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FEBRUARY 11, 2025 - PREHEARING

PUC E-017/GS-24-309 - OAH 23-2500-40576

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Otter Tail Power
Company for a Site Permit for the up to 66 MW Solway
Solar Project in Beltrami County, Minnesota

OAH DOCKET NO. 23-2500-40576
PUC DOCKET NO. E-017/GS-24-309

Held Remotely via Teams

Met, pursuant to Notice, at 11:00 a.m.
in the morning on February 11, 2025.

BEFORE: Judge Suzanne Todnem

STENOGRAPHIC REPORTER: Jonna Schrupp

1 APPEARANCES:

2 CHRISTY BRUSVEN, Attorney at Law,
3 Fredrikson and Byron, Preston Riewer, Otter Tail
4 Power Company, appeared for and on behalf of the
5 Applicant.

6 AMRIT HUNDAL, Assistant Attorney General,
7 and LOGAN HICKS and Tessa Kothlow, Energy
8 Environmental Review and Analysis, appeared for and
9 on behalf of the Minnesota Department of Commerce.

10
11 PUC Staff:

12 Trevor Culbertson

13 Cezar Panait
14
15
16

17 WHEREUPON, the following proceedings were
18 duly had and entered of record, to wit:
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1 JUDGE TODNEM: It is 11:00, so we can
2 begin.

3 We are here in the matter of the
4 Application of Otter Tail Power Company for a site
5 permit for the up to 66 megawatt Solway Solar
6 Project in Beltrami County, Minnesota.

7 This is OAH Docket No. 23-2500-40576 and
8 PUC E-017/GS-24-309. Today is February 11th, 2025,
9 and the time is 11:01 a.m.

10 My name is Suzanne Todnem and I'm an
11 Administrative Law Judge with the Office of
12 Administrative Hearings and we are here today for a
13 Prehearing Conference pursuant to the Amended Order
14 for a Prehearing Conference issued on February 10th,
15 2025, to discuss scheduling and other preliminary
16 matters.

17 At this time I'd like the parties to
18 please state your names for the record, spelling
19 your first and last names, stating whom you
20 represent and your gender designations, beginning
21 with the PUC.

22 MR. CULBERTSON: Trevor Culbertson with
23 Public Utilities Commission, the energies facility
24 planner. My name is spelled T-r-e-v-o-r
25 C-u-l-b-e-t-s-o-n.

1 MR. PANAIT: Good morning, Cezar Panait.
2 I'm the public advisor for this project, C-e-z-a-r,
3 last name is Panait, P-a-n-a-i-t.

4 JUDGE TODNEM: Thank you. Before we move
5 on, if you could also please include your gender
6 designations.

7 MR. CULBERTSON: Trevor is he/him.

8 MR. PANAIT: Me too, he.

9 JUDGE TODNEM: Thank you, and the
10 Department of Commerce.

11 MS. HUNDAL: Good morning, Your Honor.
12 This is Amrit Hundal, that is spelled A-m-r-i-t
13 H-u-n-d-a-l, gender designation she/her, and I am
14 representing the Department.

15 MR. HICKS: I am here with the Department
16 of Commerce as well, with the Energy Environmental
17 Impact Review and Analysis team, and that is Logan
18 Hicks, L-o-g-a-n H-i-c-k-s, pronouns he/him.

19 JUDGE TODNEM: Anyone else with the
20 Department of Commerce?

21 MS. KOTHLOW: Tessa Kothlow, T-e-s-s-a
22 K-o-t-h-l-o-w, with the EERA as well, gender
23 designation she/her.

24 JUDGE TODNEM: Thank you. And for the
25 Applicant.

1 MS. BRUSVEN: Good morning, Your Honor.
2 Christy Brusven from the law firm of Fredrikson and
3 Byron appearing on behalf of Otter Tail Power
4 Company, the Applicant. My name is spelled
5 C-h-r-i-s-t-y, last name is B-r-u-s-v-e-n, and I use
6 the she/her pronouns.

7 MR. RIEWER: Preston Riewer with the
8 Otter Tail Power, spelling is P-r-e-s-t-o-n, last
9 name is R-i-e-w-e-r, he/him.

10 JUDGE TODNEM: Is that everyone? Looks
11 like it, thank you.

12 I do not see any but I will just check,
13 are there any members of the public who would like
14 to note their attendance on the record? Seeing none
15 we can move on.

16 It looks like the parties have proposed
17 one in person hearing and one online public hearing.
18 Do the parties wish to state or make a statement as
19 to how that or why that would satisfy Minnesota rule
20 Part 7850.3800?

21 MS. BRUSVEN: Your Honor, I think the
22 application is proceeding in an informal process,
23 with the alternate review, given that it is a solar
24 project and the rules would account for the public
25 hearing.

1 It has been the Commission's practice,
2 and I can let Mr. Culbertson speak to that if
3 needed, to have both in-person and online meetings
4 to facilitate additional public participation. We
5 have landed on the in-person date on May 14th
6 because that's when the school in Solway, which is
7 the venue that we have previously used, is
8 available. Wednesday nights they were able to clear
9 their schedule for us to use that meeting space, and
10 then we would follow it with the online version the
11 next day.

12 JUDGE TODNEM: Thank you. Anything to
13 add, Mr. Culbertson?

14 MR. CULBERTSON: No, I concur with all
15 that, nothing else to add. Thank you.

16 JUDGE TODNEM: Thank you. So I did
17 receive a proposed schedule and we can kind of start
18 there. I did have a couple of comments.

19 So, first, the close of public hearing
20 comment period that is proposed is May 23rd, 2025,
21 however, that is not ten days from the close of the
22 public hearing on May 15th. So my calculation,
23 based on weekends and holidays, looks like May 27th
24 would be the close of the comment period.

25 MS. BRUSVEN: Your Honor, I noticed that

1 as well just before we joined. We had originally
2 thought we were going Tuesday/Wednesday, for the
3 public hearings, and when the school availability
4 shifted we missed the shift in that close of date.
5 I would agree with you that the 27th would fulfill
6 that ten day period, and I don't think the Applicant
7 needs any additional time to file our proposed post
8 hearing comments and findings of fact, I propose we
9 leave the remainder of the schedule, accounting for
10 that shift in the later public hearing date.

11 JUDGE TODNEM: Great, that was actually
12 going to be my next question.

13 Then the only other adjustment that I
14 would like to discuss is, let me see here, I made a
15 lot of notes about the adjusted dates, if that was
16 what you wanted to do.

17 I wanted to discuss the due date of the
18 administrative law judge report, just due to my
19 availability. It would be very helpful for me if we
20 could move it to July 22nd, which is a Tuesday.

21 MS. BRUSVEN: We don't have any
22 objections, Your Honor.

23 JUDGE TODNEM: So then we would just have
24 to adjust the exceptions due date after that. So 15
25 days after July 22nd would be August 6th.

1 MS. BRUSVEN: I agree.

2 JUDGE TODNEM: And that should still give
3 plenty of time between the exceptions filing date
4 and the tentative Commission meeting on August 28th.

5 MR. CULBERTSON: I would say it would
6 probably be pertinent to maybe push -- I know it's a
7 tentative Commission date, but maybe at least a week
8 after the original date if we're pushing it from the
9 original schedule, if that makes sense.

10 JUDGE TODNEM: So are you saying that the
11 tentative Commission meeting date on the site permit
12 would be more in early September?

13 MR. CULBERTSON: Yes.

14 JUDGE TODNEM: So it would be
15 approximately September 4th.

16 MR. CULBERTSON: Yeah, it's typically 30
17 days after exceptions.

18 JUDGE TODNEM: Oh, I see what you're
19 saying. Okay.

20 MR. CULBERTSON: Roughly.

21 JUDGE TODNEM: I think that is something
22 that I typically don't include in my orders anyway,
23 but just for reference, for all the parties involved
24 here, I think it is helpful to still discuss this.

25 So just to kind of recap, I'm going to go

1 over the entirety of the schedule as proposed and
2 then here modified.

3 So environmental assessment scoping
4 decision that was issued January 30th. The EA
5 issued or notice of EA availability and public
6 hearings will be published April 30th, 2025.
7 Applicant direct testimony and exhibits due May 6th,
8 2025. In-person public hearing May 14th. Online
9 public hearing May 15th. Close of public hearing
10 comment period May 27th. Applicant responses to
11 hearing comments and proposed findings of fact June
12 6th, 2025. The Department of Commerce, EERA,
13 response on comments on EA, technical analysis and
14 replies to Applicant proposed findings due June
15 13th, 2025. The administrative law judge report
16 will be due July 22nd, 2025, exceptions filed August
17 6th, 2025, and then the commission meeting
18 approximately 30 days after that.

19 Is that a correct recitation of the dates
20 proposed and modified?

21 MS. BRUSVEN: It is, Your Honor.

22 JUDGE TODNEM: All right. Thank you.

23 Are there any other issues to discuss while we are
24 on the call? Ms. Brusven.

25 MS. BRUSVEN: I mentioned before that the

1 Applicant has reserved the venue for the public
2 hearing, so I think we are set in terms of the
3 information needed for the public notice when we get
4 to that point. But we'll continue to coordinate
5 with PUC staff on the notice, make sure it gets to
6 the newspaper and support the logistics on that in
7 any other way that would be requested.

8 JUDGE TODNEM: Great. Anything from the
9 Commission?

10 MR. CULBERTSON: Nothing else from us at
11 this time. Thank you.

12 JUDGE TODNEM: And anything from the
13 Department -- I'm sorry, anything from Commerce?

14 MS. HUNDAL: No concerns, Your Honor.

15 JUDGE TODNEM: All right. Thank you.
16 Then I will issue a scheduling order following this
17 Prehearing Conference with the dates discussed,
18 along with some other information, including how
19 interested members of the public may participate,
20 the parties responsibility to provide the primary
21 exhibit list, and are the parties in agreement that
22 all filing will be done through the eDocket system?

23 MS. BRUSVEN: We are, Your Honor.

24 JUDGE TODNEM: And Commerce?

25 MS. HUNDAL: Yes, Your Honor.

1 JUDGE TODNEM: And Mr. Culbertson,
2 anything from the Commission:

3 MR. CULBERTSON: Nothing else. Thank
4 you, Your Honor.

5 JUDGE TODNEM: All right. Then with
6 that --

7 MS. BRUSVEN: I'm sorry, I should have
8 asked this before. Are there any hard copies you'd
9 like sent as a courtesy, either the application or
10 anything else that might be in the record that would
11 be helpful to you?

12 JUDGE TODNEM: You know, I actually do
13 most of my review electronically. However, if there
14 are, you know, I'll be honest, I haven't looked at
15 anything closely yet. So if there are certain
16 exhibits that you feel would be helpful to have in
17 paper form please feel free to submit that, but I do
18 typically use electronic copies for like 95 percent
19 of my review.

20 Once we get a little farther along, quite
21 frankly, that might change, as sometimes I will take
22 home a copy of the printed copies after the hearing
23 because they're there. But I do typically do use
24 electronic, but thank you for asking.

25 MS. BRUSVEN: And then we would also, as

1 a courtesy, usually send a copy of the Applicant
2 proposed findings of facts to all the participants
3 on this call, so Your Honor and then the Department
4 and PUC staff, so you have that as well.

5 JUDGE TODNEM: So are you referring to
6 filing the copy in the eDocket system and then
7 providing like a word version?

8 MS. BRUSVEN: Yes.

9 JUDGE TODNEM: That is greatly
10 appreciated. In particular because formatting can
11 get pretty convoluted if we're converting from a
12 PDF.

13 MS. BRUSVEN: We'll plan to do that.
14 Thank you.

15 JUDGE TODNEM: Thank you. Anything else
16 before we conclude? Hearing none then with that we
17 are adjourned. Thank you so much.

18 (Proceedings were adjourned at 11:15
19 a.m.)
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1 STATE OF MINNESOTA)

2 COUNTY OF HENNEPIN)

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5 REPORTER'S CERTIFICATE

6 I, Jonna Schrupp, do hereby certify
7 that the above and foregoing transcript, consisting
8 of the preceding 12 pages is a correct transcript
9 of my stenographic notes of the proceedings to the
10 best of my ability.

11 Dated February 21, 2025

12
13 /s/ Jonna Schrupp
14 JONNA SCHRUPP
15 Stenographic Court Reporter
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