

April 13, 2022

**Via Electronic Filing**

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101

Re: ***In the Matter of the Application of Buffalo Ridge Wind, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln and Pipestone Counties, Minnesota, Docket No. IP-7006/WS-19-394***

**Request for Limited Wind Access Buffer Waiver of Buffalo Ridge Wind, LLC**

Dear Mr. Seuffert:

Buffalo Ridge Wind, LLC (“BRW”) respectfully submits this request for a limited waiver of the Wind Access Buffer setback requirement set forth in Section 4.1 of the Site Permit issued to BRW on January 5, 2021. Section 4.1 provides that “[w]ind turbine towers shall not be placed less than five rotor diameters on the prevailing wind directions and three rotor diameters on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.”

Pursuant to Section 4.1, BRW requests the Commission find good cause to grant the waiver of the Wind Access Buffer setback with respect to one parcel owned by Northern States Power Company d/b/a Xcel Energy (“Xcel Energy”), which is currently leased to a tenant for farming operations. As shown in the Setback Waiver Declaration appended hereto as Attachment A, Xcel Energy does not object to the Commission granting the requested waiver. The requested waiver is consistent with the Commission’s recent decision in Docket No. IP-7046/WS-20-860, where the Commission included a similar waiver with respect to an Xcel Energy parcel in Section 4.1 of the issued Site Permit.<sup>1</sup> Here, a good cause finding is appropriate for BRW given Attachment A showing that Xcel Energy, the owner of the parcel, does not object to the wind access buffer waiver request.

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<sup>1</sup> See *In the Matter of the Application for a Site Permit Amendment to Decommission the Existing Chanarambie and Viking Wind Facilities and Construct the 120-Megawatt Northern Wind Facility in Murray County, Minnesota*, Docket No. IP-7046/WS-20-860 (March 1, 2022) (issuing Site Permit with waiver of wind access buffer setback with respect to Xcel Energy’s Chanarambie Substation property in Section 4.1).

50 South Sixth Street, Suite 2600, Minneapolis, MN 55402

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Attachment A also provides a map showing that the waiver would apply to wind turbines 15 and 26, which are within the Wind Access Buffer of the Xcel Energy property at issue. BRW respectfully requests that the Commission utilize its consent order procedure and grant the requested waiver expeditiously to enable BRW to meet its 2022 construction and in-service milestones.

Thank you for your attention to this request. Please feel free to contact me with any questions regarding this request.

Respectfully submitted,

*/s/ Brian M. Meloy*

Brian M. Meloy

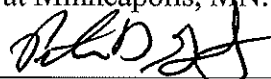
# **Attachment A**

**SETBACK WAIVER DECLARATION**

I, Peter D. Gitzen, Manager of Siting and Land Rights, Xcel Energy Services an authorized agent for Northern States Power Company ("Northern States Power"), located at 414 Nicollet Mall, Minneapolis, MN 55401, do solemnly declare as follows:

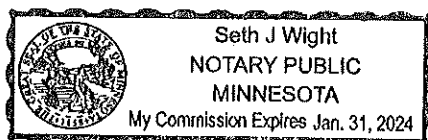
1. Northern States Power is the sole owner of that certain real property located in Lincoln County, Minnesota, as legally described on the Exhibit A attached hereto and incorporated by reference (the "Property").
2. The Property is near wind turbines 15 and 26 of the Buffalo Ridge Wind facility proposed by Buffalo Ridge Wind, LLC as shown on Exhibit B.
3. The proposed Buffalo Ridge turbine layout shows that the wind access buffer setback for turbines 15 and 26 will overlap the Property, as shown on Exhibit B.
4. Northern States Power is aware of the proposed project and has no objections to the construction of said turbines.
5. As such, Northern States Power has no objection to the Minnesota Public Utilities Commission granting Buffalo Ridge Wind a waiver of the wind access buffer setback to allow turbines 15 and 26 to be constructed.

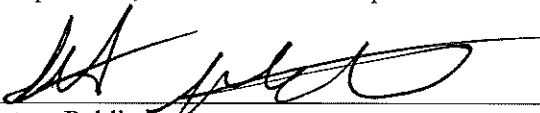
Executed on the 4<sup>TH</sup> day of April 2022, at Minneapolis, MN.

By   
 Peter D. Gitzen, Manager  
 Siting & Land Rights  
 Xcel Energy Services Inc.  
 an Authorized Agent for Northern States  
 Power Company, a Minnesota corporation

STATE OF MINNESOTA    )  
   ) ss.  
 COUNTY OF HENNEPIN    )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of April, 2022, by Peter D. Gitzen, Manager, Siting & Land Rights, Xcel Energy Services Inc., an Authorized Agent for Northern States Power Company, a Minnesota corporation, on behalf of the corporation.



  
 Notary Public

**EXHIBIT A**

**Legal Description of the Property**

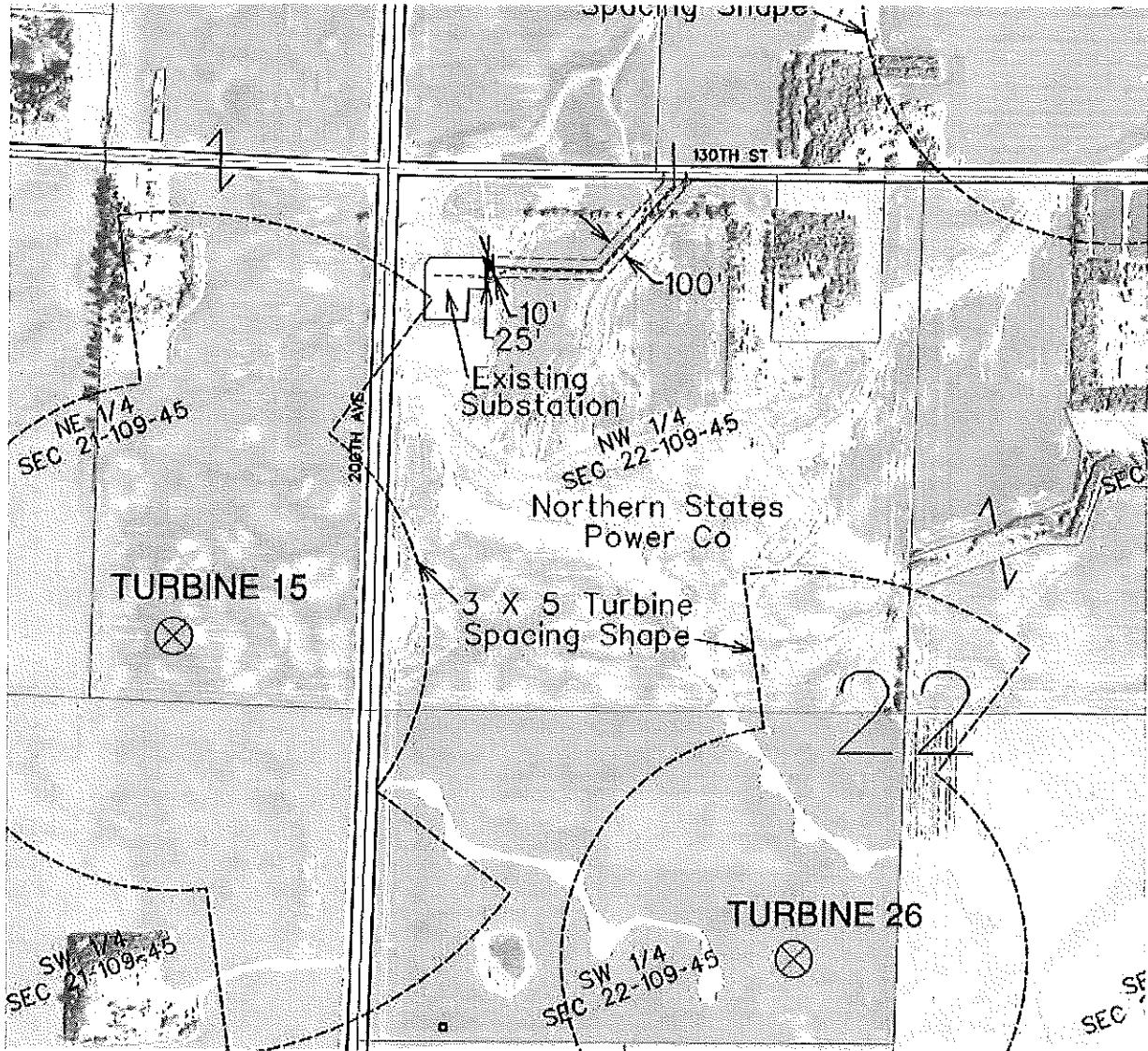
The NW  $\frac{1}{4}$  of Section 22, Township 109 North, Range 45 West of the 5<sup>th</sup> Principal Meridian, excepting therefrom a ten acre parcel described as follows:

Commencing at the northeast corner of said NW  $\frac{1}{4}$ , thence South 89 degrees 00 minutes 33 seconds West, assumed bearings, along the north line of said NW  $\frac{1}{4}$ , a distance of 190.00 feet, to the point of beginning; thence continuing South 89 degrees 00 minutes 33 seconds West along said north line a distance of 530.00 feet; thence South 00 degrees 06 minutes 43 seconds West, a distance of 821.89 feet; thence North 89 degrees 00 minutes 33 seconds East, parallel with said north line a distance of 530.00 feet; thence North 00 degrees 06 minutes 43 seconds East a distance of 821.89 feet to the point of beginning.

Lincoln County, Minnesota.

**EXHIBIT B**

**Sketch of Property, Turbines, and Setbacks**



**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

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<i>In the Matter of the Application of Buffalo Ridge Wind, LLC for a Site Permit for the 109 MW Large Wind Energy Conversion System in Lincoln and Pipestone Counties, Minnesota</i>	)	<b>Docket No. IP-7006/WS-19-394</b>
	)	<b>CERTIFICATE OF SERVICE</b>
	)	
	)	

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The undersigned hereby certifies that a true and correct copy of **Buffalo Ridge Wind, LLC's Waiver Request**, has been served today by e-mail to the following:

Name	Email/Address	Delivery Method
Barbara Case	<a href="mailto:barbara.case@state.mn.us">barbara.case@state.mn.us</a>	Electronic
Generic – Commerce Attorneys	<a href="mailto:commerce.attorneys@ag.state.mn.us">commerce.attorneys@ag.state.mn.us</a>	Electronic
Sharon Ferguson	<a href="mailto:sharon.ferguson@state.mn.us">sharon.ferguson@state.mn.us</a>	Electronic
Dannell Herzig	<a href="mailto:danell.herzig@nexteraenergy.com">danell.herzig@nexteraenergy.com</a>	Electronic
Stacy Kotch Egstad	<a href="mailto:stacy.kotch@state.mn.us">stacy.kotch@state.mn.us</a>	Electronic
Karen Kromar	<a href="mailto:karen.kromar@state.mn.us">karen.kromar@state.mn.us</a>	Electronic
Brian Meloy	<a href="mailto:brian.meloy@stinson.com">brian.meloy@stinson.com</a>	Electronic
Brian J. Murphy	<a href="mailto:Brian.J.Murphy@nee.com">Brian.J.Murphy@nee.com</a>	Electronic
Carol A. Overland	<a href="mailto:overland@legalelectric.org">overland@legalelectric.org</a>	Electronic
Kevin Pranis	<a href="mailto:kpranis@liunagro.com">kpranis@liunagro.com</a>	Electronic
Generic – Residential Utilities	<a href="mailto:residential.utilities@ag.state.mn.us">residential.utilities@ag.state.mn.us</a>	Electronic
Will Seuffert	<a href="mailto:Will.Seuffert@state.mn.us">Will.Seuffert@state.mn.us</a>	Electronic
Janet Shaddix Elling	<a href="mailto:jshaddix@janetshaddix.com">jshaddix@janetshaddix.com</a>	Electronic
Cynthia Warzecha	<a href="mailto:cynthiawarzecha@state.mn.us">cynthiawarzecha@state.mn.us</a>	Electronic

Dated this 13th day of April, 2022

/s/ Susan A. Hartinger  
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 Susan A. Hartinger