

Staff Briefing Papers

Meeting Date September 20, 2018 Agenda Item 4*

Company Freeborn Wind Energy LLC

Docket No. **IP6946/TL-17-322**

In the Matter of the Application of Freeborn Wind Energy LLC for a Route Permit for the Freeborn Wind Transmission Line in Freeborn County

- Issues
1. Should the Commission adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation?
 2. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
 3. Should the Commission issue a route permit identifying a specific route and permit conditions for the Freeborn Wind 115 kV Transmission Line Project?

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Relevant Documents

Date

Route Permit Application (11 parts)	September 20, 2017
Order Finding Application Complete	December 5, 2017
Environmental Assessment Scoping Decision	March 8, 2018

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

 **Relevant Documents**

	Date
Environmental Assessment (4 parts)	May 14, 2018
Freeborn Wind Reply Comments, Testimony, Brief, and Proposed Findings of Facts (8 parts)	June 18, 2018
Freeborn Wind Reply Comments (8 parts)	June 19, 2018
DOC EERA Comments and Proposed Findings of Fact	June 28, 2018
ALJ Report	July 26, 2018
DOC EERA Exceptions	August 8, 2018

Attached Document

Proposed HVTL Route Permit

I. Statement of the Issues

- Should the Commission adopt the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendations?
- Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
- Should the Commission issue a route permit identifying a specific route and permit conditions for the Freeborn Wind 115 kV Transmission Line Project?

II. Statutes and Rules

Minnesota Statutes Chapter 216E identifies state policy on locating large electric power facilities, and provides the Commission the authority to designate sites and routes for these facilities. The chapter also directs the Commission to include environmental review, broad public participation and additional considerations in approving sites and routes.

The Commission’s administrative rules for considering route permit applications are contained in Minnesota Rules, Chapter 7850.

III. Background

On September 20, 2017, Freeborn Wind Energy LLC (Freeborn Wind) filed a route permit application for an approximately 7 mile long 161 kilovolt high-voltage transmission line (HVTL) designed to enable interconnection of the proposed Freeborn Wind Farm near the city of Glenville.¹ The application was filed under the Commission’s alternative permitting process under Minn. Stat. § 216E.04, subd. 2(3) and Minn. R. 7850.2800 to 7850.3900. Freeborn Wind’s proposed route (known as the “Teal Route”) is located entirely in Shell Rock Township. The applicant indicated that it had evaluated and rejected two alternative route segments and one alternative route.

On December 5, 2017, the Commission issued an *Order Finding Application Complete, Varying Scoping Time Frame, and Referring Application to the Office of Administrative Hearings*. As part of its order, the Commission requested that the Department of Commerce Energy Environmental Review and Analysis staff (DOC EERA or Department) file comments and recommendations with draft route alternatives for the Commission’s input before issuing a final scoping decision.

On January 25, 2018, the Department issued its *Scoping Summary* recommending routes to be considered in the environmental assessment (EA). In addition to the Teal Route, the Department recommended an Orange Route, and a Purple Route Segment. DOC EERA did not

¹ The Site Permit Application for the Freeborn Wind Farm is currently under review as Commission Docket IP-6946/WS-17-410.

recommend the Gold Route Segment be included due to impacts to non-participating landowners.

On December 6, 2017, the Commission and the DOC EERA issued a *Notice of Public Information and Environmental Assessment Scoping Meeting* for the project.

On December 19, 2017, Commission and DOC EERA staff held the public information and EA scoping meeting in Albert Lea, Minnesota. The meeting provided the public an opportunity to submit comments to the DOC EERA staff on project related impacts, proposed mitigation measures and alternatives for consideration in the scope of the EA. Comments on the scope of the EA were accepted through January 3, 2018.

On March 5, 2018, the Commission issued an Order adopting DOC EERA's proposed routes and included an additional route segment for consideration in the EA. The Gold Route Segment would be co-located with existing transmission infrastructure, The Commission also requested that the EA examine the possibility of paralleling the existing transmission line corridor and using existing transmission line right-of-way (by reconstruction of the existing structures or an under/over build) for the Purple Route Segment and the Gold Route Segment.

On March 8, 2018, the Department issued the EA Scoping Decision for the Project. The Scoping Decision incorporated the additional route segment and additional evaluations requested by the Commission in its March 5, 2018 Order. The EA Scoping Decision also included an Orange Route Segment and a Purple Route Segment including underbuilding and overbuilding options.

On May 11, 2018, DOC EERA filed an affidavit of notice provided to additional landowners potentially impacted by the project as a result of the additional route alternative and segments in the EA Scope.²

On May 14, 2018, DOC EERA issued the Environmental Assessment. The EA contained a description and analysis of the proposed project, the applicant's proposed route, and the route alternatives identified in the scoping decision. The EA also discussed potential impacts of the project and route alternatives on the human and natural environment; reasonable mitigation measures that could be implemented to minimize any identified adverse impacts; and a list of downstream permits and approvals known to be required.

The Commission issued a Notice of Public Hearing on May 17, 2018.³

A Notice of Environmental Assessment Availability was published in the May 21, 2018 edition of the *EQB Monitor* in accordance with Minn. R. 7850.3700, subd. 6.⁴

² EERA Letter, eDocket No. 20185-142965-01, May 11, 2018.

³ Notice of Public Hearing, eDockets No. 20185-143158-01, May 17, 2018.

⁴ EERA Letter, Environmental Assessment and Notice of Availability, eDockets No. 20185-143469-01,

On May 31, 2018, Administrative Law Judge (ALJ) James Mortenson of the Office of Administrative Hearings presided over a public hearing in Albert Lea on the route permit application. The public comment period remained open through June 12, 2018. Approximately 60 members of the public attended the public hearing held in Albert Lea, Minnesota. Approximately 20 people spoke at the public hearing and approximately 25 comments were received during the public comment period.

On June 18, 2018, Freeborn Wind proposed findings of fact (findings), conclusions of law and recommendations for the ALJ's consideration. The applicant also filed its brief and reply comments to responses to public comments received.

On June 28, 2018, DOC EERA filed its Comment and Recommendations on the route permit application. The Department's filing provided minor corrections to the EA and comments in response to the applicant's June 18, 2018 filing.

On July 26, 2018, Judge Mortenson filed an *Order – Findings of Fact, Conclusions of Law, and Recommendations* (ALJ Report). The ALJ Report included background on the proposed project, a summary of the proceedings to date, an analysis of the regulatory requirements for the project, twelve conclusions of law and a recommendation. Judge Mortenson recommended that the Commission approve the route permit for the project with four additional special conditions.

On August 8, 2018, DOC EERA filed a letter supporting the comprehensive analysis of the record and indicating it had no exceptions to the ALJ report. DOC EERA concurred with the ALJ's conclusion that the route permit entered in the record and the recommended special permit conditions are appropriate for the project. DOC EERA also agreed that the Commission should grant a route permit along the Orange Route combined with the Purple Parallel Route Segment.

IV. Comments and Positions

Minnesota Pollution Control Agency (MPCA)

The MPCA filed comments on October 4, 2017. The MPCA noted that the Shell Rock River in the Project area is listed as impaired, and is therefore subject to the MPCA's Construction Stormwater program which requires increased stormwater treatment requirements, both during and after construction. Additionally, MPCA noted that the applicant should identify Clean Water Act Section 401 requirements.

Minnesota Department of Transportation (MnDOT)

MnDOT filed comments on January 3, 2018 requesting that the Department evaluate the locations of the proposed utility poles in relation to U.S. Highway 65 in the EA. If a permit is granted, Freeborn Wind should be required to coordinate with MnDOT regarding any route construction work or delivery of materials that may affect MnDOT right-of-way.⁵

Minnesota Department of Natural Resources

Minnesota Department of Natural Resources (DNR) filed comments on June 12, 2018 recommending that Freeborn Wind install bird diverters on the span of the transmission line that crosses the Shell Rock River in order to minimize risk to swans and other waterfowl. DNR also recommended that the “wire/border zone method” be employed at the Shell Rock River crossing and its associated floodplains and wetlands. This method allows for different types and heights of vegetation based on whether the vegetation is directly underneath the conductor or elsewhere in the right of way.

Public Comments Received

Several members of the public voiced support for the project during the comment period, noting the benefits of the project such as tax revenue, jobs, economic development, income for landowners, and the growth of clean, sustainable energy sources.

Several commenters requested that a determination on the route permit application be delayed until the Commission makes a final determination on the Freeborn Large Wind Energy Conversion System (LWECS) site permit application because the project would not be needed if the wind farm site permit is denied.

Comments were received in relation to potential environmental and wildlife impacts such as eagle nests, bats, forest dwellers, wetlands, karst areas, and concrete leachate from foundations. The Association of Freeborn County Landowners expressed concerns about the interconnection of the project. Several commenters noted potential impacts to land rights and non-participating landowners. Some comments expressed concern regarding potential impacts to habitat, aesthetics and recreation along the Shell Rock River. One commenter requested a property value guarantee.

The Department’s June 28, 2018 comments and recommendations included responses to substantive comments received during the public comment period.

Freeborn Wind

The applicant requested the Commission issue a route permit to Freeborn Wind Energy LLC for the project with route permit conditions for a 161 kV HVTL along the combined Orange and

⁵ MnDOT *Comments*, eDockets No. 20181-138602-01, January 3, 2018.

Purple Parallel Route with the applicant's proposed modifications to locate the entire route on participating landowners' property. That modification would narrow the route by 130th Street to match the Orange Route in this area. In the alternative, the Commission could grant a Route Permit for the Orange Route. Freeborn Wind did not file exceptions to the ALJ Report.

DOC EERA Recommendations

Based upon its review of the record, the Department recommended that the Commission grant a route permit for the project. DOC EERA supported the Orange Route combined with the Purple Parallel Route as the best route for the project. According to the Department, this route combination would reduce potential impacts to non-participating landowners, recreationalists, and wildlife, specifically avian species. In the alternative, DOC EERA recommended that the Commission grant a route permit for the Orange Route. The Department also recommended special permit conditions to address potential impacts including noise, aesthetics, karst geology, and wire/border zone vegetation management.

V. ALJ Report

The ALJ's Report addressed all aspects of the review process and included 331 findings of fact, 11 conclusions of law, and a recommendation for route selection.

The ALJ's Report concluded that the required process for a route permit was followed including all procedural requirements; a description of the proposed project and the seven route alternatives; an overview of the need for the project; a technical description of the transmission line structures, conductors, right-of-way widths; project schedule, costs; identification of public and government agency participation in the proceedings; application of statutory and rule factors to the proposed route and route alternatives; and facts related to the adequacy of the EA.

The ALJ concluded that the Commission should grant Freeborn Wind a Route Permit with the general and special route permit conditions for a 161 kV HVTL along the Orange Route and the Purple Parallel Route segment including the applicant's proposed modification to narrow the route by 130th Street to match the Orange Route in this area. In the alternative, the Commission should grant a Route Permit for the Orange Route with the general and special route permit conditions.

The ALJ also proposed the following special conditions.⁶

⁶ ALJ Report, at pages 57-58.

1. A Special Route Permit Condition requiring Freeborn Wind to provide documentation when it files its plan and profile outlining how it will comply with Section 5.3.5 of the Generic Route Permit Template.
2. A Special Route Permit Condition requiring Freeborn Wind to work with the local electric service provider to ensure that overhead power lines do not follow both sides of 130th Street. Freeborn Wind shall incur all costs associated with meeting this requirement.
3. A Special Route Permit Condition requiring Freeborn Wind to conduct karst geology investigations and provide geotechnical testing results for all proposed pole locations when it files its plan and profile. Freeborn Wind must also file a report for all geotechnical investigations completed, including the methodology used, the results identified, and the conclusions drawn from the investigation. Structures shall not be located over karst bedrock.
4. A Special Route Permit Condition requiring Freeborn Wind to utilize the “wire/border zone” method of right-of-way clearing and maintenance.

DOC EERA Exceptions

In its August 8, 2018 exceptions filing, DOC EERA noted that the ALJ Report provides a comprehensive analysis of the record and that it had no exceptions to the report. The Department concurred with the ALJ’s conclusion that the route permit entered into the record along with the recommended special permit conditions are appropriate for the project. DOC EERA also agreed that the Commission should grant a route permit along the Orange Route combined with the Purple Parallel Route Segment.

VI. Staff Analysis

Commission staff has reviewed the record of this proceeding including Freeborn Wind’s route permit application, the EA, the public comments, and the report of the Administrative Law Judge. Staff concludes that the Commission has a complete and well-reasoned record on which to base its decision. Staff agrees with the ALJ that the EA addresses the issues identified in the Department’s scoping decision.

Staff agrees with the recommendation of the ALJ and the Department that the Commission should grant a route permit to Freeborn Wind for the Orange Route and Purple Paralleling Route Segment. The Commission should also incorporate the Special Conditions recommended by the ALJ.

VII. Decision Options

A. Adoption of the ALJ Report

1. Approve and adopt the ALJ's Findings of Fact, Conclusions, and Recommendation for the Freeborn Wind 115 kV Transmission Line Project.
2. Modify, approve and adopt the ALJ's Findings of Fact and Conclusions.
3. Take some other action.

B. Environmental Assessment

1. Find that the environmental assessment and the record at the public hearing addressed the issues identified in the environmental assessment scoping decision.
2. Find that the environmental assessment is inadequate and order that a supplement be created.
3. Take some other action.

C. High-Voltage Transmission Line Route Permit

1. Issue the proposed HVTL route permit with appropriate conditions to Freeborn Wind for Orange Route combined with the Purple Paralleling Route Segment.
2. Require the site permit to include the Special Conditions included in the ALJ Report.
3. Issue a HVTL route permit with appropriate conditions to Freeborn Wind for another other alternative or combination of route segments evaluated in the EA.
4. Decline to issue a route permit at this time.
5. Authorize Commission staff to make further findings of fact or permit modifications necessary to ensure consistency with the Commission's decision in the matter and recently issued permits.

Staff recommendation: **A2, B1, C1, C2, and C5**

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**ROUTE PERMIT FOR A
HIGH-VOLTAGE TRANSMISSION LINE AND ASSOCIATED FACILITIES**

**IN
FREEBORN COUNTY**

**ISSUED TO
FREEBORN WIND ENERGY LLC**

PUC DOCKET NO. IP-6946/TL-17-322

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

FREEBORN WIND ENERGY LLC

Freeborn Wind Energy LLC is authorized by this route permit to construct and operate an approximately 7-mile long, 161 kilovolt high-voltage transmission line in Freeborn County.

The high-voltage transmission line and associated facilities shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this ____ day of [Month, Year]

BY ORDER OF THE COMMISSION

Daniel P. Wolf,
Executive Secretary

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Official Route Maps

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Complaint Procedures for Permitted Energy Facilities

Compliance Filing Procedures for Permitted Energy Facilities

1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Freeborn Wind Energy LLC (Freeborn Wind or Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes the Freeborn Wind to construct and operate an approximately 7-mile long, 161-kilovolt (kV) high-voltage transmission line in Freeborn County and as identified in the attached route permit maps, hereby incorporated into this document.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the transmission facilities and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

2.0 PROJECT DESCRIPTION

The project includes approximately 7.0 miles of a new single circuit 161 kV high-voltage transmission line (HVTL) to interconnect the proposed up to 200 megawatt (MW) Freeborn Wind Farm located in Freeborn County, Minnesota and Worth County, Iowa.¹

The project will originate at the proposed Freeborn Wind Farm Substation and run northwest to interconnect at the existing Glenworth Substation located southeast of Glenville, Minnesota. Power generated from the Freeborn Wind Farm Substation will be transmitted to the Glenworth Substation.

2.1 Project Location

The origin of the HVTL is at the Freeborn Wind Farm Substation located at the southeast corner of the intersection of 110th Street and 840th Avenue in Shell Rock Township, approximately 7 miles southeast of the Glenworth Substation. The HVTL will terminate at the Glenworth Substation.

¹ The Freeborn Wind Farm site permit application is Commission Docket Number IP-6946/WS-17-410. The proposed Freeborn Wind Farm Substation is part of the site permit application.

County	Township Name	Township	Range	Sections
Freeborn	Shell Rock	101N	20W	7, 8, 16, 17, 20, 21, 25, 26, 27, 28, 35, 36

2.2 Substations and Associated Facilities

There are no additional substations or associated facilities with this HVTL permit.

2.3 Structures

Structures for the Project are wood, laminated wood, or steel poles with braced post insulators. Wood or laminated braced post poles (braced post structure TSP-161 structure type) will be used for the majority of the project. A cantilever design may be used in some locations with all davit arms and conductors installed on one side of the pole to allow a narrower right-of-way. Direct embedded poles may be used for tangent structures. Rock filled culvert or concrete drilled pier foundations may be used in areas with poor soils. Dead-end structures will be installed with concrete drilled pier foundations of up to 30 feet in depth.

Transmission structures for the project will range from 60 to 80 feet above ground. The typical span between poles outside of substation locations will be approximately 550 to 900 feet.

2.4 Conductors

The approved conductor for the project is T2 477 thousand circular mil (kcmil) aluminum core steel-supported (“Hawk”) conductor or one with comparable capacity (up to 265 MW) with a phasing space of 11 feet.

The table below details specifics on the various structure and conductor types as presented in the route permit application.

Line Type	Conductor	Structure		Foundation	Height	Span
		Type	Material			
Single Circuit	T2 477 kcmil ACSR or comparable	Direct Embedded or Poured Concrete - TSP161, TSVP-161,	Wood, Laminated Wood, or Steel	3-6 feet in diameter	60-80 feet	550-900 feet or 300 feet for the Substation

		TS-161L-LA, TDE-161L-J or SUBDE-161S				Deadend Structure
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3.0 DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the route maps attached to this permit. The route is generally described as follows:

The HVTL line will originate at the proposed Wind Farm Substation site located at the southeast corner of the intersection of 110th Street and 840th Avenue in Shell Rock Township. From the Wind Farm Substation, the line will proceed north and parallel 840th Avenue and turn west to cross through agricultural land to an existing 69 kV transmission line west of 820th Avenue. The HVTL then turns crosses the transmission line and turns north through more agricultural land. It crosses 810th Avenue and parallels 130th Street westerly until it reaches the east side of US 65.

The HVTL then proceeds goes north-by-northwest, adjacent to the east side of US 65 crossing more agricultural land, the Shell Rock River and natural areas associated with the Shell Rock River and terminates at the existing Glenworth Substation.

The route width for the project is generally 400 feet wide, but varies by location as identified in Table 5 of the Freeborn Wind to Glenworth Substation Transmission Line Route Permit Application, dated September 20, 2018, and the enclosed Official Route Map. The identified route width is intended to provide the Permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized by the Commission.

4.0 RIGHT-OF-WAY

The approved right-of-way width for the project is up to 80 feet (40 feet on either side of the centerline). This permit anticipates that the right-of-way will generally conform to the anticipated alignment as noted on the attached route permit maps unless changes are

requested by individual landowners or unforeseen conditions are encountered or are otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7850.4100, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile submitted pursuant to Section 9.1 of this permit.

Where the transmission line parallels existing highway and other road rights-of-way, the transmission line right-of-way shall occupy and utilize the existing right-of-way to the maximum extent possible; consistent with the criteria in Minn. R. 7850.4100 and the other requirements of this permit; and for highways under the jurisdiction of the Minnesota Department of Transportation, the procedures for accommodating utilities in trunk highway rights-of-way.

5.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the transmission line and associated facilities over the life of this permit.

5.1 Permit Distribution

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner or designee that is within or adjacent to the permitted route.

At the time of first contact, the Permittee shall also provide all affected landowners with a copy of the Department of Commerce's Rights-of-Way and Easements for Energy Facility Construction and Operation fact sheet.²

5.2 Access to Property

The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property.

5.3 Construction and Operation Practices

² http://mn.gov/commerce/energyfacilities/documents/Easements%20Fact%20Sheet_08.05.14.pdf

The Permittee shall follow those specific construction practices and material specifications described in the Freeborn Wind to Glenworth Substation Transmission Line Route Permit Application, dated September 20, 2018, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

5.3.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

5.3.2 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the transmission line of the terms and conditions of this permit.

5.3.3 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these will be temporary and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate transmission structure placement.

The Permittee shall consult with landowners, townships, cities, and counties along the route and consider concerns regarding tree clearing, distance from existing structures, drain tiles, pole depth and placement in relationship to existing roads and road expansion plans.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

5.3.4 Temporary Work Space

The Permittee shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way. Temporary space shall be selected to limit the removal and impacts to vegetation. Temporary easements outside of the authorized transmission line right-of-way will be obtained from affected landowners through rental agreements and are not provided for in this permit.

Temporary driveways may be constructed between the roadway and the structures to minimize impact using the shortest route possible. Construction mats should be used to minimize impacts on access paths and construction areas.

5.3.5 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

5.3.6 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures, rights-of-way, and other areas with the potential for visual disturbance. Care shall be used to preserve the natural landscape, minimize tree removal and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and maintenance. The Permittee shall work with landowners to locate the high-voltage transmission line to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads. Structures shall be placed at a distance, consistent with sound engineering principles and system reliability criteria, from intersecting roads, highways, or trail crossings.

5.3.7 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency Construction Stormwater Program.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

In accordance with Minnesota Pollution Control Agency requirements, the Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the Minnesota Pollution Control Agency.

5.3.8 Wetlands and Water Resources

Wetland impact avoidance measures that shall be implemented during design and construction of the transmission line will include spacing and placing the power poles at variable distances to span and avoid wetlands, watercourses, and floodplains. Unavoidable wetland impacts as a result of the placement of poles shall be limited to the immediate area around the poles. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions where practicable and shall be according to permit requirements by the applicable permitting authority. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts. No staging or stringing set up areas shall be placed within or adjacent to wetlands or water resources, as practicable. Power pole structures shall be assembled on upland areas before they are brought to the site for installation.

Areas disturbed by construction activities shall be restored to pre-construction conditions. Restoration of the wetlands will be performed by the Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (Public Waters/Wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

5.3.9 Vegetation Management

The Permittee shall minimize the number of trees to be removed in selecting the right-of-way specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not violate sound engineering principles or system reliability criteria.

Tall growing species located within the transmission line right-of-way that endanger the safe and reliable operation of the transmission facility will be removed by the Permittee. The Permittee shall leave undisturbed, to the extent possible, existing low growing species in the right-of-way or replant such species in the right-of-way to blend the difference between the right-of-way and adjacent areas, to the extent that the low growing vegetation that will not pose a threat to the transmission facility or impede construction.

5.3.10 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners, and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

5.3.11 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.

5.3.12 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

5.3.13 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city or township roads that will be used during the construction phase of the project. Where practical, existing roadways shall be used for all activities associated with construction of the facility. Oversize or overweight loads associated with the facility shall not be hauled across public roads without required permits and approvals.

The Permittee shall construct the least number of site access roads it can. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

5.3.14 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the transmission facility. In the event that a resource is encountered, the Permittee shall contact and consult with the State Historic Preservation Office and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

5.3.15 Avian Protection

The Permittee in cooperation with the Minnesota Department of Natural Resources shall identify areas of the project where bird flight diverters will be incorporated into the transmission line design to prevent large avian collisions attributed to visibility issues. Standard transmission design shall incorporate adequate spacing of conductors and grounding devices in accordance with Avian Power Line Interaction Committee standards to eliminate the risk of electrocution to raptors with larger wingspans that may simultaneously come in contact with a conductor and grounding devices.

5.3.16 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other public or private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

5.3.17 Cleanup

All waste and scrap that is the product of construction shall be removed from the right-of-way and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5.3.18 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and restoration of the right-of-way.

5.3.19 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

5.4 Electrical Performance Standards

5.4.1 Grounding

The Permittee shall design, construct, and operate the transmission line in a manner so that the maximum induced steady-state short-circuit current shall be limited to five milliamperes root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short-circuit current between ground and the object so as not to exceed one milliamperes rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code. The Permittee shall address and rectify any induced current problems that arise during transmission line operation.

5.4.2 Electric Field

The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

5.4.3 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the transmission line, the Permittee shall take whatever action is necessary to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

5.5 Other Requirements

5.5.1 Safety Codes and Design Requirements

The transmission line and associated facilities shall be designed to meet or exceed all relevant local and state codes, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. This includes standards relating to clearances to ground, clearance to crossing utilities, clearance to buildings, strength of materials, clearances over roadways, right-of-way widths, and permit requirements.

5.5.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

6.0 SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

6.1 Compliance Plan for Noise

The Permittee must provide documentation at the time of Plan and Profile filings that demonstrate how it will comply with the noise requirements in Section 5.3.5.

6.2 Line Placement along 130th Street

The Permittee is required to consult with the local electric service provider to ensure that overhead power lines do not follow both sides of 130th Street. The Permittee shall incur all costs associated with meeting this requirement.

6.3 Karst Geology Investigations

The Permittee shall provide geotechnical testing results at all proposed pole locations when it files its plan and profile. The Permittee must file a report for all geotechnical investigations completed, which must include methodology, results, and conclusions drawn from the investigation. Structures shall not be located over karst bedrock.

6.4 Wire/Border Zone Clearing and Maintenance

The permittee must utilize the wire/border zone method of right-of-way clearing and maintenance and incorporate the method in the Vegetation Management Plan required in Section 5.3.9.

7.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

8.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

9.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

9.1 Plan and Profile

At least 30 days before right-of-way preparation for construction begins on any segment or portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, structure specifications and locations, cleanup, and restoration for the transmission line. The documentation shall include maps depicting the plan and profile including the right-of-way, alignment, and structures in relation to the route and alignment approved per this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

9.2 Status Reports

The Permittee shall report to the Commission on progress during finalization of the route, design of structures, and construction of the transmission line. The Permittee need not report more frequently than monthly. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration.

9.3 Notification to Commission

At least three days before the line is to be placed into service, the Permittee shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

9.4 As-Builts

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

9.5 GPS Data

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the transmission line and each substation connected.

10.0 PERMIT AMENDMENT

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in

writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

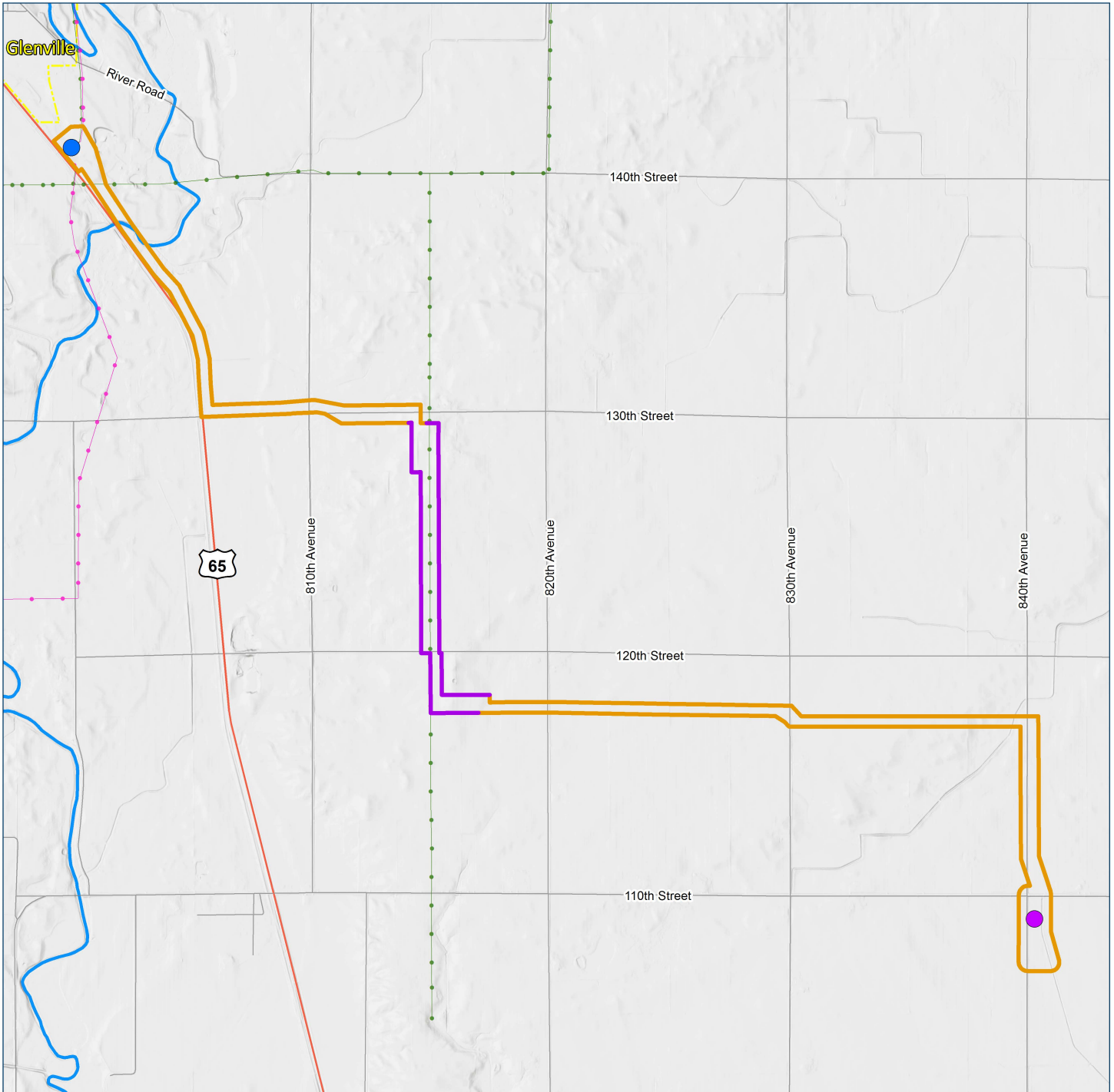
11.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.

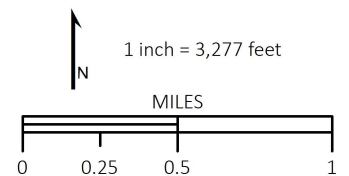
The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

12.0 REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.



- ORANGE Route
- REVISED Purple Route Segment
- Proposed Wind Farm Substation
- Glenworth Substation
- ~ Existing 161 kV Transmission Line
- ~ Existing 69 kV Transmission Line
- ~ Shell Rock River State Water Trail



**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. date of complaint;
 - c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Dan Litchfield, Project Developer
120 East Main Street
Glenville, MN 55036
(312) 582-1057
freebornwind@invenergyllc.com

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PROPOSED PERMIT

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Freeborn Wind Energy, LLC
 PERMIT TYPE: LWECS Site Permit
 PROJECT LOCATION: Freeborn County
 PUC DOCKET NUMBER: IP6946\WS-17-410

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.7	Prairie Protection and Management Plan	30 days prior to submitting Site Plan, as deemed necessary
2	4.12	Notification to Airports	Prior to project construction
3	5.1	Notification of Permit and Complaint Procedures	30 days of permit issuance
4	5.2.1	Field Representative	14 days prior to commencing construction
5	5.2.2	Site Manager	14 days prior to commercial operation
6	5.2.6	National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit	In accordance with Minnesota Pollution Control Agency
7	5.2.9	Notification of Pesticide Application	14 days prior to application
8	5.2.10	Invasive Species Protection Plan	14 days prior to pre-construction meeting
9	5.2.12	Identification of Roads	14 days prior to pre-construction meeting

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.2.16	Assessment of Television and Radio Signal Reception, Microwave Signal Patterns, and Telecommunications	14 days prior to pre-construction meeting
11	5.2.21	Site Restoration	60 days after completion of restoration
12	5.2.25	Public Safety/Education Materials	Upon request
13	5.4	Engineered Drawings of Collector and Feeder Lines	Submit with the Site Plan
14	5.5.2	Filing Regarding Other Required Permits	14 days prior to pre-construction meeting
15	7.1	Biological and Natural Resource Inventories	30 days prior to pre-construction meeting
16	7.2	Shadow Flicker Data	14 days prior to pre-construction meeting
17	7.3	Wake Loss Studies	14 days prior to pre-construction meeting and annual wake loss with annual report
18	7.4	Post-Construction Noise Methodology	14 days prior to pre-construction meeting
19	7.4	Post-Construction Noise Study	14 months of commercial operation
20	7.5.1	First Annual Audit and Revision of Avian and Bat Protection Plan	14 days prior to pre-construction meeting
21	7.5.1	Annual Report - Avian and Bat Protection Plan	15th of March each year or partial year

Filing Number	Permit Section	Description of Compliance Filing	Due Date
22	7.5.2	Quarterly Incident Reports	15th of January, April, July, and October the day following commercial operation
23	7.5.3	Immediate Incident Reports	24 hours of discovery and a report within 7 days
24	8.1	Demonstration of Wind Rights	14 days prior to pre-construction meeting
25	8.2	Power Purchase Agreement	If not obtained within two years issuance of permit
26	8.3	Failure to Construct	If within two years issuance of permit
27	10.0	Complaint Procedures	Prior to start of construction
28	10.1	Pre-Construction Meeting Summary	14 days following meeting
29	10.2	Pre-Operation Meeting Summary	14 days following meeting
30	10.3	Site Plan	14 days prior to pre-construction meeting
31	10.4	Construction Status Reports	Monthly
32	10.5	Commercial Operation	3 days prior to commercial operation
33	10.6	As-Builts	90 days after completion of construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
34	10.7	GPS Data	90 days after completion of construction
35	10.8	Project Energy Production	February 1st following each complete or partial year of project operation
36	10.9	Wind Resource Use	February 1st following each complete or partial year of project operation
37	10.10	Emergency Response Plan	14 days prior to pre-construction meeting and revisions 14 days prior to pre-operation meeting
38	10.11	Extraordinary Event	Within 24 hours of discovery
39	11.1	Decommissioning Plan	14 days prior to pre-operation meeting
40	14.0	Notice of Ownership	14 days after operation