

The Commission met on **Thursday, February 4, 2021** with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

IP-6961/WS-16-686

In the Matter of the Application of Blazing Star Wind Farm, LLC for a Site Permit for the up to 200 MW Blazing Star Wind Project in Lincoln County, Minnesota

Commissioner Tuma moved that the Commission:

1. Require Xcel to file a letter that explains the inconsistencies concerning turbine operations and the date the wind facility was considered commercially operational and the distance to the Weverka residence from T-90 along with a description of how the measurement was derived.
2. Require Xcel to coordinate with the EERA and the affected landowner to determine the appropriate noise mitigation measures and curtailment plans that may be necessary to ensure compliance with the noise standards and the site permit at the Weverka residence.
3. Once Xcel has developed and e-filed a Curtailed Turbine Operation Plan for Turbine T-90, implemented mitigation measures necessary to ensure compliance with state noise standards and site permit conditions, and has e-filed noise monitoring demonstrating Turbine T-90 and total project compliance at the Weverka residence if necessary to comply with the permit conditions, EERA will complete and e-file the necessary compliance review letter indicating whether, in the opinion of the EERA, the permittee has resolved the Weverka noise complaint. The Executive Secretary is authorized to set the schedule for the filings, or extend the schedule for good cause, but an initial filing must be filed no later than three months after the date of this order.
4. The permittee must continue to provide status updates on the Weverka noise complaint and actions being taken to resolve the issue in their monthly complaint reports, as required in the site permit.

The motion passed 5-0.

IP-7013/CN-19-408

IP-7013/WS-19-619

IP-7013/TL-19-621

In the Matter of the Applications of Big Bend Wind, LLC for a Certificate of Need, a Site Permit for the 308 MW Large Wind Energy Conversion System, and a Route Permit for the 161 kV Transmission Line in Cottonwood, Martin, and Watonwan Counties, Minnesota.

IP-7014/CN-19-486

IP-7014/GS-19-620

In the Matter of the Application of Red Rock Solar, LLC for a Certificate of Need for the up to 60 MW Red Rock Solar Project in Cottonwood County, Minnesota; In the Matter of the Application of Red Rock Solar, LLC for a Site Permit for the up to 60 MW Red Rock Solar Project in Cottonwood County, Minnesota.

Commissioner Tuma moved that the Commission:

1. Accept the Big Bend Wind Certificate of Need, Site Permit, and Route Permit Applications as substantially complete.
2. Accept the Red Rock Solar Certificate of Need and Site Permit Applications as substantially complete.
3. Direct that the Big Bend Wind and Red Rock Solar Certificate of Need Applications be reviewed using the informal review process under Minn. Rule 7829.1200 and request preparation of findings of fact, conclusions of law, and recommendations.
4. Direct that the Big Bend Wind Site Permit Application be referred to the Office of Administrative Hearings for a contested case proceeding to examine only the potential impacts of the project, proposed mitigative measures, and any adverse environmental effects that cannot be avoided, related to cultural and archaeological impacts, including impacts to the Jeffers Petroglyph Site, and other issues that may be added at a future time.
5. Direct that the Big Bend Wind Route Permit Application be referred to the Office of Administrative Hearings for review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900 and request preparation of findings of fact, conclusions of law, and recommendations, including and modifications and conditions to the route permit.
6. Based on the commitment from the Applicant that it will be at least 50 MW, direct that the Red Rock Solar Site Permit be referred to the Office of Administrative Hearings for review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900 and request preparation of findings of fact,

conclusions of law, and recommendations, including any modifications and conditions to the site permit of a preferred site and permit conditions.

7. Approve joint public meetings, joint public hearings, and combined environmental review of the Big Bend Wind Project's Certificate of Need, Site Permit, and Route Permit Applications and the Red Rock Solar Project's Certificate of Need and Site Permit Applications to the extent practicable, including the preparation of an Environmental Assessment in lieu of an Environmental Report.
8. Take no action on an advisory task force at this time.
9. Include the following items in the referral order(s) to OAH:
 - a. Require a prehearing conference at a date, time, and place to be set by the Administrative Law Judge in consultation with Commission staff;
 - b. Authorize the Administrative Law Judge and Commission staff to facilitate joint proceedings including the certificate of need, site, and route permit applications for both the Big Bend Wind and Red Rock Solar projects to the extent practical;
 - c. Delegate administrative authority, including timing issues, to the Executive Secretary;
 - d. Identify Bret Eknes as the Commission's Public Advisor who will facilitate citizen participation in the process;
 - e. Direct staff to contact state agency representatives regarding their participation in the review proceeding;
 - f. Request that the Department of Commerce continue to study the issues and indicate during the hearing process through testimony or comment its position on the reasonableness of granting a certificate of need, site permit, and a route permit;
 - g. Require the Applicant to facilitate in every reasonable way the continued examination of the issues;
 - h. Require the Applicant to place a print or electronic copy of the certificate of need, site permit, and route permit applications in the government centers of each of the three counties where the proposed project is located;
 - i. Direct the Applicant to work with Commission staff to arrange for publication of the notices related to public information meetings and public hearings in newspapers of general circulation under the timelines prescribed in rule and statute, that such

notice be in the form of visible display ads, and that proof of publication be obtained from the newspapers selected.

10. Grant the Minnesota Historical Society's petition to intervene and the Commission welcomes formal intervention status by any tribal nation.
11. Vary Minn. R. 7849.0200, subp. 5, and extend the 30-day time frame for a Commission decision on the completeness of the certificate of need applications for the Big Bend Wind and Red Rock Solar projects.
12. Vary Minn. R. 7854.0600, subp. 1, and extend the 30-day time frame for a Commission decision on Big Bend LWECs site permit application completeness.
13. Vary Minn. R. 7854.0800, subp. 1, and extend the 45-day time frame for a Commission decision on the issuance of a draft site permit.
14. Request that the ALJ establish a schedule for the informal process and contested case hearing that generally adheres to the timelines suggested by DOC EERA staff as provided in Table 3 of its December 15, 2020 Comments and Recommendations.

The motion passed 5–0

E,G-999/CI-20-375

In the Matter of an Inquiry into Actions by Electric and Natural Gas Utilities in Light of the COVID-19 Pandemic Emergency

Commissioner Sullivan moved that the Commission:

1. Accept the utilities' compliance reports, notwithstanding paragraph 3 below.
2. Refine the reporting template as follows:
 - a. Rename Attachment A the "Residential Customer Status Report;"
 - b. Delegate authority to the Executive Secretary to approve an updated reporting template following staff discussion with CAO and the Department to ensure that reporting includes all elements of the Cold Weather Rule;
 - c. Institute a common definition of "reconnected customer' as a customer who was disconnected and reconnected to service at the same premise;"

- d. Following the end of the Governor’s peacetime emergency declaration, utilities must replace current Cold Weather Rule weekly reporting with required weekly Cold Weather Rule information in the “Residential Customer Status Report.” (Tab 3);
 - e. Require utilities to provide the total number of residential customers disconnected, by zip code, in prospective July and December monthly reports;
 - f. Delegate Authority to the Executive Secretary to establish two comment periods per year (mid-January and mid-August) to respond to utility reports.
 3. Require MERC to provide the following report modifications and explanations in a compliance filing:
 - a. Report the “total number customers reconnected” and “number of customers granted CWR protection” as two, distinct numbers;
 - b. Define reported customers “restored with a payment plan” as the number of customers previously disconnected whose service was restored by entering a payment plan rather than as the number of customers that discussed a payment plan;
 - c. Report the number of customers restored to service within 24 hours as the number restored within 24 hours of initial disconnection rather than within 24 hours of entering a payment plan;
 - d. Explain why the reported number of customers that remain disconnected 61+ days in November and December 2020 is “zero” when that number was “60” in October 2020 and when no customers were reconnected to service in November and December 2020;
 - e. Explain why the annual LIHEAP customer disconnection rate increased from .05% in 2016 to 7.5% in 2019;
 - f. Explain why the number of disconnected customers for 30+days increased from 256 in 2015 to 3,267 in 2019.
 4. Require all utilities to provide, beginning in the March 2021 filing, and in the prospective monthly reports, for the duration of the Governor’s peacetime emergency and for 90 days following the end of the peacetime emergency, the number of customers with current payment agreements, the average monthly payment amount, and the duration (number of months) in their current payment agreements.
 5. Delegate to the Executive Secretary the authority to establish a comment period by February 15, 2021 that includes the following:

- a. Notice and outreach to customers in arrears regarding assistance programs, collection activities, payment requirements, and service disconnection;
 - b. Timing of disconnection notices;
 - c. Imposition of service deposits, reconnection fees, down payment requirements, interest charged penalties, and other fees and charges;
 - d. Payment plan terms and duration;
 - e. Average arrearage forgiveness plans; and
 - f. Any proposed changes to current affordability and low-income efficiency programs.
6. Utilities that have filed a transition plan may resume collection activity and service disconnections upon the earlier of an Executive Secretary finding of transition plan completeness or 90 days following the end of the peacetime emergency.
 7. Compliance filings required by this order are due 30 days after the order.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: June 2, 2021



Will Seuffert, Executive Secretary