

December 21, 2023

**VIA E-FILING**

Mr. William Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, MN 55101-2147

The Honorable James Mortenson  
Office of Administrative Hearings  
600 North Robert Street  
P.O. Box 64620  
Saint Paul, MN 55164-0620

**Re: In the Matter of the Applications of Lake Wilson Solar Energy LLC for a Certificate of Need and Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County**

**MPUC Docket No. IP-7070/CN-21-791 and IP-7070/GS-21-792**  
**OAH Docket No. 5-2500-39336**

Dear Mr. Seuffert and Judge Mortenson,

Lake Wilson Solar Energy LLC (“Lake Wilson Solar”) respectfully submits these comments in response to the comments submitted during the public comment period ending December 11, 2023, on Lake Wilson Solar’s proposed an up to 150 megawatt (“MW”) solar energy generating system and associated battery storage project in Murray County, Minnesota (the “Project”). Written comments were submitted by the Minnesota Department of Commerce, Energy Environmental Review and Analysis staff (“EERA”), the Minnesota Department of Natural Resources (“MDNR”), the International Union of Operating Engineers Local 49 (“IUOE Local 49”) and North Central States Regional Council of Carpenters (“NCSRC of Carpenters”), and members of the public. Oral comments were submitted by Murray County staff (“County”) and one member of the public during the public hearing held in Murray County on November 28, 2023. Lake Wilson Solar appreciates the agency and public participation in these dockets and the opportunity to offer this response.

As an initial matter, the record demonstrates that the Project has been thoughtfully designed and sited to avoid and/or minimize human and environmental impacts to the greatest extent practicable. For example, the Project is expected to avoid direct, permanent impacts to wetlands, native prairie and archaeological and historic resources. Further, the Project takes into consideration comments and requests from individual landowners and state and local agencies. No adverse comments from landowners in or near the Project area have been received. The Project makes efficient use of available land and the solar resource, while minimizing adverse human and environmental impacts.

Additionally, Minnesota state energy goals and policies favor renewable energy sources such as the Project, and the need for this Project is undisputed. The proposed Project would install up to 150 MW of solar generating capacity in Minnesota that would contribute to meeting state

energy goals and policies, satisfying utilities' and consumers' demands for renewable energy, and meeting utility renewable requirements or individual sustainability goals. Further, Lake Wilson Solar signed a Generator Interconnection Agreement ("GIA") with the Midcontinent Independent System Operator ("MISO") for a maximum injection of 170 a megawatt of alternating current ("MWac") to the grid at the point of interconnection, consisting of 150 MWac of solar generation and 20 MWac of energy stored by the battery energy storage system ("BESS") and later released to the grid. Lake Wilson Solar intends to work with MISO to pursue an additional 75 MWac BESS capacity via MISO's Surplus Interconnection Process.

## **I. Response to EERA Staff Comments.**

### **a. Response regarding EERA suggested changes to Decommissioning Plan.**

EERA staff submitted comments on December 11, 2023, proposing changes to the Project's Decommissioning Plan ("Plan"). Specifically, EERA proposed that Lake Wilson Solar incorporate the following revisions to the February 9, 2023, draft Plan prior to the Project's pre-construction meeting:

**Decommissioning Objective:** EERA recommends the Plan include a clear statement of the objective of decommissioning the Project.

**Scheduled Updates:** EERA recommends a "permit version" of the Plan be filed with pre-construction documents, and then scheduled updates every five years thereafter. The Plan should also be updated any time there is a change in ownership.

**Project Description:** EERA recommends moving the brief project description provided in Section 1 to a separate heading and updating the Project description in a number of ways including the use of the word permittee, having a brief narrative describing the Project and associated facilities, describing the facility location, having an anticipated date of commercial operation, having an updated site map, discuss the life of facility, and having a clear statement of landownership.

**Use of Generation Output:** EERA recommends that the Plan should contain a general statement of where the generation will be used.

**Permits and Notifications:** EERA recommends that the Plan should include a list of anticipated permits, expanding on the information included in Section 4.4. EERA suggests that the Plan should also discuss how landowners and local governments will be notified.

**Tasks and Timing:** EERA recommends additional information on assumptions for waste disposal and time-frame schedule prior to pre-construction filing.

**Financial Assurance:** EERA recommends that this section be revised to clarify the beneficiary of the financial assurance and the timing for fully funding the financial assurance.

Lake Wilson Solar understands the EERA's comments and will make the requested changes prior to submitting the Plan prior to the pre-construction meeting as required under the site permit.

b. Response Regarding Draft Site Permit.

EERA submitted comments on December 11, 2023, with changes to the sample site permit that reflect EERA suggested changes to the sample site permit, including differences between the Draft Site Permit ("DSP") filed with the Environmental Assessment ("EA"), and the sample site permit.<sup>1</sup> In its comments, EERA explained the changes it proposes to the sample site permit align with recent site permits issued for other solar projects in Minnesota, and customize the sample site permit for this Project. The majority of EERA's suggested changes were already incorporated into the DSP filed with the EA, and Lake Wilson Solar largely agrees with EERA's recommendations, except as noted below. To assist the Commission, **Attachment 1** included with this filing is a redline showing Lake Wilson Solar's and EERA's cumulative proposed changes to the DSP filed as Attachment C to the EA. EERA's proposed changes are shown in green, and Lake Wilson Solar's proposed changes are shown in blue.

*DSP Section 2.2 (Project Ownership)*

EERA proposed changes to Section 2.2 of the DSP (Project Ownership). Lake Wilson Solar has no objection to EERA's proposed changes to Section 2.2 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1** to these response to comments.

*DSP Section 3 (Designated Site)*

EERA proposed changes to Section 3 of the DSP (Designated Site) indicating it agreed with Lake Wilson Solar suggested addition of the following language with a minor modification; however, EERA inadvertently struck this language from the DSP. Lake Wilson Solar communicated with EERA regarding the inadvertent error and EERA agreed Lake Wilson Solar's suggested language together with EERA's suggested edit should be included in the DSP:

"The site maps show the Project Boundary and the approximate location of the solar energy generating system and associated facilities within the Project

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<sup>1</sup> EERA Staff Comments and Attachments A (DSP Markup) (December 11, 2023) (eDocket Nos. [202312-201104-01](#) [SP] and [202312-201105-02](#) [CN]).

Boundary. The Commission sought to locate the solar energy generating system and associated facilities in a way that minimizes the overall potential human and environmental impacts of the Project, which were evaluated in the permitting process. The Project Boundary serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. The Permittee shall make any modification to the location of the solar energy generating system or associated facilities in such a manner to have comparable overall human and environmental impacts relative to the siting factors of Minnesota Rule 7850.4100 and shall specifically identify them in the site plan pursuant to Section 8.3.”

Lake Wilson Solar has no objection to EERA’s proposed changes to Section 3 of the DSP, as reflected in its comment letter, which has been incorporated into the redline DSP included as **Attachment 1** to these response to comments.

*DSP Section 4.3 (Construction and Operation Practices)*

EERA proposed changes to Section 4.3 of the DSP (Project Ownership) from the sample site permit. Lake Wilson Solar has no objection to EERA’s proposed changes to Section 4.3 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1** to these response to comments.

*DSP Section 4.3.4 (Independent Third-Party Monitor)*

EERA proposed moving the requirement for an Independent Third-Party Monitor from a special condition to a standard condition. Lake Wilson Solar has no objection to EERA’s proposed changes to Section 4.3.4 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1** to these response to comments.

*DSP Section 4.3.8 (Aesthetics)*

EERA proposed changes to Section 4.3.8 of the DSP (Aesthetics) from the sample site permit. Lake Wilson Solar proposes the following revisions to Section 4.3.8 from that which was proposed by EERA:

The Permittee shall consider input pertaining to visual impacts from the local unit of government having direct zoning authority over the area in which the Project is located ~~when developing the Visual Screening Plan required in Section 5.5.~~ The Permittee shall use care

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 operation.

There is no Section 5.5 nor a Visual Screening Plan requirement in the sample site permit or the DSP. Lake Wilson Solar deleted reference to Section 5.5 and the Visual Screening Plan. As discussed below, Lake Wilson Solar is continuing to work with the County to address the County's concerns about potential glare impacts along Highway 30 and the County's associated request for screening to address these concerns and potential visual impacts associated with the battery storage portion of the Project. The above proposed changes to Section 4.3.8 of the DSP have been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.9 (Topsoil Protection)*

EERA proposed changes to Section 4.3.9 of the DSP (Topsoil Protection) from the sample site permit. Lake Wilson Solar has no objection to EERA staff's proposed changes to Section 4.3.9 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.16 (Beneficial Habitat)*

EERA proposed changes to Section 4.3.16 of the DSP (Beneficial Habitat) from the sample site permit. Lake Wilson Solar has no objection to EERA's proposed changes to Section 4.3.16 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.17 (Vegetation Management Plan)*

EERA proposed changes to Section 4.3.17 of the DSP (Vegetation Management Plan) from the sample site permit. Lake Wilson Solar has no objection to EERA's proposed changes to Section 4.3.17 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.18 (Agricultural Impact Mitigation Plan)*

EERA proposed moving the requirement for an Agricultural Impact Mitigation Plan (AIMP) from a special condition to a standard condition. Lake Wilson Solar has no objection to EERA's proposed changes to Section 4.3.18 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.19 (Application of Pesticides)*

EERA proposed changes to Section 4.3.19 of the DSP (Application of Pesticides) from the sample site permit. Lake Wilson Solar proposes the following revisions to Section 4.3.19 from that which was proposed by EERA:

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the MDA, DNR, and the U.S. Environmental Protection Agency (EPA). 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 at least 14 days prior to pesticide application on their property. The Permittee may not apply any pesticide if the landowner may request that there be no application within the landowner's property. The Permittee shall provide notice of pesticide application to adjacent landowners and beekeepers operating known apiaries within three miles of the Project Boundary at least 14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the Commission's request.

Lake Wilson Solar proposes these changes to clarify that only adjacent landowners should be notified because pesticides are not anticipated to affect land beyond the immediate vicinity of their application. Moreover, Lake Wilson Solar is not aware of a requirement that apiaries are registered or otherwise listed in a manner that would make locations readily available to provide notice to others of their presence or existence. Accordingly, Lake Wilson Solar should only be required to notify beekeepers when Lake Wilson Solar is aware of the existence of their apiaries. These proposed changes to Section 4.3.19 of the DSP have been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.22 (Roads)*

EERA proposed changes to Section 4.3.22 of the DSP (Roads) from the sample site permit. Lake Wilson Solar proposes the following revisions to Section 4.3.22 as proposed by EERA:

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 Project. The Permittee shall not haul oversize or overweight loads associated with Project on public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the fewest 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. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

Lake Wilson Solar added the language ‘on public roads’ to clarify that oversize and overweight permits are only applicable on public roads. They are not applicable on private land. These proposed changes to Section 4.3.22 of the DSP have been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 4.3.31 (Security Fencing)*

EERA proposed moving the requirement for Security Fencing from a special condition to a standard condition. Lake Wilson Solar has no objection to EERA’s proposed changes to Section 4.3.31 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 9.1 (Decommissioning Plan)*

EERA proposes modifying Section 9.1 of the DSP to include project-specific information on the Decommissioning Plan, require submittal prior to pre-construction meeting instead of pre-operation meeting, and clarify updates to the Decommissioning Plan. EERA also requested additional updates to the Decommissioning Plan to align the plan with recommendations of the Solar and Wind Decommissioning Working Group and additional comments and recommendations found in the Commission’s docket on the decommissioning of solar and wind facilities (PUC Docket 17-123). Lake Wilson Solar has no objection to EERA’s proposed changes to Section 9.1 of the DSP, which requires the Decommissioning Plan to address comment received during the site permit application process, including those provided by EERA, and that the plan be

submitted at least 14 days prior to the pre-construction meeting. EERA's proposed changes to Section 9.1 have been incorporated into the redline DSP included as **Attachment 1**.

*DSP Section 12 (Transfer of Permit)*

EERA proposed changes to Section 12 of the DSP (Transfer of Permit) from the sample site permit including formatting items the Permittee must provide the Commission into a list format for easier reading; eliminating unnecessary language about what the Commission may do; replacing "new Permittee" and "person or entity to whom the permit is requested to be transferred" with "transferee" to simplify the language; and requiring the transferee to provide the Commission a certification that it has read, understands and is able to comply with the plans and procedures it filed, and all conditions of the permit. Lake Wilson Solar has no objection to EERA's proposed changes to Section 12 of the DSP, which has been incorporated into the redline DSP included as **Attachment 1**.

**II. Response to MDNR Comments.**

MDNR submitted comments on December 5, 2023, on the following topics: security fencing, facility lighting, dust control and wildlife friendly erosion control.<sup>2</sup> MDNR recommended the addition of the following special permit conditions in the DSP: DSP Section 5.1 (Facility Lighting); DSP Section 5.2 (Dust Control); and DSP Section 5.3 (Wildlife Friendly Erosion Control).

*DSP Section 4.3.31 (Security Fencing)*

MDNR noted Lake Wilson's fencing design meets the MDNR's standards; however, if deer egress gates are installed the MDNR requests further coordination on the location of any such deer egress gates. Lake Wilson Solar does not plan to install deer egress gates. As the EA indicates, the potential impacts to deer are expected to be minimal. Moreover, the MDNR indicated the current fencing design meets MDNR standards.

*DSP Section 5.1 (Facility Lighting)*

MDNR recommended adding a special condition to the DSP related to lighting of the operations and maintenance facility and Project substation. MDNR provided an example condition from a recent docket. Lake Wilson Solar has no objection to adding a special condition with the language proposed by MDNR:

5.1 Facility Lighting

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<sup>2</sup> MDNR Comments (December 5, 2023) (eDocket Nos. [202312-200987-01](#)).

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and operations and maintenance facility. Downward facing lighting must be clearly visible on the site plan submitted for the project.

The new special condition Section 5.1 proposed by Lake Wilson Solar is incorporated into the redline DSP included as **Attachment 1** to these response to comments.

*DSP Section 5.2 (Dust Control)*

The MDNR recommended adding a special condition to the DSP related to use of chemicals for dust control. Lake Wilson Solar has no objection to adding a special condition with the language proposed by MDNR:

5.2 Dust Control

The Permittee shall utilize non-chloride products for dust control activities.

The new special condition Section 5.2 proposed by Lake Wilson Solar is incorporated into the redline DSP included as **Attachment 1** to these response to comments. While Lake Wilson Solar will commit to using non-chloride products for onsite dust control, Lake Wilson Solar notes that some local governments and landowners currently use chloride products on local roads and Lake Wilson Solar is not responsible for the actions of others during construction or operation of the Project.

*DSP Section 5.3 (Wildlife Friendly Erosion Control)*

The MDNR recommended adding a special condition to the DSP related to the use of wildlife friendly erosion control. Lake Wilson Solar has no objection to adding a special condition with the language proposed by MDNR:

5.3 Wildlife Friendly Erosion Control

The Permittee shall use only “bionetting” or “natural netting” types and mulch products without synthetic (plastic) fiber additives.

The new special condition Section 5.3 proposed by Lake Wilson Solar is incorporated into the redline DSP included as **Attachment 1** to these response to comments.

**III. Response to Written Public Comments.**

On November 6, 2023, IUOE Local 49 and NCSRC of Carpenters filed comments expressing support for the Project.<sup>3</sup> Lake Wilson Solar appreciates the supportive comments of the IUOE Local 49 and NCSRC of Carpenters and looks forward to continuing discussions with them on the workforce for the Project.

During the public comment period, two members of the public submitted written comments expressing concerns regarding drainage tile, agricultural impacts, procurement times for certain equipment, and commencement of construction within the established timeline.<sup>4</sup>

### **Drainage Tile**

Lake Wilson Solar is committed to preserve soil drainage performance on non-participating properties during construction and restoring drain tile systems on participating properties as needed during construction and operation.<sup>5</sup> Lake Wilson solar engaged with the County on county-owned drainage tile and has agreed upon a 25-foot setback from county-owned drain tile.<sup>6</sup> Lake Wilson Solar has also initiated mapping of existing private drainage infrastructure prior to construction to avoid or identify potential impacts. These efforts are in progress and include reaching out to all participating landowners to ask for their assistance in locating tile through existing mapping or personal knowledge. Lake Wilson Solar will continue to communicate with participating landowners on a parcel-by parcel basis as construction approaches; possibly utilizing field location services and historical satellite imagery when necessary to identify drain tiles systems that may be impacted by construction activities.

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<sup>3</sup> IUOE Local 49 and NCSRC of Carpenters Comments (November 6, 2023) (eDocket No. [202311-200267-01](#) [SP] and [202311-200266-01](#) [CN]).

<sup>4</sup> Public Comment – Timothy Tyson (November 21, 2023) (eDocket No. [202311-200664-01](#)); Public Comment – Glen Talsma (December 4, 2023) (eDocket No. [202312-200960-01](#)).

<sup>5</sup> See Exhibit (“Ex.”) LW-18 at 27 (Site Permit Application Appendix E - Agricultural Impact Mitigation Plan).

<sup>6</sup> Ex. LW-9 at 173 (Application for a Site Permit, Figures and Appendices); Ex. LW-22 (Site Permit Application Appendix H-1 – Agency Correspondence).

### **Agricultural Impacts**

Mr. Talsma expressed concern about the impacts to agricultural related businesses that may occur when agricultural production ceases on Project lands. The EA considered impacts to land-based economies, including agriculture, and determined those impacts are anticipated to be minimal.<sup>7</sup> Potential impacts are localized and unavoidable but can be minimized.<sup>8</sup>

### **Equipment Procurement**

Concerning procurement of equipment, it is true that the industry has been seeing longer procurement times for certain equipment and Lake Wilson Solar is not immune to the potential for delays. Moreover, requiring Lake Wilson Solar to file its private written contracts with equipment providers would not serve the purpose of ensuring the Project is constructed in a timely manner, nor would it provide an accurate picture of Lake Wilson Solar's progress toward construction and operation. Section 8.4 of the Sample Site Permit, as revised by EERA, will require Lake Wilson Solar to file regular status reports to the Commission to keep the Commission apprised as to the status of the Project, the commencement of construction and the generation interconnection agreement. This will ensure the Commission is informed of the Project's progress toward construction and operation without a need for extraneous filings that would be atypical for renewable energy projects in Minnesota. Furthermore, filing of equipment contracts may provide an incomplete picture of Lake Wilson Solar's progress toward construction. One possible option being considered by Lake Wilson Solar is to utilize equipment that its affiliates already possess in storage or as inventory. Accordingly, there may not be an equipment contract for such an arrangement.

### **Deadlines for Commercial Operation and Commencement of Construction**

Lake Wilson Solar currently anticipates starting construction in 2025 and achieving commercial operation by December 31, 2027. This target commercial operation date would ensure compliance with the current requirements of the generator interconnection agreement. However, the deadlines required under the generator interconnection agreement could be extended if agreed to by the parties to the agreement. Regardless, Lake Wilson Solar will be required to start construction within four years of permit issuance as required by Section 6 of the site permit and consistent with Minn. Rule 7850.4700. If Lake Wilson Solar is unable to commence construction within four years of permit issuance it will be required to file a report to the Commission, which can then determine if suspension of the permit is necessary. Accordingly, no further permit

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<sup>7</sup> Ex. EERA-11 at 10 (Environmental Assessment).

<sup>8</sup> *Id.*

conditions are necessary to ensure Lake Wilson Solar constructs the Project in a timely manner in accordance with the terms and conditions of the site permit.

#### **IV. Response to Verbal Public Comments.**

During the public hearings held on November 28 and 29, 2023, members of the public and the County offered comments on a variety of topics including the potential for glare along Highway 30, a request for vegetative screening near the Project's battery storage facility, fire risk, emergency response, and battery recycling. Lake Wilson Solar appreciates the concerns of those who offered comments and addresses those comments in detail in the subsequent sections.

##### **Vegetative Screening**

The County requested vegetative screening along the northern portion of the Project near Highway 30 to prevent glare impacts on vehicles using the roadway and also requested vegetative screening around the Project's battery storage area because it is not a typical use in the County.

A common misconception about solar photovoltaic ("PV") modules is that they inherently cause or create a lot of glare, posing a nuisance to neighbors and a safety risk. While in certain situations the glass surfaces of solar PV modules can produce glare, light absorption, rather than reflection, is central to the function of a solar PV module. PV modules absorb solar radiation that is converted to electricity. Solar PV modules are constructed from high transmission, low iron glass and are covered with an anti-reflective ("AR") coating. Modern solar PV modules reflect as little as 2 percent of incoming sunlight, about the same as water and less than soil or even wood shingles (*Sandia national laboratories* 2014).

For instance, one measure of reflectivity is albedo, the ratio of solar radiation across the visible and invisible light spectrum reflected by a surface. Albedo varies between 0, a surface that reflects no light, and 1, a mirror-like surface that reflects all incoming light. Solar PV modules with a single AR coating have a reflectivity of between 0.03 and 0.18, while agricultural vegetation for comparison has an albedo between 0.18 and 0.25.

Lake Wilson Solar is confident that potential glint and glare from the Project does not present safety issues. When reflection occurs, unless it is seen by a receptor, glare will not pose a concern. There are two fundamental limitations that it is important to understand concerning the extent to which glare might be visible to receptor. First, for glare to appear, the observer must be able to see the tops of the PV modules. For this to occur, at a minimum, the receptor would need to be at a height sufficient to slightly look down at the tops of the solar modules. Second, since the panels will be mounted on single axis tracking systems, the surface of the panels will always try to follow the position of the sun, but fixed in a single axis. Due to this functional characteristic, steep glancing angles are minimized as compared to a non-tracking system. Solar modules are

designed to absorb light, and accordingly reflect only a small amount of the sunlight that falls on them compared to most everyday objects.

In the unlikely event that an issue is raised related to glare during operation of the Project, the glare can be mitigated by installation of fencing, vegetative buffers or other objects of obstructive nature, or programming of special tracking schedules for problematic solar racks; for example, adjusting of the module angle. Lake Wilson Solar has engaged with the County to discuss the topic of glare and reach consensus on what actions, if any, are necessary to alleviate the County's concerns.

The County also requested that vegetative screening be planted around the proposed battery storage facility. The battery storage facility is proposed on a gravel road in an agricultural field that will also host solar panels, the Project's substation and the Project's operation and maintenance building. Lake Wilson Solar does not believe screening is necessary or would be particularly beneficial around the battery storage facility given the existing and future conditions of the area upon construction of the Project. Nonetheless, Lake Wilson Solar has engaged with the County to determine what actions, if any, are necessary to alleviate the County's concerns.

Section 4.3.8 of the DSP would require Lake Wilson Solar to consider input of the County pertaining to visual impacts from the Project. Lake Wilson Solar is committed to working with the County and considering its input pertaining to visual impacts. Accordingly, no further permit condition is necessary.

### **Fire risk, Emergency Response Plan and Coordination with Local First Responders**

Lake Wilson Solar will develop a site-specific Emergency Response Plan ("ERP") for the Project as will be required by section 8.10 of the site permit. In advance of doing so, Lake Wilson Solar will reach out to the local fire departments and Murray County Emergency Management Services and Safety Director to set up an introductory discussion regarding the Project.

Prior to the facility being commissioned, the Operation & Maintenance ("O&M") Manager will contact the local fire department to inform them about on-site conditions and equipment, including system drawings and safety data sheets, and to coordinate training on the response plan. Regarding the comment received about any potential fire from equipment catching hold of vegetation, this would be a type of scenario covered in training. Typical training, including annual refresher training, will consist of the following:

- Site location and layout familiarization;
- Identifying unique hazards associated with the Project (Batteries, DC voltages, AC voltages);
- Fire suppression techniques for and the specific equipment at the facility;

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- Communication and incident management protocols;
- Evacuation protocols; and
- Medical emergency protocols.

### **Minimum Maintenance Roads**

During the public hearing on November 28, 2023, a Township official reminded Lake Wilson Solar that one of the roads within the Project area is a minimum maintenance road that is not maintained for construction traffic. Lake Wilson Solar appreciates the comments and has committed to coordinating with the township and the County, as required in Section 4.3.22 of the DPS, to discuss intended haul roads, potential road upgrades needed prior to construction and road maintenance obligations during construction.

### **Battery Recycling**

As indicated in the Decommissioning Plan for the Project (Appendix G of the Site Permit Application), the associated batteries will be prepared and packaged to be transported to a recycling facility. There are currently facilities that recycle these types of batteries such as *We Recycle Solar*, as specified in the Decommissioning Plan. Lake Wilson Solar expects that by the time of decommissioning, that there will be more facilities available, such as a potentially planned industrial battery recycling and reuse facility near Duluth, Minnesota, which would allow for recycling of the batteries locally in Minnesota.

## **V. Conclusion.**

Lake Wilson Solar appreciates the opportunity to provide these reply comments to the written and oral comments submitted during the public comment period.

These reply comments have been e-filed through [www.edocket.state.mn.us](http://www.edocket.state.mn.us). A copy of this filing is also being served upon the persons on the Official Service Lists of record. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.

*/s/ Jeremy P. Duehr*

Jeremy P. Duehr  
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**In the Matter of the Application of Lake Wilson  
Solar Energy LLC for a Certificate of Need and  
Site Permit for the up to 150 MW Lake Wilson  
Solar and Associated Battery Storage Project in  
Murray County, Minnesota**

**CERTIFICATE OF SERVICE**

**OAH Docket No. 5-2500-39336  
MPUC Docket No. IP-7070/CN-21-791  
MPUC Docket No. IP-7070/GS-21-792**

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Breann L. Jurek certifies that on the 21<sup>st</sup> day of December 2023, she served true and correct copies of the following documents by electronic filing:

1. Reply Comments with Redlined Draft Site Permit; and
2. Certificate of Service

to the parties on the attached Official Service Lists as attached hereto.

Executed on: December 21, 2023

*Signed: /s/ Breann L. Jurek*

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Fredrikson & Byron, P.A.  
60 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.	60 South Sixth Street Suite 1500 Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Sarah	Beimers	sarah.beimers@state.mn.us	Department of Administration - State Historic Preservation Office	50 Sherburne Avenue Suite 203 St. Paul, MN 55155	Electronic Service	No	OFF_SL_21-791_Official CC Service List
David	Bell	david.bell@state.mn.us	Department of Health	POB 64975  St. Paul, MN 55164	Electronic Service	No	OFF_SL_21-791_Official CC Service List
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_21-791_Official CC Service List
Mark D	Crowl	MCrowl@invenenergy.com	Invenenergy, LLC	1401 17th St Ste 1100  Denver, CO 80202	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25  Saint Paul, MN 55155	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Adam	Duininck	aduininck@ncsrcc.org	North Central States Regional Council of Carpenters	700 Olive Street  St. Paul, MN 55130	Electronic Service	No	OFF_SL_21-791_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Annie	Felix Gerth	annie.felix- gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_21-791_Official CC Service List
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_21-791_Official CC Service List
Todd	Green	Todd.A.Green@state.mn.u s	Minnesota Department of Labor & Industry	443 Lafayette Rd N  St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Craig	Janezich	craig.janezich@state.mn.us	Public Utilities Commission	121 7th Pl E #350  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500  Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Ray	Kirsch	Raymond.Kirsch@state.mn. .us	Department of Commerce	85 7th Place E Ste 500  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Chad	Konickson	chad.konickson@usace.ar my.mil	U.S.Army Corps of Engineers	180 5th St # 700  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List

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Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd.  St. Paul, MN 55155	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service	Minnesota-Wisconsin Field Offices 4101 American Blvd E Bloomington, MN 55425	Electronic Service	No	OFF_SL_21-791_Official CC Service List
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings	PO BOX 64620  St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Jenna	Ness	jenna.ness@state.mn.us	Department of Commerce	85 7th place east  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Cezar	Panait	Cezar.Panait@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-791_Official CC Service List
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_21-791_Official CC Service List
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N  Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Nathaniel	Runke	nrunke@local49.org	International Union of Operating Engineers Local 49	611 28th St. NW  Rochester, MN 55901	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Joe	Sedarski	joe.sedarski@westwoodps.com	Westwood	12701 Whiewater Dr Ste 300  Minnetonka, MN 55343	Electronic Service	No	OFF_SL_21-791_Official CC Service List

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Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190  Richfield, MN 55423	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List
Jayme	Trusty	execdir@swrdc.org	SWRDC	2401 Broadway Ave #1  Slayton, MN 56172	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency	Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago, IL 60604-3590	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, MN 55155-4040	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Alan	Whipple	sa.property@state.mn.us	Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul, MN 551463340	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Office of Pipeline Safety	445 Minnesota St Ste 147  Woodbury, MN 55125	Electronic Service	No	OFF_SL_21-791_Official CC Service List
Robert	Young	Ryoung@invenenergy.com	Invenenergy, LLC	One S Wacker Dr Ste 1800  Chicago, IL 60606	Electronic Service	Yes	OFF_SL_21-791_Official CC Service List

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Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.	60 South Sixth Street Suite 1500 Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
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_21-792_Official CC Service List
Mark D	Crowl	MCrowl@invenergy.com	Invenergy, LLC	1401 17th St Ste 1100  Denver, CO 80202	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-792_Official CC Service List
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.	60 S Sixth St Ste 1500  Minneapolis, MN 55402-4400	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_21-792_Official CC Service List
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_21-792_Official CC Service List
Craig	Janezich	craig.janezich@state.mn.us	Public Utilities Commission	121 7th Pl E #350  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-792_Official CC Service List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	60 S Sixth St Ste 1500  Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List

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Jenna	Ness	jenna.ness@state.mn.us	Department of Commerce	85 7th place east  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-792_Official CC Service List
Cezar	Panait	Cezar.Panait@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-792_Official CC Service List
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_21-792_Official CC Service List
Joe	Sedarski	joe.sedarski@westwoodps.com	Westwood	12701 Whiewater Dr Ste 300  Minnetonka, MN 55343	Electronic Service	No	OFF_SL_21-792_Official CC Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190  Richfield, MN 55423	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List
Robert	Young	Ryoung@invenergy.com	Invenergy, LLC	One S Wacker Dr Ste 1800  Chicago, IL 60606	Electronic Service	Yes	OFF_SL_21-792_Official CC Service List