

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Valerie Means  
Matthew Schuerger  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

Mark Noyes  
President and Chief Executive Officer  
Rose Creek Wind, LLC  
100 Summit Lake Dr, Suite 210  
Valhalla, NY 10595

SERVICE DATE: March 15, 2022

DOCKET NO. IP-7065/WS-21-643

Gokhan Andi  
Manager, Project Development  
Consolidated Edison Clean Energy Businesses  
4301 W 57th St, Suite 131  
Sioux Falls, SD 57108

In the Matter of the Application of Rose Creek Wind, LLC for a LWECS Site Permit for the  
17.4 MW Rose Creek Wind Project in Mower County, Minnesota

The above entitled matter has been considered by the Commission and the following disposition  
made:

- 1. Accepted the site permit application as substantially complete, with the understanding that Rose Creek Wind will continue to work with Department of Commerce Energy Environmental Review and Analysis (EERA) through the review of the proposed project and the site permit process.**
- 2. Delayed the decision on whether to refer the project for a contested case proceeding until the Commission's consideration of the draft site permit.**
- 3. Requested that an administrative law judge (ALJ) from the Office of Administrative Hearings preside over a public hearing under the Commission's Summary Proceeding process in accordance with Minn. R. 7850.3800, subp. 2 to 4, and as the ALJ determines appropriate, Minn. R. 1405.0500; 1405.0600; 1405.0800; 1405.1900; and 1405.2200; and direct that intervention as a party is not required.**
- 4. Requested that the ALJ (1) establish the types of filings necessary to facilitate proper record development (e.g., prefiled direct testimony, briefs, reply briefs, proposed findings and site permit recommendations) and a schedule for submitting those filings through a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate; and (2) prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the**

**permit application, and provide recommendations, if any, on conditions and provisions of the proposed permit, and provide specific findings regarding Rose Creek Wind's claim of the aircraft detection lighting system (ADLS) causing significant financial burden.**

**This decision is issued by the Commission's consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).**

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



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February 18, 2022

*ELECTRONIC FILING*

Will Seuffert, Executive Secretary  
Public Utilities Commission  
127 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

RE: **Comments and Recommendations on Application Acceptance**  
Rose Creek Wind Project  
Docket No. IP7065/WS-21-643

Dear Mr. Seuffert:

Attached are the comments and recommendations of the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) staff on application acceptance in the following matter:

**In the Matter of the Application of Rose Creek Wind, LLC for a LWECS Site Permit for the 17.4 MW Rose Creek Wind Project in Mower County, Minnesota**

The authorized representatives for the Applicant are:

Mark Noyes  
President and Chief Executive Officer  
Rose Creek Wind, LLC  
100 Summit Lake Dr, Suite 210  
Valhalla, NY 10595

Gokhan Andi  
Manager, Project Development  
Consolidated Edison Clean Energy Businesses  
4301 W 57<sup>th</sup> St, Suite 131  
Sioux Falls, SD 57108  
507-215-6301  
Email: [andig@conedceb.com](mailto:andig@conedceb.com)

EERA staff recommends the Minnesota Public Utilities Commission (Commission) accept the applications for the proposed project as complete.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Davis'.

Richard Davis  
Environmental Review Manager

Enclosure

cc: Louise Miltich, Energy Environmental Review and Analysis  
Mary Otto, Department of Commerce  
Charley Bruce, Public Utilities Commission



## BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

### ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS COMMENTS AND RECOMMENDATIONS

#### ROSE CREEK WIND PROJECT DOCKET No. IP7065/WS-21-643

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Date: February 18, 2022

Staff: Richard Davis | 507-380-6859 | [richard.davis@state.mn.us](mailto:richard.davis@state.mn.us)

#### **In the Matter of the Application of Rose Creek Wind, LLC for a LWECS Site Permit for the 17.4 megawatts (MW) Rose Creek Wind Project in Mower County, Minnesota**

**Issues Addressed:** These comments and recommendations address the completeness of the large wind energy conversion system (LWECS) site permit application, contested issues of fact, and the procedural process to be applied.

#### **Documents Attached:**

- (1) Rose Creek Wind Project Location Map
- (2) Rose Creek Wind LWECS Completeness Checklist

Relevant documents and additional information can be found on the eDockets website at <https://www.edockets.state.mn.us/EFiling/search.jsp> (enter the year “21” and the number “643”), or on the EERA website at <https://apps.commerce.state.mn.us/eera/web/project/14792>.

This document can be made available in alternative formats (i.e., large print or audio) by calling 651-539-1530 (voice).

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## Introduction and Background

Rose Creek Wind, LLC, a subsidiary owned by Rose Wind Holdings, LLC, which is owned by ConEdison Development (CED), filed an application for a LWECS site permit for the Rose Creek Wind Project in Mower County with the Commission on January 28, 2022.<sup>1</sup>

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<sup>1</sup> Rose Creek Wind, LLC. Initial Filing – Site Permit Application, Figures, and Appendices. January 28, 2022. eDocket ID # [20221-182146-01](#), [20221-182146-02](#), [20221-182146-03](#), [20221-182146-04](#), [20221-182146-05](#), [20221-182146-06](#), [20221-182146-07](#), [20221-182146-08](#), [20221-182150-01](#), [20221-182150-03](#), [20221-182150-04](#), [20221-182150-05](#), [20221-182150-06](#), [20221-182150-07](#), [20221-182150-08](#), [20221-182150-09](#), [20221-182150-10](#), [20221-182153-01](#), [20221-182153-02](#), [20221-182153-03](#), [20221-182153-04](#), [20221-182153-05](#), [20221-182153-06](#), [20221-182153-07](#), [20221-182153-08](#), [20221-182153-09](#)

The Rose Wind Project is currently operating and consists of 11 turbines that were previously permitted by Mower County, under seven separate limited liability companies. The Rose Wind Project will be repowered, renamed the Rose Creek Wind Project and operate under one company. Mower County does not permit wind energy facilities between 5 and 25 MW, so Rose Creek Wind, LLC (Rose Creek Wind or Applicant) applied for a LWECS site permit from the Commission.

On February 4, 2022, the Commission issued a notice soliciting comments on the completeness of the application, known contested issues of fact, and the procedural process to applied.

### Project Purpose

The currently operating Rose Wind Project currently sells its generated electricity to Dairyland Power Cooperative (Dairyland) under a Power Purchase Agreement (PPA), and the repowered Rose Creek Wind Project will continue to sell to Dairyland following repowering of the Project.<sup>2</sup>

### Project Description

The Rose Wind Project is currently operating and consists of 11 turbines that were previously permitted by Mower County. The Rose Wind Project turbines will be decommissioned, and the Project will be completely repowered and operated as the Rose Creek Wind Project.<sup>3</sup>

The Rose Creek Wind Project will be located in portions of Lodi and Adams Townships in Mower County, Minnesota, with a Project footprint that spans 5,258 acres of land (see attached **Rose Creek Wind Project Location Map**). The Project will have up to 17.4 MW of nameplate wind energy capacity. Rose Creek Wind continues to assess its turbine options and is currently evaluating two scenarios that would use a combination of two or three wind turbine models with rated nameplate power outputs ranging from 2.0 MW to 2.82 MW, which would result in the construction and operation of six or seven wind turbines.<sup>4</sup>

The turbine models currently under consideration do have slightly different characteristics.

- Gamesa 2.0 MW Turbine – Hub Height 100 m, Total Tip Height 168.5 m, Rotor Diameter 97 m
- GE 2.3 MW Turbine – Hub Height 80 m, Total Tip Height 138 m, Rotor Diameter 116 m
- GE 2.82 MW Turbine – Hub Height 89 m, Total Tip Height 152.5 m, Rotor Diameter 127 m

Turbine Scenario 1 would use a combination of one General Electric (GE) 2.3 MW turbine and five GE 2.82 MW turbines, for a total of six turbines and one alternate turbine location. Turbine Scenario 2 would use four Gamesa 2.0 MW turbines, one GE 2.3 MW, and two GE 2.82 MW turbines for a total of seven turbines. The two turbine scenarios have similar construction footprints, as the turbine layouts, collector line locations, access road/crane path locations are identical, and the environmental impacts are anticipated to be similar.<sup>5</sup>

A number of facilities will be constructed to support the operation of the wind turbines and facilitate the delivery of the electricity to consumers. Rose Creek Wind is seeking approval from the Commission through the LWECS site permit for the following associated facilities: new gravel access roads, improvements to existing access roads, temporary widening of access roads to be used as crane paths, an

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<sup>2</sup> Site Permit Application, Section 1.0

<sup>3</sup> Site Permit Application, Section 5.1

<sup>4</sup> Site Permit Application, Section 4.0

<sup>5</sup> Site Permit Application, Section 4.4

upgraded project substation, underground and/or aboveground electrical collection and communication lines, a temporary construction laydown yard.<sup>6</sup>

At the time of the initial application filing, Rose Creek Wind stated it has acquired 95 percent of the land required for successful construction and operation of the Project. Easement negotiations are ongoing with four property owners to acquire good neighbor agreements for turbines T-1 and T-2 wind access buffers.<sup>7</sup> Rose Creek Wind anticipates commencement of construction to begin in the third quarter of 2022 and to be completed in the third quarter of 2023. Rose Creek Wind has indicated they plan to begin commercial operation date (COD) in the third quarter of 2023.<sup>8</sup>

## Regulatory Process and Procedures

The Rose Creek Wind Project is currently operating under conditional use permits issued by Mower County and does not currently have a site permit from the Commission. The Project requires review and approval of a LWECS site permit from the Commission. For purposes of brevity, the following section summarizes what Department of Commerce, Energy Environmental Review and Analysis (EERA) staff considers particularly important milestones in the review of the application.

### LWECS Site Permit

A site permit from the Commission is required to construct an LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minnesota Rule 7854.

### Application Acceptance

Pursuant to Minnesota Rule 7854.0600, the Commission may elect to accept, conditionally accept, or reject the application. If the Commission conditionally accepts or rejects an application, the Commission must advise the Applicant of the deficiencies in the application and the manner in which the deficiencies can be addressed.

### Preliminary Determination and Draft Site Permit

Minnesota Rule 7854.0800 states, "Within 45 days after acceptance of the application by the Commission, the Commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the Commission shall prepare a *draft site permit* for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions."

Issuing a draft site permit does not confer an authority to construct an LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance, or may deny the site permit at a later date.

The PUC shall afford the public a minimum of 30 days after publication of the draft site permit notice in the EQB Monitor to submit written comments to the PUC. The Commission may extend the public

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<sup>6</sup> Site Permit Application, Section 6.0

<sup>7</sup> Site Permit Application, Section 7.0

<sup>8</sup> Site Permit Application, Section 10.8

comment period if necessary to afford the public adequate time to review the application and other pertinent information in order to formulate complete comments on the draft site permit and the project.<sup>9</sup>

#### ***Public Information Meeting***

Minnesota Rule 7854.0800, subpart 4 requires the Commission to hold at least one public information meeting in a location convenient to the vicinity of the proposed LWECS during the public comment period on the draft site permit. The public information meeting must be held more than ten days prior to the end of the public comment period on the draft site permit. The Commission shall extend the comment period if necessary to meet this requirement.

#### ***Contested Case Hearing***

Minnesota Rule 7854.0800, subpart 5, provides the opportunity for any person to request a contested case hearing on an LWECS site permit application.

#### ***Final Site Permit Decision***

Upon completion of the procedures and requirements of Minnesota Rule 7854, the matter must be brought to the Commission for a final decision. The Commission shall take final action on the application for a site permit for an LWECS within 180 days after acceptance of an application by the Commission, unless the applicant agrees to an extension or the Commission extends this deadline for cause.<sup>10</sup>

The Commission may include in a site permit conditions for turbine type and designs, site layout and construction, and operation and maintenance of the LWECS, including the requirement to restore, to the extent possible, the area affected by construction of the LWECS to the natural conditions that existed immediately before construction of the LWECS and other conditions that the Commission determines are reasonable.<sup>11</sup>

### **EERA Staff Analysis and Comments**

EERA staff has reviewed the LWECS site permit application and provides the following analysis and comments in response to the Commission's notice requesting comments on completeness and other issues related to the procedures to review and process the application.

#### ***Application Completeness***

EERA staff has conferred with Rose Creek Wind about the Project and reviewed a draft of the LWECS site permit application. EERA staff believes that its comments on the draft application have been substantially addressed in the site permit application submitted to the Commission.

EERA staff has reviewed the LWECS site permit application pursuant the requirements of Minnesota Rule 7854 (Wind Siting Rules) and believes that the application provides the information required by Minnesota Rule 7854.0500 in a format that members of the public can access (see attached **Rose Creek Wind LWECS Completeness Checklist**). This completeness review addresses whether the required content is present in the application document, the information in the application will be vetted and facts established through development of the record after the application is accepted.

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<sup>9</sup> Minnesota Rule 7854.0900, Subpart 3

<sup>10</sup> Minnesota Rule 7854.1000

<sup>11</sup> Minnesota Rule 7854.1000



EERA has identified two issues that the Commission may like to address at this time, Rose Creek has not proposed the use of an aircraft detection lighting system (ADLS) and they proposed to develop a Native Prairie Protection Plan (NPPP) only if the Project would be impacting native prairie.

Rose Creek is not considering the installation of an Aircraft Detection Lighting System (ADLS) at this time because: the Applicant has indicated the Project is small with only 6 or 7 turbines; the existing Rose Wind project does not use ADLS lighting; the Project is within an area that has a significant number of existing turbines, many of which do not have ADLS lighting systems; and finally, based on preliminary quotes provided by ADLS vendors, installing ADLS lighting at the Rose Creek Wind Project would be cost prohibitive. The costs for purchase and installation of an ADLS system would amount to approximately 2% of the total development costs of the Project, which does not include the lifetime costs to operate and maintain the ADLS system.

Given the new statutory language under 216F.084, the Commission must make the determination if the Applicant is exempt from needing to install ADLS. The Commission can only make the determination to exempt Rose Creek after properly noticing the ADLS issue and holding a public hearing. The Applicant must demonstrate to the Commission that ADLS is technically infeasible or “imposes a significant financial burden”.

That the Applicant’s representation is not consistent with the provisions in statute 216F.084. EERA recommends this issue be highlighted in the public hearing notice, and the Commission should request the ALJ provide specific findings around this issue to help inform their final decision regarding the Applicant’s claim of ADLS causing significant financial burden.

It is standard that a NPPP is developed for a wind project when native prairie is identified within the project area, as the NPPP provides documentation of the procedure used to identify native prairie and the avoidance and minimization measures that were implemented to not impact native prairie areas within the project area.

The Commission’s acceptance of the applications will allow EERA staff to continue our review of the proposed project, and EERA staff will proceed with gathering public comments and the input from other agencies on the proposed project and develop a preliminary draft site permit for the Commission’s consideration.

### **Contested Issues of Fact**

Staff is not aware of any contested issues of fact with respect to the application related to the proposed LWECS Project at this time.

### **Procedural Process**

At this time, EERA staff does not know of any controversial issues or unaccounted for sensitive resource impacts associated with the proposed Rose Creek Wind Project, and EERA recommends the Commission not make a decision on proceeding with a Contested Case at this time. A Contested Case can be requested up until the Commission’s issuance of a Draft Site Permit.

EERA staff recommends that the Commission request a full ALJ report for the project's public hearing. EERA staff believes that a full ALJ report with recommendations provides an unbiased, efficient, and transparent method to air and resolve any issues that may emerge as the record is developed. Requiring a full ALJ report reduces the burden on Commission staff and helps to ensure that the Commission has a robust record on which to base its decision. Additionally, a full ALJ report does not significantly lengthen the site permitting process.

### **Rule Variance**

EERA staff recommends that the Commission vary the procedural requirements of Minnesota Rule 7854.0800, which requires a preliminary determination on whether to issue a draft site permit within 45 days of application acceptance. EERA staff believes additional time is appropriate to accommodate a public information meeting, and to allow public comment on the application and issues to be considered in the development of a draft site permit for the project.

Minnesota Rule 7829.3200 allows the Commission to grant a variance to its rules when it determines the following three conditions are met:

- A. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule,
- B. Granting the variance would not adversely affect the public interest, and
- C. Granting the variance would not conflict with standards imposed by law.

EERA staff believes the conditions for a variance are met in this case. Over the past several years, the Commission has found this variance is appropriate, beneficial, and in compliance with the three-factor variance test.

- First, enforcement of the rule would impose an excessive burden on Commission and EERA staff because of the short time available between application acceptance and the time a draft site permit must be addressed by the Commission. As noted above, Commission practice has been to include an additional comment period following application acceptance, including a public meeting, to allow for public input on the site permit application prior to the Commission's preliminary determination on whether a site permit may be issued. EERA staff believes that 45 days is inadequate to allow a reasonable comment period, review of any comments received, and, where appropriate, incorporation of comments into the draft site permit for Commission consideration.
- Second, granting the variance will not adversely affect the public interest. Rather, granting the variance would better serve the public interest by providing opportunity for interested persons to review and comment on the application.
- Third, EERA staff does not believe granting the variance would conflict with any standards imposed by law.

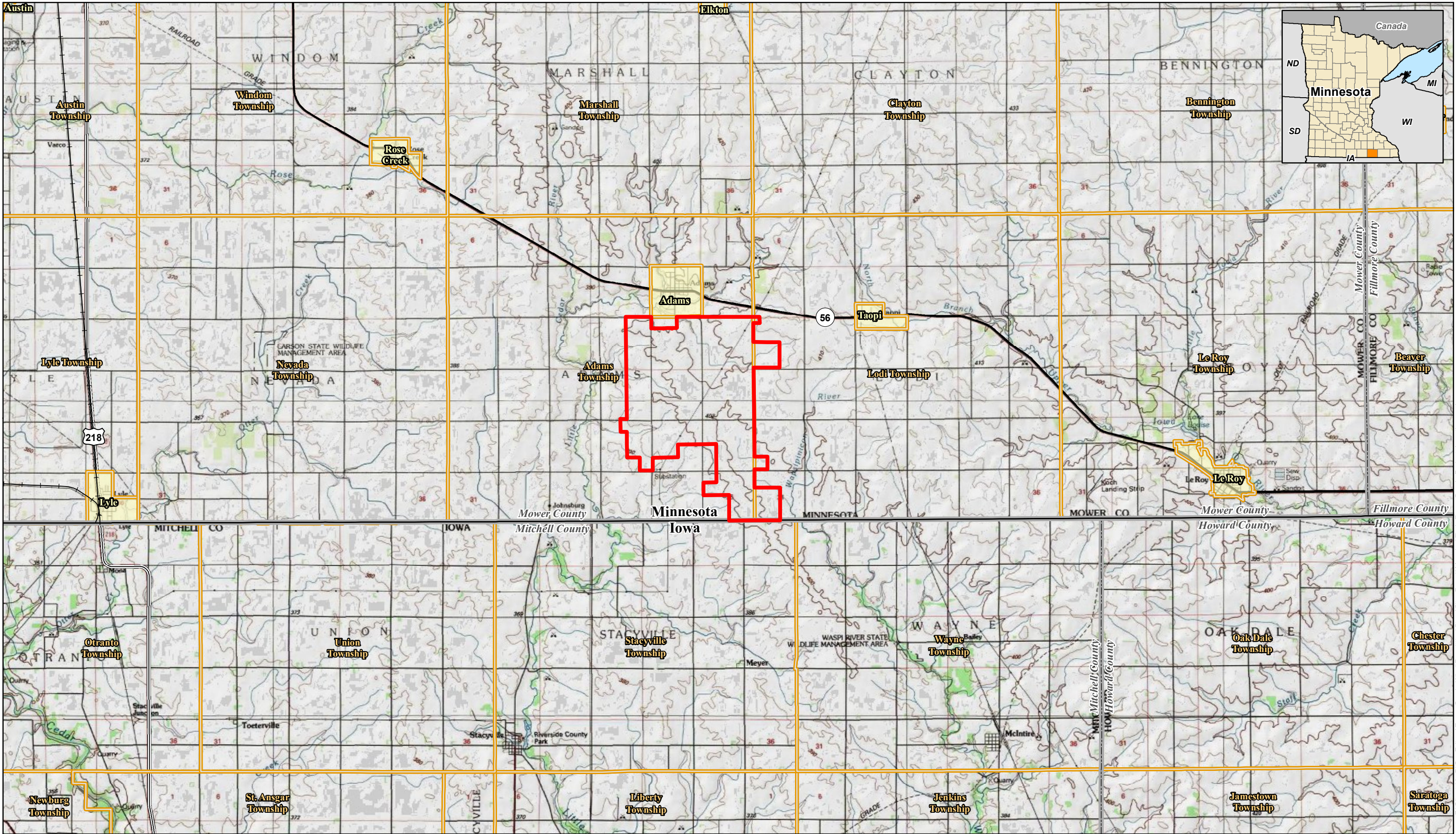
EERA staff is not aware of any opposition to this rule variance, and the variance has been a typical practice in recent wind dockets under consideration by the Commission.


### **EERA Staff Recommendation**

EERA staff recommends that:

- The Commission accept the site permit application for the proposed Rose Creek Wind Project as substantially complete, with the understanding that Rose Creek Wind will continue to work with EERA through the review of the proposed project and the LWECS site permit process.
- The ADLS issue should be highlighted in the public hearing notice, and the Commission should request the ALJ provide specific findings around this issue to help inform their final decision regarding the Applicant's claim of ADLS causing significant financial burden.
- The Commission delay the decision on whether to refer the project for a contested case proceeding until the Commission's consideration of the draft site permit.
- The Commission request a full ALJ report with recommendations for the project's public hearing.
- The Commission vary the procedural requirements of Minnesota Rule 7854.0800, to allow longer than 45 days to determine whether to issue a draft site permit.








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Imagery Source: National Geographic Society 2013, i-cubed  
Data Source: ConEdison, MNDOT, Census, USGS  
For Environmental Review Purposes Only

**Figure 1**  
**Rose Creek Wind Project**  
**Rose Creek Wind, LLC**  
**Project Location**  
**Mower County, Minnesota**

-  Project
-  County Boundary
-  Township Boundary
-  Municipal Boundary



## COMPLETENESS CHECKLIST

Minnesota Rule	Required Information	Application Section(s)
<b>7854.0500</b>	<b>Site Permit Application Contents</b>	
<b>Subpart 1</b>	<b>Applicant</b>	
A.	A letter of transmittal signed by an authorized representative or agent of the applicant	1.1
B.	The complete name, address, and telephone number of the applicant and any authorized representative	1.2
C.	The signature of the preparer of the application if prepared by an agent or consultant of the applicant	1.3
D.	The role of the permit applicant in the construction and operation of the LWECS	1.3
E.	The identity of any other LWECS located in Minnesota in which the applicant, or a principal of the applicant, has an ownership or other financial interest	1.7
F.	The operator of the LWECS if different from the applicant.	1.5
G.	The name of the person or persons to be the permittees if a site permit is issued	1.6
<b>Subpart 2</b>	<b>Certificate of Need or Other Commitment</b>	
A.	The applicant shall state in the application whether a certificate of need for the system is required from the commission and, if so, the anticipated schedule for obtaining the certificate of need. The commission shall not issue a site permit for an LWECS for which a certificate of need is required until the applicant obtains the certificate, although the commission may process the application while the certificate of need request is pending before the commission.	2.0
B.	The commission may determine if a certificate of need is required for a particular LWECS for which the commission has received a site permit application.	2.0
C.	If a certificate of need is not required from the commission, the applicant shall include with the application a discussion of what the applicant intends to do with the power that is generated. If the applicant has a power purchase agreement or some other enforceable mechanism for sale of the power to be generated by the LWECS, the applicant shall, upon the request of the commission, provide the commission with a copy of the document.	2.0
<b>Subpart 3</b>	<b>State Policy</b>	
	The applicant shall describe in the application how the proposed LWECS project furthers state policy to site such projects in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.	3.0
<b>Subpart 4</b>	<b>Proposed Site</b>	
	The applicant shall include the following information about the site proposed for the LWECS and any associated facilities:	
A.	The boundaries of the site proposed for the LWECS, which must be delineated on a United States Geological Survey Map or other map as appropriate;	4.1 Figure 1 Figure 8
B.	The following characteristics of the wind at the proposed site:	9.1

<b>Minnesota Rule</b>	<b>Required Information</b>	<b>Application Section(s)</b>
<b>7854.0500</b>	<b>Site Permit Application Contents</b>	
	(1) interannual variation;	9.1.1
	(2) seasonal variation;	9.1.2
	(3) diurnal conditions;	9.1.3
	(4) atmospheric stability, to the extent available;	9.1.4
	(5) turbulence, to the extent available;	9.1.5
	(6) extreme conditions;	9.1.6
	(7) speed frequency distribution;	9.1.7
	(8) variation with height;	9.1.8
	(9) spatial variations; and	9.1.9
	(10) wind rose, in eight or more directions	9.1.10
C.	Other meteorological conditions at the proposed site, including the temperature, rainfall, snowfall, and extreme weather conditions; and	9.1.11
D.	The location of other wind turbines in the general area of the proposed LWECS.	9.2 Figure 5
<b>Subpart 5</b>	<b>Wind Rights</b>	
5.	The applicant shall include in the application information describing the applicant's wind rights within the boundaries of the proposed site.	7.0
<b>Subpart 6</b>	<b>Design of Project</b>	
A.	A project layout, including a map showing a proposed array spacing of the turbines	5.1 Figure 2c Figure 4
B.	A description of the turbines and towers and other equipment to be used in the project, including the name of the manufacturers of the equipment	5.2
C.	A description of the LWECS electrical system, including transformers at both low voltage and medium voltage	5.3.1, 5.3.2,
D.	A description and location of associated facilities	6.2.1, 6.2.2, 6.2.3 Figure 2
<b>Subpart 7</b>	<b>Environmental Impacts</b>	
A.	Demographics, including people, homes, and businesses	8.1
B.	Noise	8.4 Figure 17
C.	Visual impacts	8.5
D.	Public services and infrastructure	8.6
E.	Cultural and archaeological impacts	8.7 Figure 12
F.	Recreational resources	8.8 Figure 3
G.	Public health and safety, including air traffic, electromagnetic fields, and security and traffic	8.9
H.	Hazardous materials	8.10 Figure 14

<b>Minnesota Rule</b>	<b>Required Information</b>	<b>Application Section(s)</b>
<b>7854.0500</b>	<b>Site Permit Application Contents</b>	
I.	Land-based economics, including agriculture, forestry, and mining	8.11
J.	Tourism and community benefits	8.12
K.	Topography	8.14 Figure 8
L.	Soils	8.15 Figure 13
M.	Geologic and groundwater resources	8.16 Figure 14
N.	Surface water and floodplain resources	8.17 Figure 9 Figure 11
O.	Wetlands	8.18 Figure 10
P.	Vegetation	8.19 Figure 6
Q.	Wildlife	8.20
R.	Rare and unique natural resources	8.21 Figure 12
<b>Subpart 8</b>	<b>Construction of Project</b>	
	The applicant shall describe the manner in which the project, including associated facilities, will be constructed.	10.0, 10.1, 10.2, 10.3, 10.4, 10.5
<b>Subpart 9</b>	<b>Operation of Project</b>	
	The applicant shall describe how the project will be operated and maintained after construction, including a maintenance schedule.	10.6
<b>Subpart 10</b>	<b>Costs</b>	
	The applicant shall describe the estimated costs of design and construction of the project and the expected operating costs.	10.7
<b>Subpart 11</b>	<b>Schedule</b>	
	The applicant shall include an anticipated schedule for completion of the project, including the time periods for land acquisition, obtaining a site permit, obtaining financing, procuring equipment, and completing construction. The applicant shall identify the expected date of commercial operation.	10.8
<b>Subpart 12</b>	<b>Energy Projections</b>	
	The applicant shall identify the energy expected to be generated by the project.	10.9
<b>Subpart 13</b>	<b>Decommissioning and Restoration</b>	
A.	The anticipated life of the project	11.0
B.	The estimated decommissioning costs in dollars	11.0
C.	The method and schedule for updating the costs of decommissioning and restoration	11.0
D.	The method of ensuring that funds will be available for decommissioning and restoration	11.0

<b>Minnesota Rule</b>	<b>Required Information</b>	<b>Application Section(s)</b>
<b>7854.0500</b>	<b>Site Permit Application Contents</b>	
E.	The anticipated manner in which the project will be decommissioned and the site restored	11.0
<b>Subpart 14</b>	<b>Identification of Other Permits</b>	
	The applicant shall include in the application a list of all known federal, state, and local agencies or authorities, and titles of the permits they issue that are required for the proposed LWECS.	12.0





March 4, 2022

*ELECTRONIC FILING*

Will Seuffert, Executive Secretary  
Public Utilities Commission  
127 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

RE: **Supplemental Comments on Application Acceptance**  
Rose Creek Wind Project  
Docket No. IP7065/WS-21-643

Dear Mr. Seuffert:

**In the Matter of the Application of Rose Creek Wind, LLC for a LWECS Site Permit for the 17.4 MW Rose Creek Wind Project in Mower County, Minnesota**

The Department of Commerce, Environmental Review and Analysis (EERA) provided comments regarding acceptance of the Rose Creek Wind Project (Project) LWECS site permit on February 18, 2022. In our initial comments, the two primary issues identified for the Commission's consideration were the Rose Creek Wind, LLC's (Applicant) proposal to not use an aircraft detection lighting system (ADLS) for the Project, and the completion and submittal of a Native Prairie Protection Plan (NPPP) should any native prairie areas be identified within the project area.

The Applicant submitted reply comments and an amended set of reply comments on February 25, 2022. In the Applicant's reply comments they committed to further developing the record regarding their request for exemption from the use of ADLS, which will assist the Commission in making the determination if the Project should be exempt under MN Statute 216F.084. Additionally, the Applicant committed to conducting the necessary native prairie survey work and completed a NPPP should any native prairie be identified within the project area.

EERA staff recommends the Commission accept the application for the proposed Rose Creek Wind Project as substantially complete.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Davis'.

Richard Davis  
Environmental Review Manager

## **CERTIFICATE OF SERVICE**

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

### **Minnesota Public Utilities Commission ORDER**

Docket Number: **IP-7065/WS-21-643**

Dated this **15th** day of **March, 2022**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Gokhan	Andi	andig@conedceb.com	Consolidated Edison Clean Energy Businesses.	4301 W 57th ST STE 131  Sioux Falls, SD 57108	Electronic Service	Yes	OFF_SL_21-643_21-643
Vernon	Archibald	archibaldv@conedceb.com	Rose Creek Wind, LLC	100 Summit Lake Dr Ste 210  Valhalla, NY 10595	Electronic Service	No	OFF_SL_21-643_21-643
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000  Minneapolis, MN 554021425	Electronic Service	Yes	OFF_SL_21-643_21-643
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-643_21-643
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-643_21-643
Alicia	LaValla	alavalla@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth St Ste 4000 Minneapolis, MN 55402-1425	Electronic Service	No	OFF_SL_21-643_21-643
Ann	O'Reilly	ann.oreilly@state.mn.us	Office of Administrative Hearings	PO Box 64620  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-643_21-643
Kevin	Pranis	kpranis@liunagrocc.com	Laborers' District Council of MN and ND	81 E Little Canada Road  St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_21-643_21-643
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-643_21-643
Nathaniel	Runke	nrunke@local49.org		611 28th St. NW  Rochester, MN 55901	Electronic Service	No	OFF_SL_21-643_21-643

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-643_21-643