

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

**ORDER ON PETITIONS TO INTERVENE
BY UPPER SIOUX COMMUNITY TRIBAL
HISTORIC PRESERVATION OFFICE
AND THE LOWER SIOUX COMMUNITY
IN THE STATE OF MINNESOTA**

In the Matter of the Application of Big Bend Wind, LLC for a Certificate of Need for the up to 308 MV Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota.

Docket No. IP-7013/CN-19-408

In the Matter of the Application of Big Bend Wind, LLC for a Large Wind Energy Conversion System Site Permit for the up to 308 MV Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota.

Docket No. IP-7013/WS-19-619

In the Matter of the Application of Big Bend Wind, LLC for a Route Permit for a 161 kV High Voltage Transmission Line in Cottonwood, Watonwan and Martin Counties, Minnesota.

Docket No. IP-7013/TL-19-621

In the Matter of the Application of Red Rock Solar, LLC for a Certificate of Need for the up to 60 MW Red Rock Solar Project in Cottonwood County, Minnesota.

Docket No. IP-7014/CN-19-486

In the Matter of the Application of Red Rock Solar, LLC for a Site Permit for the up to 60 MW Red Rock Solar Project in Cottonwood County, Minnesota.

Docket No. IP-7014/GS-19-620

These matters are pending before Administrative Law Judge James E. LaFave.

Christina Brusven and Haley Waller-Pitts, Fredrickson & Byron, appeared on behalf of Big Bend Wind, LLC, and Red Rock Solar, LLC.

Valerie T. Herring, Taft, Stettinius, & Hollister, LLP, appeared on behalf of the Minnesota Historical Society.

Richard Dornfeld, Assistant Attorney General, appeared on behalf of the Department of Commerce Energy Environmental Review and Analysis Unit (DOC EERA).

Peter J. Rademacher, Hogan Adams, PLLC, appeared on behalf of the Lower Sioux Community in the State of Minnesota.

Leif Rasmussen, General Counsel, appeared on behalf of the Upper Sioux Community Tribal Historic Preservation Office.

Cezar Panait and Charley Bruce appeared on behalf of the Public Utilities Commission staff.

To: All Persons on the Attached Service List.

On July 22, 2021, the Upper Sioux Community Tribal Historic Preservation Office filed a Petition to Intervene. There were no objections to that Petition.

On July 27, 2013, the Lower Sioux Indian Community in the State of Minnesota filed a Petition to Intervene. There were no objections to that Petition.

Based on all the files and proceedings of the matter, the Administrative Law Judge makes the following:

ORDER

1. The Upper Sioux Community Tribal Historic Preservation Office is admitted to this proceeding as a full party.

2. Lower Sioux Indian Community in the State of Minnesota is admitted to this proceeding as a fully party.

Dated: August 13, 2021


JAMES E. LAFAVE
Administrative Law Judge

MEMORANDUM

The Upper Sioux Community Tribal Historic Preservation Office and the Lower Sioux Indian Community in the State of Minnesota petitioned to intervene in this case.

The standards for intervention are set out in Minn. R. 1400.6200 (2021) and 1405.0900 (2021). The latter rule states in part:

Subp. 1. **Petition.** Any person desiring to intervene in the hearing as a party shall submit a timely petition to intervene to the administrative law judge and shall serve the petition upon all existing parties. Timeliness will be determined by the administrative law judge in each case based on the circumstances at the time of filing. The petition shall show how the petitioner's legal rights, duties, or privileges are not otherwise represented, and shall set forth the grounds and purposes for which intervention is sought and shall indicate petitioner's statutory or legal right to intervene, if one should exist. The administrative law judge, with the consent of all the parties, may waive the requirement that the petition be in writing.¹

The Upper Sioux Community Tribal Historic Preservation Office and the Lower Sioux Indian Community in the State of Minnesota have identified particular interests and groups that are not already represented in this proceeding. Admitting these groups as parties to this matter will ensure that their interests are adequately represented in this contested case proceeding.

J. E. L.

¹ Minn. R. 1404.0900, subp. 1.

August 13, 2021

See Attached Service List

Re: In the Matter of the Application of Big Bend Wind, LLC for a Certificate of Need for the up to 308 MV Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota.

In the Matter of the Application of Big Bend Wind, LLC for a Large Wind Energy Conversion System Site Permit for the up to 308 MV Big Bend Wind Project in Cotton Wood and Watonwan Counties, Minnesota.

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In the Matter of the Application of Red Rock Solar, LLC for a Site Permit for the up to 60 MW Red Rock Solar Project in Cotton Wood County, Minnesota.

OAH 60-2500-37376
MPUC Docket No. IP-7013/CN-19-408
Docket No. IP-7013/WS-19-619
Docket No. IP-7013/TL-19-621
Docket No. IP-7014/CN-19-486
Docket No. IP-7014/GS-19-620

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER ON PETITIONS TO INTERVENE BY UPPER SIOUX COMMUNITY TRIBAL HISTORIC PRESERVATION OFFICE AND THE LOWER SIOUX COMMUNITY IN THE STATE OF MINNESOTA** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Michelle Severson". The script is cursive and fluid, with the first name "Michelle" and last name "Severson" clearly legible.

MICHELLE SEVERSON
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Application of Big Bend Wind, LLC for a Certificate of Need for the up to 308 MV Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota.	OAH Docket No.: 60-2500-37376 Docket No. IP-7013/CN-19-408
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Michelle Severson certifies that on July 1, 2021, she served the true and correct

**ORDER ON PETITIONS TO INTERVENE BY UPPER SIOUX COMMUNITY TRIBAL
HISTORIC PRESERVATION OFFICE AND THE LOWER SIOUX COMMUNITY IN
THE STATE OF MINNESOTA** by eService, and U.S. Mail, (in the manner indicated
below) to the following individuals:

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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD
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