the CN application pursuant to the requirements of Minnesota Rule 7849.0310 (Environmental Information Required). The information in the CN application, combined with the more detailed information contained in the site permit application, is sufficient to begin review of the Project.

The Commission's acceptance of the applications will allow EERA staff to commence the environmental review process.

Joint Processing of the Applications

EERA staff recommends that the site permit application the CN application for the proposed project be processed jointly.

Combining the Environmental Report and Environmental Assessment

EERA staff believes that preparation of an EA in lieu of an ER for the CN will not lengthen the certificate of need or route permitting processes. Although it would lengthen the timeline for the site permit, the site permit cannot be issued before a CN determination is made, rendering the difference immaterial. EERA believes that joint public information meetings, environmental review, and hearings is feasible, provides for some efficiencies, and may further the public interest by reducing confusion about comment periods and acknowledging the interrelatedness of the projects components (**Table 1**).

Contested Issues of Fact

Staff is unaware of contested issues of fact with respect to the Red Rock Solar site permit and CN applications.

⁴² Minnesota Rule 7850.3900, subp. 2

⁴³ Minnesota Rule 7850.3900, subp. 3

⁴⁴ Minn. Stat. 216E.03, subd. 11.

Joint Proceedings on the Red Rock Solar Project and Big Bend Wind Project

The Applicant has proposed that the Red Rock Solar Project and Big Bend Wind Project would function as a hybrid renewable energy generation project. If approved, both Project would utilize adjacent Project substations, the same HVTL and electrical grid POI, and the layout of the Projects and associated facilities will be in part dependent on one another. With all the previously stated interrelatedness and shared project features, EERA believes the proceedings for the Red Rock Solar Project and Big Bend Wind Project should be held jointly for efficiency purposes and to reduce confusion for members of the public whom wish to be involved throughout the permitting processes.

Advisory Task Force

EERA Staff analyzed the merits of establishing an advisory task force for the project and believes a task force is not warranted for the Red Rock Solar Project.

Staff considers four characteristics when analyzing the merits of establishing an advisory task force: project size and complexity, known or anticipated controversy, and presence of sensitive natural resources. The proposed design information and environmental data contained in the application was used to complete this evaluation.

Size

Red Rock Solar Project has a proposed total nameplate capacity, up to 60 MW, which is relatively small from an electrical generation size. However, the Project does have significant total land requirements. The Applicant identified it has obtained leases on 846.2 acres of privately own property, but the proposed Project facilities will only cover 483 acres of that area (8.05 acres of land per MW). This land requirement is generally the same or slightly less than other Minnesota solar energy generating systems of similar nameplate capacity including North Star Solar (eight acres per MW) and Aurora Distributed Solar (nine acres per MW).⁴⁵

Complexity

With the approval and construction of North Star Solar ([IP6943/GS-15-33](#)), Aurora Distributed Solar ([E6928/GS-14-515](#)), and Marshall Solar ([IP6941/GS-14-1052](#)), large scale utility solar projects are no longer novel in Minnesota. Staff believes the project is no more complex than these projects previously permitted by the commission.

Site preparation and construction of photovoltaic facilities is relatively straightforward. Construction would not entail large-scale excavation or deep foundations.

Known or Anticipated Controversy

To date, staff has not been contacted specifically about the Solar Project, and no comments have been submitted to EERA regarding the Solar Project. The applicant indicates that conversations with neighboring businesses and landowners have been positive.

The public will have opportunities to raise concerns and issues during scoping and the public hearing. As it has previously, EERA will assist citizens and governmental units in understanding the

⁴⁵ Department of Commerce (March 4, 2015) *EERA Staff Comments on Application Completeness—North Star Solar*, eDockets No. [20153-107931-01](#).

environmental review process and how to best identify issues to be addressed and site alternatives to be considered in the EA.

Sensitive Resources

Approximately 99.2 percent of the preliminary development area is currently in agricultural use.⁴⁶ Because land within the preliminary development area is previously disturbed, few, if any, sensitive natural resources are likely to be present. 100 percent of the soils within the Project Area are classified as Prime Farmland. The proposed Solar Project will remove these acres from agricultural production, but it may be possible to mitigate the impacts to the soil structure and physical characteristics during construction.

No historical or archaeological resources were identified in the land control area.⁴⁷ No biologically significant areas, for example, native plant communities or sites of biodiversity significance, are located within or adjacent to the land control area. There are no wildlife management areas or scientific and natural areas within the land control area.⁴⁸ A records search indicates no occurrences of state and federal endangered, threatened, or special concern species near or within the land control area.⁴⁹

Other Issues and Concerns

1. Public Version of the Phase Ia Literature Review and Natural Heritage Information System (Appendix E)

Red Rock Solar, LLC has included a Public version and a Trade Secret version of the Phase Ia Literature Review and Natural Heritage Information System Request (Appendix E), in their initial filings. The Public version of Appendix E has been redacted in its entirety, and only summaries have been provided in the appropriate sections in the Application.

EERA acknowledges the sensitivity and the non-public nature of the detailed cultural resources and natural heritage information included in Appendix E, but these restrictions have never led to the entire redaction of the Public version of this appendix.

To allow for adequate public access and review, the Public version of Phase Ia Literature Review and Natural Heritage Information System Request (Appendix E) of the Red Rock Solar Project SPA needs to be filed with the typical detail and appropriately redacted specifics, as is typically seen in these filings for previously reviewed and permitted projects.

Staff believes the applicant can provide this information within 30 days from the date of this letter (December 15, 2020). The lack of this information does not interfere with the public's ability to review the project at this time. EERA staff does not believe this issue should impact the Commission decision to accept the application.

⁴⁶ Solar SPA at Section 4.2.8.3

⁴⁷ Solar SPA at Section 4.4.2

⁴⁸ Solar SPA at Section 4.5.8

⁴⁹ Solar SPA at Section 4.5.8

2. Hybrid Nature of the Project

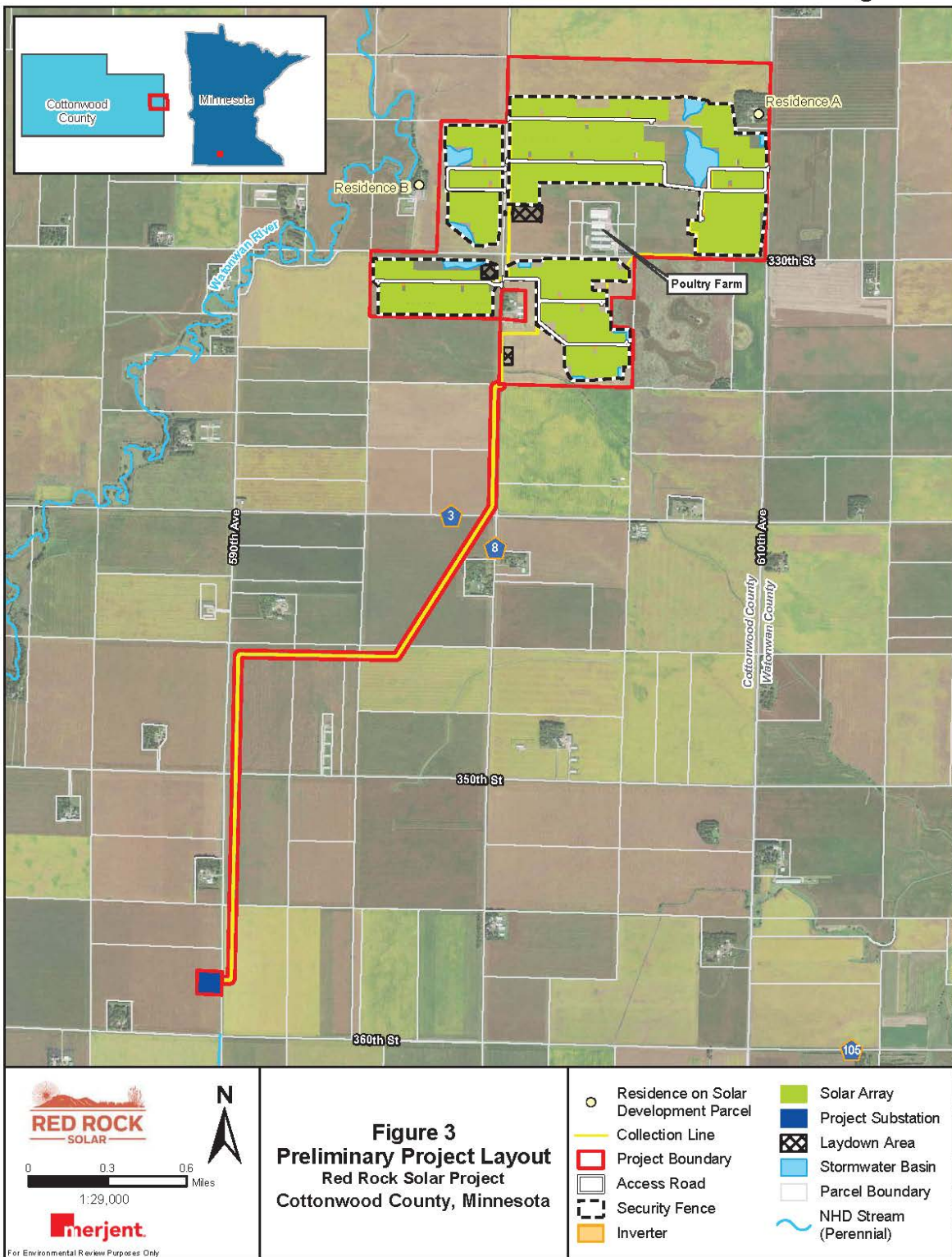
EERA understands the benefits for the Applicant to develop the Red Rock Solar Project and the Big Bend Wind Project as a hybrid wind and solar energy generation project. However, with multiple methods of electricity generation, and the potential for multiple layouts and generation capacities of the hybrid project components and infrastructure this could create some uncertainty around the bounds of the hybrid project's flexibility with respect to potential project related impacts. EERA will continue to work with the Applicant to develop the "most realistic" hybrid project layouts and incorporate those layouts into future Notices for public comments and the EA Scoping Decision.

EERA Staff Recommendations

Staff recommends the Commission accept the site permit application and CN application as substantially complete, with the understanding that the Applicant will file an updated Public version of Appendix E for the Red Rock Solar Site Permit Application. Additionally, it is our understanding that Red Rock will continue to assist EERA in gathering information as necessary for the environmental review of the proposed project. EERA staff recommends the applications be processed jointly (with an EA in lieu of an ER, and with joint public meetings and hearings to the extent possible). EERA staff recommends that the Red Rock Solar Project and Big Bend Wind Project proceed together due to the proposed hybrid nature of the Projects and the noted interrelatedness of the Projects. EERA staff recommends that the Commission direct the OAH to prepare findings and a recommendation for the Projects. EERA staff does not recommend the Commission authorize appointment of an advisory task force for the Solar Project at this time.

Figure 1 Preliminary Project Layout

Figure 1



**Table 1 Conceptual schedule for the
Big Bend Wind Project, Big Bend Wind HVTL, and Red Rock Solar Projects**

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
1	Application Filed	Application Filed	Application Filed	11/9/2020	
2	Notice of Comment Period on Completeness	Notice of Comment Period on Completeness	Notice of Comment Period on Completeness	11/23/2020	
	Completeness Comments Due	Completeness Comments Due	Completeness Comments Due	12/15/2020	
	Completeness Reply Due	Completeness Reply Due	Completeness Reply Due	12/24/2020	
	Commission Considers Completeness	Commission Considers Completeness	Commission Considers Completeness	1/20/2021	PUC staff submits Draft Site Permit <u>Template</u> into record, along with staff briefing paper on acceptance.
3	Order Accepting Application	Order Accepting Application	Order Accepting Application	2/18/2021	Review start dates: CN: (filing date) <ul style="list-style-type: none"> LWECS & HVTL: Order accepting Application
4	Notice of Application Acceptance and ER Scoping Meeting	Notice of Application Acceptance and Public Information Meeting	Notice of Application Acceptance and EA Scoping Meeting	2/26/2021	Notice requirements differ: <ul style="list-style-type: none"> CN: Notice at least 15 days prior to meeting. Meeting required to be held 40 days from filing date

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
					<p>(this will <u>require a variance from the rule</u>).</p> <ul style="list-style-type: none"> • LWECS: Notice of Application Acceptance required 15 days after acceptance of application. • HVTL: Notice required at least 10 day prior to meeting. Meeting must be held within 60 days of application acceptance. <p>Joint ER/EIS Document.</p>
5	ER Scoping Meeting	Public Information Meeting on Draft Site Permit Template	EA Scoping Meeting	3/21/2021	<ul style="list-style-type: none"> • This meeting is an additional public meeting in the LWECS siting process, as the required meeting is typically held later in the siting process. The required or second public meeting is generally

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
					combined with the public hearing later in the process.
6	ER Scoping Comment Period Closes	Draft Site Permit Template Comment Period Closes	EA Scoping Comment Period Closes	4/11/2021	<p>For all processes, the comment period opens with the notice:</p> <ul style="list-style-type: none"> • CN: Minimum 20 day comment period from meeting date. • LWECS: No comment period prescribed. <p>HVTL: Minimum 7 day comment period from the meeting date.</p>
7	N/A	N/A	Applicant Comments on Suggested Alternative Routes	4/13/2021	The commissioner shall provide the applicant with an opportunity to respond to each request that an alternative be included in the environmental impact statement.
8	Proposed ER Scope within the EA Scoping Decision	Preliminary Draft Site Permit	Proposed EA Scope	5/2/2021	DOC EERA submits Preliminary Draft Site Permit & proposed EA scope to Commission.

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
	Commission considers EA Scope	Commission considers Issuance of Draft Site Permit	Commission considers EA Scope	5/27/2021	Commission can identify additional HVTL route alternatives to be evaluated in the EA at this time.
	Order on EA Scoping	Order Issuing Draft Site Permit	Order on EA Scope	6/23/2021	Within 45 days of Site Permit application acceptance (<u>this will require a variance from the rule</u>). Draft Site Permit notice appears in EQB Monitor.
9	ER Scope Issued	N/A	EA Scope Issued	6/25/2021	<ul style="list-style-type: none"> • CN/ER: Within 10 days of close of comment period • HVTL/EIS: As soon after holding the public meeting a possible.
10	Intervention Deadline	Intervention Deadline	Intervention Deadline	7/6/2021	If needed
11	ER Issued	N/A	EA Issued and Notice of Public Meeting Issued	10/29/2021	CN/ER: To be completed within 4 months from application filing (<u>this will require a variance from the Minnesota</u>

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
					Rule 7849.1400, subpart 10).
12			Pre-hearing testimony	11/8/2021	<p>Joint Public Hearing serves all three dockets.</p> <p>The PUC shall afford the public a minimum of 30 days after publication of the draft site permit notice in the EQB Monitor to submit written comments.</p> <p>Pre-filed Written Testimony of Parties due _____.</p> <p>Intervention deadline _____.</p> <p>Rebuttal Testimony of Parties due _____.</p> <p>Surrebuttal Testimony of Parties _____.</p>
13	Joint Public Hearing	Joint Public Hearing	Joint Public Hearing	11/22/2021	Joint Public Hearing serves all five dockets.
14	Comment Period on Merits Closes	Comment Period on Draft Site Permit Closes	Comment Period on Merits Closes	12/3/2021	Corresponds w/close of the joint Public Hearing comment period.
15	Proposed Findings	Proposed Findings	Proposed Findings	12/17/2021	EERA submits comments on proposed FOF.

Number	BB and RR Certificate of Need Applications (CN)	BB Site Permit Application (LWECS)	RR Site Permit and HVTL Route Permit Applications (SP and RP)	<u>ESTIMATED</u> Date	Notes
16	ALJ Report	ALJ Report	ALJ Report	1/10/2021	Findings of fact, conclusions of law, and recommendation.
17	Exceptions to ALJ Report	Exceptions to ALJ Report	Exceptions to ALJ Report	1/25/2022	Due 15 days after filing of the ALJ Report.
18	Commission Decision	Commission Decision	Commission Decision	2/24/2022	

Table 2. Application Completeness Checklist

Project Permit Application Requirements (Minn. Rules 7850.1900, Subp. 1)	Application Section
A. a statement of proposed ownership of the facility as of the day of filing and after commercial operation;	1.2.1
B. the precise name of any person or organization to be initially named as permittee or permittees and the name of any other person to whom the permit may be transferred if transfer of the permit is contemplated;	1.2.2
C. at least two proposed sites for the proposed large electric power generating plant and identification of the applicant's preferred site and the reasons for preferring the site;	2.4
D. a description of the proposed large electric power generating plant and all associated facilities, including the size and type of the facility;	2.1, 2.2
E. the environmental information required under subpart 3;	See Environmental Information below
F. the names of the owners of the property for each proposed site;	1.2.1
G. the engineering and operational design for the large electric power generating plant at each of the proposed sites;	3.1; Appendix B
H. a cost analysis of the large electric power generating plant at each proposed site, including the costs of constructing and operating the facility that are dependent on design and site;	2.5
I. an engineering analysis of each of the proposed sites, including how each site could accommodate expansion of generating capacity in the future;	2.6 and 3.1
J. identification of transportation, pipeline, and electrical transmission systems that will be required to construct, maintain, and operate the facility;	4.2.9, 3.1.8, and 3.1.7
K. a listing and brief description of federal, state, and local permits that may be required for the project at each proposed site; and	1.4.2
L. a copy of the Certificate of Need for the project from the Public Utilities Commission or documentation that an application for a Certificate of Need has been submitted or is not required.	1.4.1

Table 3. Environmental Information Requirements to Include in Application

Environmental Information Requirements (Minn. Rules 7850.1900, Subp. 3)	Application Section
A. a description of the environmental setting for each site or route;	4.1
B. a description of the effects of construction and operation of the facility on human settlement, including, but not limited to, public health and safety, displacement, noise, aesthetics, socioeconomic impacts, cultural values, recreation, and public services;	4.2
C. a description of the effects of the facility on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;	4.3
D. a description of the effects of the facility on archaeological and historic resources;	4.4
E. a description of the effects of the facility on the natural environment, including effects on air and water quality resources and flora and fauna;	4.5
F. a description of the effects of the facility on rare and unique natural resources;	4.5.8
G. identification of human and natural environmental effects that cannot be avoided if the facility is approved at a specific site or route; and	4.6
H. a description of measures that might be implemented to mitigate the potential human and environmental impacts identified in items A to G and the estimated costs of such mitigative measures.	4.1 – 4.5

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments and Recommendations**

Docket No. IP7014/CN-19-486 and IP7014/GS-19-620

Dated this 15th day of December 2020

/s/Sharon Ferguson

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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_19-619_WS-19-619
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