


Staff Briefing Papers

Meeting Date	June 10, 2021	Agenda Item *4	
Company	FPL Energy Mower County Wind, LLC; Northern States Power Company d/b/a Xcel Energy		
Docket No.	IP-6557/WS-06-91		
	In the Matter of Xcel Energy's Request to Transfer the Large Wind Energy Conversion System (LWECS) Site Permit for the 98.9 MW Mower County Wind Farm in Mower County, Minnesota		
Issues	Should the Commission authorize the Transfer of the Site Permit for the Mower County Wind Facility Repower Project?		
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 Relevant Documents	Date
Xcel Energy Notice of Acquisition and Request for Site Permit Transfer	April 16, 2021
Notice of Comment Period on Request for Transfer of Site Permit	April 21, 2021
DOC EERA Comments and Recommendations	May 5, 2021
Xcel Energy Reply Comments	May 12, 2021

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I. Statement of the Issue

Should the Commission authorize the Transfer of the LWECS Site Permit for the Mower County Wind Facility Repower Project?

II. Statutes and Rules

Minnesota Rule 7854.1400 and Section 14.0 of the Site Permit provide the content requirements for requests to transfer a Large Wind Energy Conversion System (LWECS) site permit. The Commission will approve the transfer request upon determining that the new permittee will comply with the conditions of the permit. The Commission may also impose reasonable conditions as part of its approval. The Commission may hold a public meeting on the request prior to making a decision.

III. Procedural History

On August 30, 2019, Northern States Power Company (NSP) petitioned the Commission to acquire the Mower County Wind Farm from FPL Energy Mower County Wind, LLC in Docket No. E-002/PA-19-553.¹ On November 5, 2020, the Commission approved NSP's acquisition of the Mower County Wind Farm.²

On August 14, 2020, the Commission issued an Order in Docket No. IP-6557/WS-06-91 approving an amended Site Permit authorizing FPL Energy Mower County, LLC to repower all 43 project turbines to extend the life of the Mower County Wind Farm, maintaining the nameplate capacity of 98.9 megawatts.³

On March 23, 2021, Northern States Power Company of Minnesota (NSPM) purchased the Mower County Wind Facility Repower Project, assuming the ownership of FPL Energy Mower County Wind, LLC and its development assets.

On April 16, 2021, the Company notified the Commission of their acquisition and filed a request to transfer the LWECS Site Permit.⁴

¹ Petition for Approval of the Acquisition of the Mower County Wind Facility, Northern States Power Company, August 30, 2019, eDockets Number [20198-155615-02](#)

² Order Approving Acquisition of Mower County Wind Facility, Approving Variance, and Taking Other Action, November 5, 2020, eDockets Number [202011-168067-01](#)

³ Commission Order Approving Site Permit Amendment and Limited Modification to Wind Access Buffer for Certain Turbines, August 14, 2020, eDockets Number [20208-165890-01](#)

⁴ Northern States Power Company of Minnesota, April 16, 2021, Notice of acquisition and request for transfer of site permit. See eDockets Number [20214-173027-01](#)

On April 21, 2021, the Commission issued a Notice of Comment Period requesting comments on the permit transfer.⁵

On May 5, 2021, EERA submitted comments and a recommendation on the Company's petition for permit transfer.⁶

IV. Proposed Permit Transfer

In support of its request, FPL Energy Mower County, LLC, as Permittee for the LWECs included the following information:

- *Name of the existing permittee:* FPL Energy Mower County, LLC
- *Name and description of the person to whom the permit is to be transferred:* Northern States Power Company, a Minnesota corporation, which is a public utility operating subsidiary of Xcel Energy Inc., a registered public utility holding company.
- *Reasons for the transfer:* On March 23, 2021, NSPM and ESI Energy, LLC closed on the sale of the Mower County Wind Facility Repower Project. In connection with that transaction, NSPM and FPL Energy Mower County, LLC are seeking to transfer the Site Permit to NSPM.
- *Description of the facilities affected:* All facilities described in Sections 2.0-2.2 of the Site Permit.
- *Requested date of the transfer:* May 14, 2021.

The request included an affidavit of Christopher B. Clark (President, Northern States Power – Minnesota) stating that NSPM can and will comply with the conditions of the Site Permit.

VI. Department of Commerce Energy Environmental Review and Analysis

DOC EERA noted that the basic informational requirements of the permit transfer request have been met and that the petitioners have recognized and agreed to their obligations under the permit. DOC EERA indicated it has no reason to believe that Xcel Energy would not comply with the conditions in the Site Permit and recommended the Commission approve the transfer.

DOC EERA also noted that the decommissioning plan for the Mower County Wind Farm was updated by FPL Energy Mower County Wind, LLC during the 2020 repowering of the wind farm and as a reasonable condition on the permit transfer, EERA staff recommended that the decommissioning plan be reviewed and revised by NSP, and that the revised plan be filed with the Commission within three months of the permit transfer. Revision of the decommissioning

⁵ Minnesota Public Utilities Commission, April 21, 2021, Notice of comment period on request for site permit transfer. eDocket Number [20214-173193-01](#)

⁶ Minnesota Department of Commerce EERA, May 5, 2021, Comments and Recommendations, eDockets No. [20215-173858-01](#)

plan will ensure that the assumptions, costs, and financial mechanisms in the plan remain relevant for project stakeholders (e.g., Mower County, landowners).

VIII. Staff Analysis

Upon review of the record to date, including comments received, staff agrees with DOC EERA that FPL Energy Mower County Wind, LLC and NSPM have met the requirements requisite for transfer of the LWECS Site Permit. Staff agrees that the Company has committed to and will comply with the conditions of the permit. Staff also agrees with the condition for the permit transfer to require that NSPM revise the decommissioning plan for the project and file the revised plan with the Commission within three months of the order transferring the permit.

IX. Decision Options

A. Site Permit Issuance

1. Grant the request to transfer the site permit for the Mower County Wind Facility Repower Project from FPL Energy Mower County Wind, LLC, to Northern States Power Company and authorize the reissuance of the site permit effective with the Commission's order deciding this matter for the purpose of modifying the permittee.
2. Require Northern States Power Company to revise the decommissioning plan for the project and file the revised plan with the Commission within three months of the permit transfer.
3. Deny the request to transfer the site permit for the Mower County Wind Facility Repower Project.
4. Direct staff to issue a notice and hold a public meeting to provide the public with an opportunity to comment on the request for the transfer prior to making a decision.
5. Take some other action deemed appropriate.

Staff Recommendation: Options A 1 and 2