

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

Katie Sieben
Valerie Means
Matthew Schuerger
Joseph Sullivan
John Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

**In the Matter of the Application of Plum
Creek Wind Farm, LLC for a Site Permit to
Construct a 414 MW Large Wind Energy
Conversion System in Cottonwood, Murray
and Redwood Counties, Minnesota**

MPUC Docket No. IP-6997/WS-18-700;
OAH Docket No. 71-2500-36665

**PLUM CREEK WIND FARM, LLC'S
REQUEST FOR CLARIFICATION**

INTRODUCTION

Plum Creek Wind Farm, LLC (“Plum Creek”) submits this Request for Clarification (“Request”) of Section 7.2 of the Site Permit For A Large Wind Energy Conversion System (“Site Permit”) issued to Plum Creek by the Minnesota Public Utilities Commission (“Commission”) on September 23, 2021. As discussed in more detail below, Plum Creek proposes revisions that are intended to more closely match the Commission’s decision, reduce ambiguity, and clarify compliance expectations related to the required shadow flicker management plan.

**REQUEST TO CLARIFY SECTION 7.2 RELATED TO THE
SHADOW FLICKER MANAGEMENT PLAN**

As it relates to a shadow flicker management plan, ordering paragraph 4.b. of the Commission’s September 23, 2021 Order Granting Certificate of Need and Issuing Site Permit and Route Permit (“Order”) reads:

The Permittee is required to develop a project wide Shadow Flicker Management Plan that reduces shadow flicker exposure to less than 30 hours per year for all occupied residences. The plan must be filed at least 14 days prior to the pre-

operation meeting. As an alternative to this 30-hour requirement, the permittee may file proof of specific alternative agreed on mitigations or waiver for impacted individual residences.

The language in the Order closely matches the motion that was discussed and approved unanimously at the Commission's August 12, 2021 meeting, where the concept of requiring a shadow flicker management plan was discussed for the first time in the docket.¹

In contrast, Section 7.2 of the Site Permit contains additional language not previously introduced in the record, including specific reference to the use of shadow flicker detection systems and monitoring. While installation of detection and monitoring systems may be one means of reducing shadow flicker exposure at a residence, there are other available methods of identifying and curtailing turbine operations to reduced shadow flicker exposure to fewer than 30 hours per year. Thus, the specific language added to the Site Permit creates ambiguity and introduces compliance requirements not discussed in the record. Plum Creek requests that Section 7.2 be revised and clarified to provide Plum Creek flexibility to propose other mitigation strategies so long as shadow flicker can be reduced to fewer than 30 hours per year as required.

In addition, the last sentence of Section 7.2, also not included in the Order, states that the Commission can "conduct flicker monitoring and mitigation at any time..." This overbroad language suggests the Commission could require monitoring and mitigation even absent a complaint related to shadow flicker. It would be surprising if this were the Commission's intent. Plum Creek suggests striking that language and allowing the complaint procedures in Section 9 to address any future issues related to shadow flicker impacts.

¹ See Briefing Papers – August 12, 2021 – Decision Option D1 – Commissioner Tuma, eDocket ID No. [20218-176977-01](#).

Specifically, Plum Creek requests that Section 7.2 be amended to more closely match the

Order and state:

7.2 Shadow Flicker

The Permittee shall prepare a Shadow Flicker Management Plan. The plan shall be filed at least 14 days prior to the pre-operation meeting. The plan shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary potentially subject to turbine shadow flicker exposure. Information shall include the results of modeling used; assumptions made; the anticipated levels of exposure from turbine shadow flicker for each residence; and documentation on the proposed methods to avoid, minimize, and mitigate shadow flicker exposure, including relevant communications with residents.

Should modeling identify any residence that will experience 30 hours or more of shadow flicker per year, the residence must be specifically identified in the Shadow Flicker Management Plan. If through minimization and mitigation efforts identified in the plan the Permittee is not able to reduce a residence's anticipated shadow flicker exposure to less than 30 hours per year, ~~a shadow flicker detection system will be utilized during project operations to monitor shadow flicker exposure at the residence. The plan must detail the placement and use of any shadow flicker detection systems, describe how the monitoring data will be used to inform turbine operations, and include~~ the Permittee must include a detailed plan of when and how turbine operations will be adjusted to mitigate shadow flicker exposure exceeding 30 hours per year at any one residence.

The Permittee may exclude from the Shadow Flicker Management Plan residences that exceed 30 hours per year by providing documentation that the landowners have reached an alternative agreement or a waiver as it relates to shadow flicker. If a waiver is obtained or an agreement is reached with a landowner regarding shadow flicker after the pre-construction meeting the Permittee may remove that residence from coverage under the plan.

The results of any shadow flicker management plan monitoring, mitigation implementation, and notice of later agreements will be reported by the Permittee in the Annual Project Energy Production Report identified in Section 10.8 of this Permit. ~~The Commission may require the Permittee to conduct shadow flicker monitoring and mitigation at any time during the life of this permit.~~

CONCLUSION

Plum Creek respectfully requests that the Commission clarify and amend Section 7.2 of the Site Permit, as described in this Request, to ensure that the Site Permit is consistent with the Order and record in this matter.

Respectfully submitted,

Dated: October 13, 2021

/s/ Christina K. Brusven

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