



414 Nicollet Mall
Minneapolis, MN 55401

January 20, 2026

—Via Electronic Filing—

The Honorable Megan J. McKenzie
600 North Robert Street
PO Box 64620
St. Paul, MN 55164

RE: ENVIRONMENTAL ASSESSMENT COMMENTS
IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY
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.
DOCKET NO. E002/ESS-25-214

Dear Judge McKenzie:

Northern States Power Company, doing business as Xcel Energy, submits these comments regarding the Environmental Assessment (EA) and Draft Site Permit (DSP) in the above-referenced docket.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact Jody Londo at (612) 216-7954 or Jody.L.Londo@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

/s/ Jody Londo

JODY LONDO
DIRECTOR, REGULATORY AND STRATEGIC ANALYSIS

Enclosures
cc: Service List

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

Katie Sieben
Joseph Sullivan
Audrey Partridge
Hwikwon Ham
John Tuma

Chair
Vice Chair
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Northern States Power Company 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.

Docket No. E002/ESS-25-214

**XCEL ENERGY'S COMMENTS
ON THE ENVIRONMENTAL
ASSESSMENT &
DRAFT SITE PERMIT**

I. INTRODUCTION

Northern States Power Company, doing business as Xcel Energy (Xcel Energy) respectfully submits these comments on the Environmental Assessment (EA) and Draft Site Permit (DSP) filed by the Minnesota Public Utilities Commission (Commission) Energy Infrastructure Permitting (EIP) Staff on December 17, 2025. Xcel Energy appreciates EIP Staff's detailed review of the Blue Lake Battery Energy Storage Project (Project) and offers comments limited to the DSP below.

II. COMMENTS ON EA

The EA contains a thorough analysis of the potential human and environmental impacts, consistent with the Scoping Decision. Aside from the discussion below of

special conditions contained in the DSP, Xcel Energy does not have any substantive comments on the content of the EA.

III. COMMENTS ON DSP

A. Special Conditions Proposed by EIP Staff

EIP Staff includes a DSP as Appendix C to the EA that proposes eight special permit conditions for the Project. Xcel Energy does not object to Proposed Special Conditions 5.2, 5.5, 5.7, and 5.8, and provides additional comments on the remaining conditions below.

1. 5.1 Visual Screening Plan

Proposed Special Condition 5.1 states:

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to adjacent properties and public viewpoints. The Visual Screening Plan shall at a minimum include: (a) objectives for screening of adjacent properties and public viewpoints; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

1. the Visual Screening Plan;
2. documentation of coordination with landowners adjacent to the project site and with entities having public viewpoints; and

3. an affidavit of its distribution of the Visual Screening Plan to landowners adjacent to the project site and entities having public viewpoints.

This condition requires Xcel Energy to develop a visual screening plan to mitigate visual impacts to “adjacent properties and public viewpoints.” Based on the discussion in the EA, this condition appears to be overbroad. The EA concludes that “the project’s location in an industrial park and the existing electrical infrastructure surrounding the project the impact intensity level is expected to be minimal.”¹ Xcel Energy agrees with this conclusion. The Project design already accounts for vegetative screening along the western edge of the Project, which is intended to mitigate potential aesthetics impacts to users of the Quarry Lake Park.² The northern boundary of the Project will be naturally screened by existing trees within the parcel.³ The southern boundary abuts the existing Blue Lake Substation.⁴ The eastern boundary directly abuts an active utility corridor that cannot be vegetated with trees or shrubs.⁵ Accordingly, Xcel Energy suggests modifying the proposed Special Condition 5.1 as follows:

The Permittee shall develop a site-specific Visual Screening Plan. The Visual Screening Plan shall be designed and managed to mitigate visual impacts to ~~adjacent properties~~ and public viewpoints within Quarry Lake Park. The Visual Screening Plan shall at a minimum include: (a) objectives for screening ~~of adjacent properties and~~ public viewpoints

¹ EA at 35.

² See Application Figure 2.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

within Quarry Lake Park; and (b) a description of the types of trees and shrub species to be used, the location of plantings, and plans for installation, establishment, and maintenance. The location of trees and shrubs included in the Visual Screening Plan that are located within the Permittee's site control shall be included in the Site Plan filed under Section 8.3. The Permittee is required to maintain and ensure the successful growth, health, and maintenance of the vegetation for 3 years.

At least 14 days prior to the pre-construction meeting, the Permittee shall file:

1. the Visual Screening Plan;
2. documentation of coordination with ~~landowners adjacent to the project site and with entities having public viewpoints~~ the City of Shakopee; and
3. an affidavit of its distribution of the Visual Screening Plan to ~~landowners adjacent to the project site and entities having public viewpoints~~ the City of Shakopee.

2. *5.3 Pre-Construction Noise Modeling and Impact Assessment*

Proposed Special Condition 5.3 states:

The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.

Xcel Energy has no objection to the portions of proposed Section 5.3 that require Xcel Energy to resubmit the noise modeling based on final equipment selections pre-construction. However, the final sentence, which requires an “updated noise impact

assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life” is overbroad and burdensome. It is overbroad in the sense that it does not limit the revisions or modifications to the facility equipment or layout that would trigger changes in the Project sound levels, which could result in overly burdensome filing requirements given the ongoing operational activities that will occur onsite. Given the Project’s location within an industrial area and the requirements of Minn. Stat. § 216I.09, which require a permit amendment filing prior to any significant changes to the Project, Xcel Energy believes this final sentence is unnecessary to ensure ongoing compliance with the Minnesota Noise Standards. Xcel Energy respectfully requests the Commission modify proposed Special Condition 5.3 as follows:

The Permittee shall file a noise impact assessment at least 14 days prior to the pre-construction meeting. The noise impact assessment shall summarize the results from noise propagation modeling that incorporates noise inputs from the selected equipment and the facility layout shown in the site plans required in Section 8.3 of this permit. ~~The permittee shall file an updated noise impact assessment including any revisions to selected equipment or facility layout prior to any modifications to the facility over its operating life.~~

3. 5.4 Noise Studies and Noise Mitigation

Proposed Special Condition 5.4 states:

The Permittee shall file a proposed methodology for the conduct of a post-construction noise study at least 14 days prior to the pre-construction meeting. The Permittee shall develop the post-construction noise study methodology in

consultation with Commission staff. The Permittee must conduct the postconstruction noise study and file with the Commission the completed post-construction noise study within 18 months of commencing commercial operation. The BESS facilities and associated facilities shall be placed and operated such that the Permittee shall, at all times, comply with noise standards established by the MPCA. Operation of the facility shall be modified, or project components shall be removed from service if necessary to comply with these noise standards.

Proposed Special Condition 5.4 requires that Xcel Energy submit a proposed methodology for conducting a post-construction noise monitoring study and conduct such a study within 18 months of commercial operation. Xcel Energy respectfully submits that noise monitoring, absent an unresolved noise complaint, is unwarranted. The Project is located in an industrial area, and the noise modeling conducted for the Project shows it will comply with the Noise Standards.⁶ For other energy infrastructure projects, the Commission has required noise monitoring in response to unresolved noise complaints.⁷ Xcel Energy suggests replacing proposed Special Condition 5.4 with the following language:

The Permittee shall complete noise monitoring to address any unresolved complaints with respect to project noise. Any additional noise monitoring shall be coordinated with Commission staff, and the monitoring protocol shall be approved by Commission staff before implementation. Noise monitoring results shall be provided to Commission staff. If any violations of the state noise standard are identified, the Permittee will be responsible for the

⁶ EA at 39-40 and Application at 62-66 and Appendix F.

⁷ See, e.g., Order Granting Site Permit, *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*.

implementation of any mitigation measures necessary to meet the state noise standard.

4. 5.6 *Community Benefit Agreement*

Proposed Special Condition 5.6 states:

The Permittee shall enter into a Community Benefit Agreement with the city of Shakopee that mitigates environmental justice impacts to the community. The Permittee shall keep records of its agreement and provide them upon the request of Commission staff.

As a matter of common usage, a Community Benefits Agreement (CBA) is a formal agreement between a project developer and community groups or coalitions that identifies specific community or labor benefits the developer agrees to provide in exchange for community support or workforce availability for a project, functioning as a mechanism to ensure that the benefits promised to communities and workers are realized.⁸ In other words, a CBA is intended to formalize tangible, negotiated community and labor benefits in contexts where there is a need to secure community support and accountability for benefits delivery in connection with significant public investments or potential community impacts.⁹ Here, the record does not support requiring a CBA: the EA finds the Project is not anticipated to have disproportionately high and adverse effects on EJ populations; there is no evidence of community

⁸ Minnesota Department of Commerce, *Community Benefit Plans*, Version 4 (Feb. 10, 2023), at 5 (PowerPoint presentation), <https://mn.gov/commerce-stat/pdfs/community-benefit-plans-v4.pdf> (last visited Jan. 9, 2026).

⁹ *See generally*, Minnesota Department of Commerce, *Community Benefit Plans*, Version 4 (Feb. 10, 2023) (PowerPoint presentation), <https://mn.gov/commerce-stat/pdfs/community-benefit-plans-v4.pdf> (last visited Jan. 9, 2026).

opposition; and mitigation measures addressing potential community impacts are already embedded in the standard permit conditions and in the Application.

Based on the discussion in the EA, it appears this proposed special condition was added because the Project is located in an Environmental Justice (EJ) community.¹⁰ However, requiring a CBA is inconsistent with the EA's finding that the Project "is not anticipated have disproportionately high and adverse human health or environmental effects on low-income, minority, or tribal populations."¹¹ The record here shows a mix of potential community impacts, many positive.¹² Where there are potential impacts, conditions already included in the DSP help mitigate those impacts.¹³

In addition, the BESS will not have air emissions, and it is located within an industrial zone.¹⁴ The mere presence of the Project within an EJ community does not, standing alone, necessitate additional mitigation or a separate agreement.

Xcel Energy's Application includes a robust suite of EJ-focused mitigation and engagement measures that directly address potential construction and operational externalities without the need for a separate agreement. These include traffic management to avoid peak school commute times and routing heavy equipment away

¹⁰ EA at 53-54.

¹¹ EA at 8, 50 and 51.

¹² EA at 50-51.

¹³ EA at 53.

¹⁴ Application at 43, 88-89.

from residential areas and schools, reducing localized burdens on EJ neighborhoods.¹⁵ The Application commits to a fugitive dust control plan during construction, construction noise controls, weekday daylight work windows, speed reductions, and compliance with air quality regulations, collectively minimizing air and noise impacts and enhancing safety for nearby EJ residents.¹⁶ Xcel Energy also conducted inclusive engagement with City officials and tribal governments, including outreach to eleven Tribal Nations and specific coordination with the Shakopee Mdewakanton Sioux Community, evidencing procedural equity and responsiveness.¹⁷ Design and siting choices—industrial siting, setbacks, downward-facing low blue-hue lighting, and planned tree screening—further reduce visual and community interface impacts while improving safety through emergency response planning and training.¹⁸ The Application itself concludes the Project is not expected to cause disproportionately high or adverse effects to EJ populations, aligning with the EA’s determination.¹⁹

While the DSP suggests that Xcel Energy enter into an agreement with the City of Shakopee, the City has not raised this as an issue of concern nor has the City indicated any opposition to the Project. Accordingly, the record does not contain specific evidence relating to the issues that should be addressed in an agreement. The lack of

¹⁵ Application at 52.

¹⁶ Application at 52.

¹⁷ See Application at 49-52, 119-121.

¹⁸ Application at 46-47, 70.

¹⁹ Application at 52.

specificity about what an agreement might cover creates uncertainty about Xcel Energy's obligations under the proposed permit condition and how non-compliance would be determined, particularly given that the Commission would be essentially requiring an independent local unit of government to enter into this agreement as well. Based on the record as a whole, the mere presence of the Project within an EJ community, without evidence of significant, specific potential negative impacts to the EJ community, is insufficient to require a Community Benefits Agreement. Xcel Energy respectfully requests the Commission decline to include proposed Special Condition 5.6 in the site permit for the Project.

IV. CONCLUSION

Xcel Energy appreciates the opportunity to provide these comments and respectfully submits that the record supports the issuance of a Site Permit for the Project, with the modified conditions discussed in these comments.

Dated: January 20, 2026

Respectfully submitted,

/s/ Christina K. Brusven
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Certificate of Service

IN THE MATTER OF THE APPLICATION OF NORTHERN STATES POWER COMPANY 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

DOCKET NO. E002/ESS-25-214

Stephanie Mayers certifies that on the 20th day of January, 2026, she e-filed on behalf of Northern States Power Company, doing business as Xcel Energy true and correct copies of the following documents:

1. Xcel Energy Comments on the Environmental Assessment & Draft Site Permit
2. Certificate of Service.

A copy has also been served on the individuals listed on the attached official service lists of record.

Executed on: January 20, 2026

Signed: /s/ Stephanie Mayers
401 Nicollet Mall
Minneapolis, MN 55401

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
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22	Wally	Dupuis	wallydupuis@fdlband.org	Fond du Lac Band of Lake Superior Chippewa		1720 Big Lake Road Cloquet MN, 55720 United States	Electronic Service		No	Tribal Government Contacts
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25	Laura	Erickson	laura.erickson@whiteearth-nsn.gov	White Earth Nation		null null, null United States	Electronic Service		No	Tribal Government Contacts
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27	Michael	Fairbanks	michael.fairbanks@whiteearth-nsn.gov	White Earth Reservation Business Committee		PO Box 418 White Earth MN, 56591 United States	Electronic Service		No	Tribal Government Contacts
28	Leonard	Fineday	leonard.fineday@llojibwe.net	Leech Lake Bank of Ojibwe		190 Sailstar Drive NW Cass Lake MN, 56633 United States	Electronic Service		No	Tribal Government Contacts
29	Henry	Fox	henry.fox@whiteearth-nsn.gov	White Earth Nation		PO Box 418 White Earth MN, 56569 United States	Electronic Service		No	Tribal Government Contacts
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33	Christie	Haverkamp	christie.haverkamp@whiteearth-nsn.gov	White Earth Nation		PO Box 418 White Earth MN, 56569 United States	Electronic Service		No	Tribal Government Contacts
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36	Kevin	Jensvold	kevinj@uppersiouxcommunity-nsn.gov	Upper Sioux Community		PO Box 147 Granite Falls MN, 56241-0147 United States	Electronic Service		No	Tribal Government Contacts
37	Blake	Johnson	blake.johnson@piic.org	Prairie Island Indian Community		Prairie Island Indian Community 5636 Sturgeon Lake Road Welch MN, 55089 United States	Electronic Service		No	Tribal Government Contacts
38	Grant	Johnson	grant.johnson@piic.org	Prairie Island Indian Community		Prairie Island Indian Community 5636 Sturgeon Lake Road Welch MN, 55089 United States	Electronic Service		No	Tribal Government Contacts
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48	Wendy	Merrill	wendy.merrill@millelacsband.com	Mille Lacs Band of Ojibwe		null null, null United States	Electronic Service		No	Tribal Government Contacts
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55	Earl	Otis	earlotis@fdlband.org	Fond du Lac Band of Lake Superior Chippewa		1720 Big Lake Road Cloquet MN, 55720 United States	Electronic Service		No	Tribal Government Contacts
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