MINNESOTA
PUBLIC UTILITIES COMMISSION

Staff Briefing Papers

Meeting Date March 21, 2024 **Agenda Item *3**

Company Lake Wilson Solar Energy LLC

Docket No. **IP-7070/CN-21-791**

In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need for the up to 150 MW Lake Wilson Solar and Associated 95 MWac Battery Energy Storage Project in Murray County, Minnesota

IP-7070/GS-21-792
In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit for the up to 150 MW Lake Wilson Solar and Associated 95 MWac Battery Energy Storage Project in Murray County, Minnesota

Issues

1. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
2. Should the Commission grant a certificate of need for the 150-megawatt Lake Wilson Solar and Associated Battery Energy Storage Project?
3. Should the Commission adopt the administrative law judge's Findings of Fact, Conclusions of Law, and Recommendation?
4. Should the Commission grant a site permit for the 150-megawatt Lake Wilson Solar and Associated Battery Energy Storage Project?

Staff

Bret Eknes	Bret.eknes@state.mn.us	651-201-2236
Cezar Panait	Cezar.Panait@state.mn.us	651-201-2207

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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

✓ Relevant Documents	Date
Commission Order on Certificate of Need Exemptions Requests (21-791)	January 4, 2022
Application for Certificate of Need for a Large Energy Facility (8 parts, docket# 21-791)	February 9, 2023
Application for Site Permit for a Solar Generating System Site Permit (36 parts, docket# 21-792)	February 9, 2023
Commission Order Accepting Applications as Complete, Authorizing Joint Review, and Taking Other Actions (both dockets)	April 4, 2023
DOC EERA Comments on EA Scoping Process (both dockets)	June 12, 2023
Commission Order on EA Scoping Decision (docket# 21-792)	July 25, 2023
DOC EERA EA Scoping Decision (docket# 21-792)	August 8, 2023
DOC EERA Environmental Assessment (17 parts, both dockets)	October 18, 2023
IUOE Local 49 and NCSRC of Carpenters Comments (both dockets)	November 6, 2023
LIUNA Comments (docket# 21-791)	November 6, 2023
DOC DER Comments (2 parts, docket# 21-791)	November 9, 2023
Lake Wilson Direct Testimony of Korede Olagbegi (both dockets)	November 14, 2023
Lake Wilson Direct Testimony of Lance Pan (both dockets)	November 14, 2023
Lake Wilson Solar Reply Comments (docket# 21-791)	November 21, 2023
Public Comment Timothy Tyson (docket# 21-792)	November 21, 2023
Southwest Regional Development Commission (both dockets)	November 30, 2023
Public Comment Glen Talsma (both dockets)	December 27, 2023
DOC EERA Post Public Hearing Comments (both dockets)	December 11, 2023
DOC EERA Attachment A, Draft Site Permit (both dockets)	December 11, 2023
Department of Natural Resources Comments (docket# 21-792)	December 5, 2023
DOC EERA Corrected Appendix H of the EA (both dockets)	December 18, 2023
Lake Wilson Solar Proposed Findings (both dockets)	December 21, 2023
Lake Wilson Reply Comments (2 parts, both dockets)	December 21, 2023
DOC EERA Reply Comments (both dockets)	January 10, 2024
OAH Findings of Fact, Conclusions of Law, and Recommendation (both dockets)	February 7, 2024
DOC EERA Exceptions to the ALJ Report (both dockets)	February 15, 2024

To request this document in another format such as large print or audio, call 651.296.0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

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

✓ **Relevant Documents**	**Date**
Lake Wilson Solar Exceptions to the ALJ Report (both dockets)	February 27, 2024

Attachments

Attachment 1: Proposed Site Permit

I. Statement of the Issues

1. Should the Commission find that the environmental assessment and the record created at the public hearing adequately address the issues identified in the scoping decision?
2. Should the Commission grant a certificate of need for the 150- megawatt Lake Wilson Solar and Associated Battery Energy Storage Project?
3. Should the Commission adopt the administrative law judge's Findings of Fact, Conclusions of Law, and Recommendation?
4. Should the Commission grant a site permit for the 150- megawatt Lake Wilson Solar and Associated Battery Energy Storage Project?

II. Background

Lake Wilson Solar Energy LLC (Lake Wilson Solar or Applicant), a wholly owned subsidiary of Invenergy Solar Development North America LLC, and an affiliate of Invenergy LLC (Invenergy) applied for a certificate of need (CN) and a site permit to construct and operate the proposed Lake Wilson Solar Energy Center Project, an up to 150-megawatt (MW) solar energy generating system with associated 95 MW/380 MWh alternating current (ac) battery energy storage 4-hour system to be located in Leeds Township, Murray County, Minnesota. Approximately 1,526 acres of the 2,621-acre project area is designated to host the proposed project infrastructure.[1]

The primary components of the solar system would include photovoltaic panels affixed to a linear ground-mounted single-axis tracking system, solar modules, solar inverters, step-up transformers, electrical wiring, single-axis trackers, collection lines, security fencing and gates, access roads, stormwater treatment areas (associated with the Project), operations and maintenance (O&M) facility, supervisory control and data acquisition (SCADA) system, an up to 95 MWac /380 MWh battery energy storage system (BESS) (including inverters, storage devices, emergency generators, and electrical connection to the Project Substation), Project Substation, power transformer(s), a short overhead 115-kilovolt (kV) Project Gen-Tie Line (Project Substation to Xcel Switchyard), switchgear, metering equipment, and ancillary equipment or buildings as necessary. The solar system would connect to the electrical grid via the existing Northern States Power Fenton to Chanarambie 115-kV transmission line.[2]

Lake Wilson Solar estimated the total installed capital cost for the Project to be approximately $450 to 500 million. Operating costs are estimated to be $2.6 million per year.[3]

Lake Wilson Solar indicated it is working towards securing a Power Purchase Agreement (PPA), Build Transfer Agreement, Development Transfer Agreement, or other enforceable

---

[1] Lake Wilson Solar Energy, Certificate of Need Application, Document ID: 20232-193061-02, p. 7 - 8

[2] Ibid., 8 - 9

[3] Ibid., p. 40

offtake agreements to sell the electric power generated by the Project.[4] The power generated by the Project will be offered to wholesale customers, including Minnesota utilities and cooperatives or commercial and industrial (C&I) customers.

Lake Wilson Solar has a signed June 2022 Generator Interconnection Agreement (GIA) with the Midcontinent Independent System Operator, Inc. (MISO) for up to 170 MWac to the grid at the Point of Interconnection (POI), consisting of 150 MWac of solar generation and 20 MWac of energy stored by the BESS and later released to the grid. Lake Wilson Solar has indicated that it is currently working with MISO to pursue an additional 75 MWac BESS capacity via MISO's Surplus Interconnection Process. Together, both avenues of BESS approvals would result in a 95 MWac BESS that would function as a single component associated with the Solar Facility.[5]

Lake Wilson Solar indicated that it plans to start construction in 2025, with commercial operations beginning in December 2026.[6]

III. Summary of Procedural History

On January 4, 2022, the Commission issued an order approving exemptions to certain CN data requirements.[7]

On February 9, 2023, Lake Wilson Solar filed separate applications for a CN[8]and a site permit[9] for the Lake Wilson Solar Project.

On April 4, 2023, the Commission issued its *Order Accepting Applications as Substantially Complete, Authorizing Joint Review, and Taking Other Actions*.[10] Among other administrative requirements, the order accepted the CN application as substantially complete; accepted the site permit application as substantially complete; authorized review of the CN application using the informal review process defined in Minn. R. 7829.1200; authorized review of the site permit application under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 3900; required Lake Wilson Solar to coordinate with the Department of Natural Resources; approved joint public meetings, joint public hearings, and combined environmental review; requested preparation of an Environmental Assessment in lieu of an Environmental Report pursuant to Minn. R. 7849.1900; referred the matter to the Office of Administrative Hearings (OAH) for the appointment of an administrative law judge (ALJ); and requested that the ALJ prepare findings of fact, conclusions of law, and recommendation of a preferred site and permit conditions.

---

[4] Ibid., p. 21.

[5] Ibid., p. 8 - 9

[6] Lake Wilson Solar Energy, Site Permit Application, Document ID: 20232-193056-02, p. 6

[7] Lake Wilson Solar Energy, Request exemptions from some CN requirements, Document ID: 202111-179831-02

[8] Lake Wilson Energy, CN Application, Document ID: 20232-193061-02

[9] Lake Wilson Energy, Site Permit Application, Document ID: 20232-193056-02

[10] PUC, Order, Document ID: 20234-194490-01

On May 10, 2023, Commission and Department of Commerce Energy Environmental Review and Analysis (DOC EERA) staff conducted a public information and environmental assessment scoping meeting in Slayton, MN, followed by a virtual meeting on May 11. Comments on issues for consideration in the scoping decision were accepted through May 25, 2023. At the in-person meeting in Slayton, eleven members of the public participated, including three Murray County commissioners. Three members of the public participated in the virtual meeting.

On May 25, 2023, Minnesota Department of Natural Resources (DNR) submitted comments[11] regarding potential impacts that should be included in the Environmental Assessment (EA): the project bordering a significant stretch of an unnamed stream and Beaver Creek, security fencing, facility lighting, dust control, and wildlife-friendly erosion control.

Also on May 25, 2023, Minnesota Department of Transportation (MnDOT) submitted comments[12] indicating that although the project appears to have minimal impacts on its transportation system, the applicant should ensure mitigation of soil impacts and erosion control for collection line crossings and associated gen-tie lines connecting to a substation or for construction of stormwater runoff ponds that may impact MnDOT's right-of-way (ROW). A MnDOT District Hydraulics Engineer may need to review the project to determine if a drainage permit is needed. Oversize/Overweight permits may be needed for the Project and MnDOT pointed to its website where information on these types of permits can be found.

On May 30, 2023, DOC EERA filed public comments into the record, including the transcript of the public information and scoping meeting held on May 10, 2023, in Slayton, MN.[13] In addition to the comments submitted by MnDOT, DNR, Laborers' International Union of North America (LIUNA), and Local 49 Union of Operating Engineers (Local 49) already filed separately in the docket, DOC EERA received comments from the Minnesota Land & Liberty Coalition (L&LC)[14].

On June 12, 2023, DOC EERA filed comments and recommendations on the EA scoping process. DOC EERA recommended that no alternative sites be studied in the environmental assessment.[15]

On July 25, 2023, the Commission issued an order[16] varying Minnesota Rule 7850.3700,

---

[11] DNR, Comments, Document ID: 20235-196115-01

[12] MnDOT Scoping Letter (May 25, 2023) "MnDOT views solar generating projects as it would any other private commercial venture and does not consider a solar generating project to be a public utility for transportation purposes. Except for collection line crossings and associated gen-tie line(s) connecting to a substation, any MnDOT land that Lake Wilson Solar may wish to occupy would need to be leased (in the areas where a lease is feasible)."

[13] DOC EERA, Written and Meeting Comments on EA Scope, Document ID: 20235-196213-01

[14] Minnesota Land and Liberty Coalition - A statewide non-profit organization made up of farmers, landowners, taxpayers, business and community leaders, and proponents of an all-of-the-above energy future in Minnesota.

[15] DOC EERA, On EA Scoping Process, Document ID: 20236-196498-01

[16] PUC, Order, Document ID: 20237-197723-01

subpart 3, to allow time for Commission input regarding the scope of the EA and the preparation of the scoping document. The Commission took no action with respect to the site recommended for inclusion in the scoping of the Environmental Assessment, Lake Wilson's proposed site.

On August 8, 2023, DOC EERA filed its EA Scoping Decision.[17] The Scoping Decision established the issues to be evaluated in the EA, including the information (*i.e.*, matters of size, type, and timing) that would have otherwise been required in an environmental report for a CN under Minn. R. 7849.1500.

On September 14, 2023, the Commission issued a Notice soliciting comments on the merits of the certificate of need application.

On October 18, 2023, DOC EERA filed the EA.[18]

On October 30, 2023, the Commission issued a *Notice of Environmental Assessment, Public Hearings and Comment Period.*[19] The notice announced public hearings on the project, the availability of the EA, and the associated comment period. The hearings were held on November 28, and 29, 2023. Comments were accepted until December 11, 2023.

Also, on October 30, 2023, DOC EERA issued a corrected map from Appendix A of the EA.[20]

On November 6, 2023, LIUNA and Local 49 provided written comments[21] in support of the project, stating that the project proposer had indicated their preference for local, union construction craft labor on the project and a goal of maximizing local economic benefits for workers. LIUNA argued that Lake Wilson Solar met the criteria for granting a CN because the project will meet needs identified by the state Legislature for renewable, carbon-free energy and associated high-quality local job opportunities.

On November 9, 2023, the Department of Commerce, Division of Energy Resources (DOC DER) filed both public and trade secret comments on the merits of the CN Application. DOC DER recommended that the Commission, after consideration of the Environmental Assessment, issue a CN for the Lake Wilson Solar Energy Project.[22]

On November 14, 2023, Lake Wilson Solar filed direct testimony of Korede Olagbegi and Lance

---

[17] DOC EERA, EA Scoping Decision, Document ID: 20238-198060-01

[18] DOC EERA, EA (1 part of 20), Document ID: 202310-199721-02

[19] PUC, Notice, Document ID: 202310-199966-01

[20] DOC EERA, Corrected Map, Document ID: 202310-200006-01

[21]

[22] DOC EERA, Comments, Document IDs: 202311-200384-02; 202311-200384-01 (Trade Secret)

Pan.[23]

On November 21, 2023, Lake Wilson Solar filed reply comments regarding DOC DER and the labor union comments submitted in docket 21-791 on the merits of the CN application.[24]

On November 28, 2023, Administrative Law Judge (ALJ), James Mortenson with the Office of Administrative Hearings (OAH) presided over a public hearing held in Slayton, MN. A second public hearing was conducted remotely on November 29, 2023. The hearing procedures included brief presentations by Commission staff and staff from DOC EERA to describe the permitting process and by Lake Wilson Solar to describe the proposed project; the introduction of documents to be included in the record; and an opportunity for members of the public to provide comments and ask questions. A court reporter was present to transcribe the public hearing.

At the in-person hearing, six members of the public attended, including three Murray County commissioners and one Leeds Township representative. Murray County asked about screening along County Road 30 that borders the project on the north side to eliminate solar glare onto the roadway which may affect the traveling motorists. The County inquired about screening around the battery storage containers and asked that the developer use uniform structures when building storage facilities and that the O&M building goes through the normal zoning and building construction permits required from the County. The County also asked that the developer put together an emergency response plan for the Emergency Management Services (EMS), especially on how to respond to fire incidents because of the battery storage and concerns about risk of fire as seen in Arizona in April 2019.

A representative from Leeds Township asked about the maintenance road that goes through the middle of the project and whether the company plans on improving that road and how it will be maintained before and after construction.

An adjacent landowner asked about the aesthetic and property value impacts from the solar project. Another landowner also asked about the threat of fire from the solar panels, if the project will carry insurance to deal with any damage to adjacent properties if a fire starts, recycling or disposing of used batteries, whether this project has a designated off-taker for the power, and other technical questions.

During the remote-access hearing, one member of the public participated, and no questions or comments were provided.

On November 30, 2023, DOC EERA filed comments received by email from the Southwest

---

[23] Lake Wilson Solar Energy, Testimony from Korede Olagbegi and Lance Pan, Document IDs: 202311-200482-06; 202311-200482-04

[24] Lake Wilson Solar Energy, Reply Comments, Document ID: 202311-200668-01

Regional Development Commission.[25]

On December 5, 2023, DNR submitted comments on the EA content addressing security fencing, O&M maintenance building facility lighting, dust control, and wildlife friendly erosion control measures used during construction.[26]

On December 11, 2023, DOC EERA filed post public hearing comments which addressed the Decommissioning Plan and Site Permit modifications. DOC EERA included a detailed table of proposed site permit modifications indicating permit section numbers and changes from the sample permit.[27]

On December 18, 2023, DOC EERA corrected Appendix H of the Environmental Assessment: State Historic Preservation Office (SHPO) Response, concluding that "there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by this project."[28]

On December 21, 2023, Lake Wilson Solar proposed findings of fact, conclusions of law, and recommendations.[29]

Also on December 21, 2013, Lake Wilson Solar submitted reply comments and a marked-up copy of the draft site permit.[30]

On December 27, 2023, DOC EERA filed a public comment received by email.[31]

On January 10, 2024, DOC EERA submitted reply comments, which included modifications to Lake Wilson's proposed findings and its response to Lake Wilson's draft site permit edits.[32]

On February 7, 2024, the ALJ filed his Report with Findings of Fact, Conclusion of Law, and Recommendations (ALJ's Report).[33]

On February 15, 2024, DOC EERA filed its exceptions to the ALJ's Report, which proposed three changes related to the use of appropriate terminology to ensure accuracy in the record and to

---

[25] DOC EERA, Southwest Regional Development Commission, Document ID: 202311-200836-01

[26] DNR, Comments, Document ID: 202312-200987-01

[27] DOC EERA, Hearing Comments, Document IDs: 202312-201104-01; 202312-201105-02

[28] DOC EERA, Corrected Appendix H, Document ID: 202312-201309-02

[29] Lake Wilson Solar Energy, Proposed Finding of Facts, Conclusions of Law, and Recommendations, Document ID: 20242-203155-01

[30] Lake Wilson Solar Energy, Reply Comments and Draft Site Permit, Document IDs: 202312-201482-02; 202312-201482-04

[31] DOC EERA, Public Comments, Document ID: 202312-201590-01

[32] DOC EERA, Reply Comments, Document ID: 20241-202052-02

[33] OAH, Findings of Fact, Conclusions of Law, and Recommendations, Document ID: 20242-203155-02

match its recommendations provided in its reply comments.[34]

On February 27, 2024, Lake Wilson Solar filed one exception to the ALJ's Report in which it addressed finding 320, Security Fencing, and the associated permit section 4.3.31.[35]

IV. Statutes and Rules

A. Certificate of Need

Minn. Stat. § 216B.243, subd. 2,[36] provides that no large energy facility shall be sited or constructed in Minnesota without the issuance of a CN by the Commission. The Lake Wilson Solar Project is a large energy facility under Minn. Stat. § 216B.2421, subd. 2(1),[37] because it is an electric power generating plant with a capacity of 150 MW.[38]

In assessing the need for a proposed large energy facility, the Commission must consider the factors listed under each of the criteria set forth in Minn. Stat. § 216B.243, subd. 3,[39] and Minn. R. 7849.0120.[40]

B. Site Permit

Minn. Stat. § 216E.03, subd. 1,[41] provides that no person may construct a large electric generating plant without a site permit from the Commission and that a large electric generating plant may be constructed only on a site approved by the Commission. The Lake Wilson Solar Project is a large electric power generating plant because it is a facility designed for and capable of operation at a capacity of 150 MW.

Minn. Stat. § 216E, requires that large electric power generating plants be located consistent with state policy and in a manner that minimizes adverse human and environmental impact while ensuring continuing electric power system reliability and integrity and ensuring that electric energy needs are met and fulfilled in an orderly and timely fashion.

---

[34] DOC EERA, Exceptions to ALJ Report, Document ID: 20242-203461-02

[35] Lake Wilson Solar Energy, Exceptions to ALJ Report, Document ID: 20242-203862-02

[36] Minn. Stat. § 216B.243, subd. 2

[37] Minn. Stat. § 216B.2421, subd. 2(1)

[38] Lake Wilson Solar has a signed generation interconnection agreement (GIA) with MISO for up to 150 MWac solar and 20 MWac battery energy storage. The Company is seeking to further amend the GIA for an additional 75 MWac battery energy storage, and notes "The solar and BESS portions of the Project will operate in tandem as one combined, associated facility. This interconnection configuration will provide sufficient outlet to maximize the use of all solar energy generation from the Project.", Lake Wilson Solar Energy, Initial CN Application, Document ID: 20232-193061-02, p. 9

[39] Minn. Stat. § 216B.243, subd. 3

[40] Minn. R. 7849.0120

[41] Minn. Stat. § 216E.03, subd. 1

In determining whether to issue a permit for a large electric power generating plant, the Commission must consider the factors contained under Minn. Stat. § 216E.03, subd. 7,[42] and Minn. R. 7850.4100.[43] Under Minn. R. 7850.4600,[44] the Commission may impose conditions in any site permit for a large electric power generating plant as it deems appropriate and that are supported by the record.

C. Environmental Document

Minn. R. 7850.3700,[45] requires preparation of an EA for projects being reviewed under the alternative permitting process. The Department of Commerce is responsible for preparing the EA on behalf of the Commission. The EA must provide information on the human and environmental impacts of the proposed project and of alternative sites or routes; the feasibility of each alternative site or route considered; and mitigative measures that could reasonably be implemented to eliminate or minimize any adverse impacts identified.

Minn. R. 7849.1000 to 7849.2100, establishes the requirements concerning preparation of an environmental report (ER) for a large energy facility requiring a CN. The ER must describe the human and environmental impacts of the proposed project associated with the size, type, and timing of the project; alternatives to the proposed project; and address measures to mitigate potential adverse impacts.

As provided under Minn. R. 7849.1900,[46] when there are concurrent applications for a CN and a site permit, an EA may be prepared in lieu of the required ER. If the documents are combined, the procedures of Minn. R. 7850.3700[47] must be followed and the EA must include the analysis of alternatives required in the ER under Minn. R. 7849.1500.[48]

V. Merits of the Certificate of Need Application

On September 14, 2023, the Commission issued a Notice of Comment Period requesting comments on the merits of Lake Wilson Solar's CN application. Initial comments were filed by DOC DER, LIUNA, and Local 49. Lake Wilson Solar Energy filed reply comments supporting DOC DER's recommendation.

DOC DER's comments concluded that Lake Wilson Solar had met the criteria under Minn. R.

---

[42] Minn. Stat. § 216E.03, subd. 7
[43] Minn. R. 7850.4100
[44] Minn. R. 7850.4600
[45] Minn. R. 7850.3700
[46] Minn. R. 7849.1900
[47] Minn. R. 7850.3700
[48] Minn. R. 7849.1500

7849.0120 required to establish need for the project[49] and recommended that the Commission issue a CN to Lake Wilson Solar upon considering the EA and determining that the project's benefits to society are compatible with protecting the natural environment, socioeconomic environment, and human health.[50] Specifically, DOC DER recommended that the Commission find that:

- the probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
- a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence in the record; and
- the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

Rather than repeat DOC DER's full analysis in this briefing paper, staff refers the Commission to the DOC DER's November 9, 2023, Comments.[51]

LIUNA, Local 49, and North Central States Regional Council of Carpenters also commented in support of the project.

VI. Administrative Law Judge Report

The ALJ Report[52] made findings on each of the criteria under Minn. Stat. § 216E.03, subd. 7,[53] and Minn. R. 7850.4100,[54] that must be considered when issuing a site permit for a large electric power generating plant. The ALJ also made findings on the CN criteria in Minn. Stat. § 216B.243[55] and Minn. R. 7849.0120. The ALJ recommended that the Commission issue a CN and a site permit to Lake Wilson Solar to construct and operate the 150-MW Lake Wilson Solar and Energy Storage Project, and that the site permit include the amended permit conditions provided in Section III, Site Permit Conditions of the ALJ Report.

In making the recommendation, the ALJ, as summarized by staff, concluded[56] that:

---

[49] Minn. R. 7849.0120 A, Minn. R. 7849.0120 B, and Minn. R. 7849.0120 D.

[50] Minn. R. 7849.0120 C

[51] DOC DER Comments, November 8, 2023, eDockets ID 202311-200384-02

[52] OAH, Findings of Fact, Conclusions of Law, and Recommendations, Document ID: 20242-203155-02

[53] Minn. Stat. § 216E.03, subd. 7

[54] Minn. R. 7850.4100

[55] Minn. Stat. § 216B.243

[56] OAH, Findings of Fact, Conclusions of Law, and Recommendations, Document ID: 20242-203155-02, p. 70 - 71

- Lake Wilson Solar, EERA, and the Commission provided all notices required under Minnesota Statutes and Rules for a CN and Site Permit proceedings.
- EERA conducted an appropriate EA of the Project for purposes of the CN and Draft Site Permit proceedings pursuant to Minn. R. 7849.1200 and 7850.3700.
- Public hearings were held on November 28, 2023 (in person), and November 29, 2023 (remote access). Proper notice of the public hearings was provided, and the public was given an opportunity to speak at the hearings and to submit written comments.
- Lake Wilson Solar and the Commission have substantially complied with the procedural requirements of Minn. Stat. Ch. 216B, Minn. Stat. Ch. 216E, and Minn. R. Ch. 7829, 7849, and 7850.
- No party or person has demonstrated by a preponderance of the evidence that there is a more reasonable and prudent alternative to address the needs met by the Project.
- No conditions on the CN are necessary.
- The Draft Site Permit, with the permit conditions revised as set forth above, contain important mitigation measures and other reasonable conditions.
- The Draft Site Permit as revised includes special conditions.
- There is no feasible or prudent alternative to the Project under Minn. R. 7850.4400, subp. 4.
- Lake Wilson Solar has satisfied the criteria for a CN set forth in Minn. Stat. § 216B.243 and Minn. R. 7849.0120 and all other applicable legal requirements.
- Lake Wilson Solar has satisfied the criteria for a Site Permit as set forth in Minn. Stat. § 216E.03 and Minn. R. ch. 7850 and all other applicable legal requirements.
- The Project with the permit conditions revised as set forth in the ALJ Report, satisfies the site permit criteria for a large electric power generating plant in Minn. Stat. § 216E.03, and meets all other applicable legal requirements.
- The Project, with the permit conditions discussed above, does not present a potential for significant adverse environmental effects pursuant to the Minnesota Environmental Rights Act and/or the Minnesota Environmental Policy Act.

VII. Exceptions to ALJ Report

A. EERA Exceptions

On February 15, 2024, DOC EERA filed a letter[57] indicating it supports the ALJ's Report and made the following proposed changes to two findings and a conclusion to ensure the accuracy of the record and for consistency with recommendations suggested in EERA's January 10 reply comments.

[57] EERA Exceptions to the ALJ Report, February 15, 2024, eDockets ID 20242-203461-01

1. Finding 260 – Vegetation

   After coordination with the DNR, Lake Wilson Solar confirmed with a native prairie field survey that no native prairies exist in the ~~Project area~~ Preliminary Development Area. With the coordination, Lake Wilson removed two trackers from the ~~Project area~~ Preliminary Development Area that were originally proposed because they were in suspected native prairies mapped by the DNR. Due to this adjustment, DNR determined no prairie protection management plan would be required for the Project.

The "Preliminary Development Area" is a term used in Lake Wilson's site permit application and EERA's EA to delineate the 1,526 acres of the 2,621 acres of the Project Area that are designated to potentially host solar panels/arrays/modules, single-axis trackers, inverters, collection lines, access roads, fencing, and associated Project facilities. This area is not the same as the "Project Area." Describing the conclusions of the native prairie survey conducted as within the Project Area instead of the Preliminary Development Area would make this Finding inaccurate, as DNR's determination is based on the Preliminary Development Area.

2. Finding 147 – Socioeconomic Effects:

   These workers will be subject to pay no less than the prevailing wage rate as defined in Minnesota Statute 177.42.

The ALJ report did not include this statement in any finding. EERA found this language appropriate to include in the report as the prevailing wage rate is now a statutory requirement (Minnesota Stat. § 177.42).

3. Conclusion of Law:

   The Environmental Assessment (EA) prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.

The ALJ report did not include this statement as a Conclusion of Law. EERA found this addition appropriate as Minnesota Rule 7850.4100, subp. 2 requires the Commission to determine whether the EA and the record created at the public hearing address the issues identified in the scoping decision.

B. Lake Wilson Solar Exceptions

On February 27, 2024, Lake Wilson Solar filed a single exception[58] to the ALJ's Report. Lake Wilson took exception with portions of Finding 320 in the ALJ's Report where the ALJ suggested that the DNR requested the inclusion of deer egress gates in the fencing design. Lake Wilson

[58] Lake Wilson Solar Exceptions to the ALJ Report, February 27, 2024, eDocktes ID 20242-203862-01

Solar cited DNR's December 5, 2023 comment letter[59] in which DNR did not specifically request that deer egress gates should be included with the fence design. DNR stated that "…although security fencing meets DNR standards, the location of deer egress gates, if any, needs clarification. The DNR recommends further coordination with our agency to address this concern."

Subsequently, Lake Wilson Solar proposed these changes to ALJ's Finding No. 320:

> The DNR is responsible for all wild animals in the state. Lake Wilson Solar asserts the EA found that potential impact to deer is expected to be minimal and as a result, the deer egress gates will not be included in the fencing design. However, the EA found that studies estimate that one hoofed mammal per year becomes entangled for every two and one-half miles of fence. Although deer can jump many fences, they can become tangled in both smooth and barbed-wire fences. Predators can use fences to corner and kill prey species. The DNR indicated Lake Wilson Solar's fence design meets DNR's standards. ~~DNR's expertise should be given deference and deer egress gates should be included as advised by the DNR.~~ Lake Wilson Solar should consult with the DNR on fencing design in accordance with site permit condition 4.3.31 to clarify the locations of the deer egress gates if they are going to be included in the site plan for the project.

VIII. Staff Analysis

The Commission has the following issues before it regarding the proposed Lake Wilson Solar Project:

- Whether to find the environmental assessment adequate.
- Whether to grant a certificate of need.
- Whether to adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation.
- Whether to issue a site permit.

Based on information in Lake Wilson Solar's CN and site permit applications, the analysis provided in the EA, public comments, the ALJ's Report, exceptions, and other evidence in the record, staff provides the discussion below.

A. Environmental Assessment

Staff has reviewed the EA and believes that DOC EERA conducted an appropriate environmental analysis of the project for purposes of these proceedings, and that the EA satisfies the requirements under Minn. R. 7850.3700 and Minn. R. 7849.1500.

- The EA did not identify any unique or significant environmental impacts from the construction and operation of the project that could not be properly mitigated.

[59] MN DNR Comments, December 5, 2023, eDockets ID 202312-200987-01

- The EA discussed potential system alternatives to the project such as a generic 150-MW solar facility with 95 MWac of battery storage in a different location, a 150-MW wind farm with 95 MWac of battery storage, and the no-build alternative.
- No information was submitted into the record that contested the information and analysis contained in the EA.
- The ALJ's Report concluded that the EA and the record created at the public hearing addressed the issues identified in the scoping decision.

Therefore, staff recommends that the Commission, in accordance with Minn. R. 7850.3900, subp. 2, find that the EA and the supporting record adequately addressed the issues identified in the scoping decision.

If the Commission does not find the EA complete, it must identify the reasons it is not complete and request that the EA be revised or supplemented. In that case, a schedule for revising or supplementing the EA would need to be determined and the Commission would need to revisit its decisions after completion of the revised EA.

B. Certificate of Need

Staff agrees with DOC DER that Lake Wilson Solar has demonstrated that the project meets the criteria set forth under Minn. R. 7849.0120 (A, B, and D). Staff further believes that based on a consideration of the factors set forth in Minn. R. 7849.0120 (C), the EA and the evidence in the record demonstrates that the project will provide benefits to society in a manner compatible with protecting the natural environment, socioeconomic environment, and human health.

Additionally, the procedural requirements for informal review of a CN application were conducted in accordance with Minn. R. 7829.1200.

Therefore, staff agrees with DOC DER that the Commission should issue a CN to Lake Wilson Solar for the 150-MW solar facility and associated 95 MWac battery energy storage.

If the Commission issues a CN, the order must include written findings with respect to the criteria set forth in Minn. R. 7849.0120. If the Commission denies the CN application, it must state the reasons for the denial.

C. Proposed Site Permit

Staff agrees with DOC EERA and the ALJ that the Commission should issue a site permit to Lake Wilson Solar for the 150-MW solar facility and associated 95 MWac battery energy storage to be located in Murray County, Minnesota. Staff also agrees that the Draft Site Permit proposed by EERA as modified by the ALJ, which includes the agencies' concerns[60] as special permit conditions in Section 5, should be issued as the site permit for the project.

---

[60] MN DNR Comments, December 5, 2023, eDockets ID 202312-200987-01

Should the Commission modify or propose additional permit conditions, staff will make the necessary modifications to ensure agreement with the Commission's final order in the matter.

However, staff noticed a distinction in the language proposed in Section 4.3.8 Aesthetics of the draft site permit. DOC EERA proposed to use this language:

> "The Permittee shall consider input pertaining to visual impacts from landowners and 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."

Whereas the Applicant proposed to use this language:

> "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."

The difference is removing the landowners from the consideration when providing aesthetic mitigation from visual impacts. Staff has reviewed the EA[61] and at pages 34-35, Chapter 4: Potential Impacts and Mitigation, the EA concluded that:

> "For residents in the project vicinity and for others with high viewer sensitivity traveling on local roads in the project vicinity, aesthetic impacts are anticipated to be moderate to significant."

and that:

> " Other mitigation techniques to reduce glare in addition to vegetation screening include changes in tracking to reduce glare from backtracking or tilting the arrays a few degrees east or west to minimize glare. Both the changes in tracking and repositioning of the arrays would result in reduction to the annual energy production. Aesthetic impacts can also be mitigated through individual agreements with neighboring landowners (sometimes referred to as good neighbor agreements). Such agreements are not within the scope of this EA."

Staff agrees with these findings from the EA that may require aesthetic mitigation for the

[61] EERA Environmental Assessment, October 18, 2023, eDockets ID 202310-199721-02

affected properties such as vegetation screening and/or individual agreements with neighboring landowners (good neighbor agreements), and therefore supports keeping the language in permit Section 4.3.8 as proposed by DOC EERA.

D. ALJ Report

Staff agrees with the findings, conclusions, and recommendations reached by the ALJ. Staff finds that the ALJ's Report is a sound, comprehensive, and common-sense ruling that is reflective of the case record. The ALJ's Report documents that the procedural requirements were followed and presents findings of fact for each of the decision criteria that must be met for a site permit for a large electric generating plant. Therefore, staff recommends that the Commission approve the ALJ's Report with the changes proposed by DOC EERA and Lake Wilson Solar as identified above to the extent it is consistent with and necessary for the Commission's final decisions in these matters.

IX. Decision Options

Environmental Assessment

1. Determine that the Environmental Assessment and the record created in this matter address the issues identified in the Scoping Decision.

[OR]

2. Determine that the Environmental Assessment and the record created in this matter do not address the issues identified in the Scoping Decision and direct DOC EERA to prepare a supplement to the Environmental Assessment that addresses the identified deficiencies.

ALJ Report

3. Adopt the ALJ's Findings of Fact, Conclusions of Law, and Recommendation, to the extent it is consistent with the Commission's final decisions.

[AND]

4. Adopt the modified findings and conclusions identified in EERA's February 15, 2024 filing regarding:
    A. Finding 260 – Vegetation
    B. Finding 147 - Prevailing Wage
    C. A new Conclusion of Law – <u>The Environmental Assessment (EA) prepared for the Project and the record created at the public hearing address the issues identified in the EA scoping decision.</u>

[AND]

5. Adopt the change to Finding 320 – Deer Egress Gates of the ALJ's Report identified in Lake Wilson's February 27, 2024 filing.

Certificate of Need

6. Grant a certificate of need for the 150-megawatt Lake Wilson Solar and Associated 95 MWac Battery Energy Storage Project proposed in Murray County, Minnesota, finding that:

    A. the factors set forth in Minn. R. 7849.0120(A), have been met and that denying the application would likely have an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
    B. the factors set forth in Minn. R. 7849.0120(B), have been met and that a more reasonable and prudent alternative to the project has not been demonstrated by a preponderance of the evidence in the record;
    C. the factors set forth in Minn. R. 7849.0120(C), have been met and that the preponderance of the evidence in the record demonstrates that the project will provide benefits to society in a manner compatible with protecting the natural and

socioeconomic environments, including human health; and

D. the factors set forth in Minn. R. 7849.0120(D), have been met and that the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the proposed facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

[OR]

7. Deny a certificate of need for the 150-megawatt Lake Wilson Solar Project proposed in Murray County, Minnesota, and [state the reasons for the denial].

Site Permit

8. Issue the EERA Proposed Site Permit as included with EERA's January 10, 2024 Reply Comments (Attachment B) and recommended by the judge in the ALJ's Report as the Site Permit for the 150-megawatt Lake Wilson Solar and Associated 95 MWac Battery Energy Storage Project proposed in Murray County, Minnesota.

[OR]

9. Do not issue a site permit for the 150-megawatt Lake Wilson Solar Project and state the reasons for the denial.

Administrative

10. Authorize Commission staff to modify the Proposed Site Permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter.

Staff Recommendation: 1, 3, 4(A-C), 5, 6 (A-D), 8, and 10

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A
SOLAR ENERGY GENERATING SYSTEM

IN
MURRAY COUNTY

ISSUED TO
LAKE WILSON SOLAR ENERGY LLC

PUC DOCKET NO. IP-7070/GS-21-792

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

Lake Wilson Solar Energy LLC

The Permittee is authorized by this site permit to construct and operate a 150-megawatt solar energy generating system with 95-megawatt battery energy storage system and associated facilities. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this ____ day of _____

BY ORDER OF THE COMMISSION

_____

Will Seuffert,
Executive Secretary

DRAFT SITE PERMIT

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Persons with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

CONTENTS

1 SITE PERMIT 1

1.1 Preemption 1

2 PROJECT DESCRIPTION 1

2.1 Project Location 1

2.2 Project Ownership 2

3 DESIGNATED SITE 2

4 GENERAL CONDITIONS 3

4.1 Permit Distribution 3

4.2 Access to Property 3

4.3 Construction and Operation Practices 4

4.3.1 Field Representative 4

4.3.2 Site Manager 4

4.3.3 Employee Training and Education of Permit Terms and Conditions 5

4.3.4 Independent Third-Party Monitor 5

4.3.5 Public Services and Public Utilities 5

4.3.6 Temporary Workspace 6

4.3.7 Noise 6

4.3.8 Aesthetics 6

4.3.9 Topsoil Protection 6

4.3.10 Soil Compaction 6

4.3.11 Soil Erosion and Sediment Control 6

4.3.12 Public Lands 7

4.3.13 Wetlands and Water Resources 7

4.3.14 Native Prairie 8

4.3.15 Vegetation Removal 8

4.3.16 Beneficial Habitat 9

4.3.17 Vegetation Management Plan 9

4.3.18 Agricultural Impact Mitigation Plan 10

4.3.19 Application of Pesticides 10

4.3.20 Invasive Species 11

4.3.21 Noxious Weeds 11

4.3.22 Roads 11

4.3.23 Archaeological and Historic Resources 12

4.3.24 Interference 12

4.3.25 Restoration 12

DRAFT SITE PERMIT

4.3.26 Cleanup 13
4.3.27 Pollution and Hazardous Wastes 13
4.3.28 Damages 13
4.3.29 Public Safety 13
4.3.30 Site Identification 13
4.3.31 Security Fencing 14
4.4 Feeder Lines 14
4.5 Other Requirements 14
4.5.1 Safety Codes and Design Requirements 14
4.5.2 Other Permits and Regulations 15
4.5.3 Prevailing Wage 15
5 SPECIAL CONDITIONS 15
5.1 Facility Lighting 15
5.2 Dust Control 15
6 DELAY IN CONSTRUCTION 16
7 COMPLAINT PROCEDURES 16
8 COMPLIANCE REQUIREMENTS 16
8.1 Pre-Construction Meeting 16
8.2 Pre-Operation Meeting 16
8.3 Site Plan 17
8.4 Status Reports 17
8.5 Labor Statistic Reporting 18
8.6 In-Service Date 18
8.7 As-Builts 18
8.8 GPS Data 18
8.9 Project Energy Production 19
8.10 Emergency Response 19
8.11 Extraordinary Events 20
8.12 Wildlife Injuries and Fatalities 20
9 DECOMMISSIONING AND RESTORATION 20
9.1 Decommissioning Plan 20
9.2 Site Final Restoration 21
9.3 Abandoned Solar Installations 21
10 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE 21
10.1 Final Boundaries 21
10.2 Expansion of Site Boundaries 22
10.3 Periodic Review 22

DRAFT SITE PERMIT

10.4 Modification of Conditions 22
10.5 More Stringent Rules 22
10.6 Right of Entry 22
11 PERMIT AMENDMENT 23
12 TRANSFER OF PERMIT 23
13 REVOCATION OR SUSPENSION OF THE PERMIT 24
14 EXPIRATION DATE 24

ATTACHMENTS

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities
Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities
Attachment 3 – Site Maps

DRAFT SITE PERMIT

1 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Lake Wilson Solar Energy LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes Lake Wilson Solar Energy LLC to construct and operate a 150-megawatt solar energy generating system with 95-megawatt battery energy storage system and associated facilities, and as identified in the attached site maps, hereby incorporated into this document (Lake Wilson Solar Energy Center Project, henceforth known as Project).

1.1 Preemption

Pursuant to Minn. Stat. § 216E.10, this permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

2 PROJECT DESCRIPTION

The Project is a 150 MW solar energy generating system with a 95-megawatt battery energy storage system and associated facilities on approximately 1,526 acres. The primary components of the solar energy generating system and associated facilities include:

(a) photovoltaic panels affixed to a linear ground-mounted single-axis tracking system;
(b) 95 MW of battery energy storage capacity
(c) power inverters and transformers;
(d) belowground electrical collection lines;
(e) security fencing;
(f) a project substation;
(g) access roads and parking lot;
(h) up to ten weather stations;
(i) an operations and maintenance building;
(j) stormwater treatment areas

2.1 Project Location

The project is located in the following:

County	Township Name	Township	Range	Sections

DRAFT SITE PERMIT

Murray	Leeds	106N	42W	15-17, 20-22, 27

2.2 Project Ownership

At least 14 days prior to the pre-construction meeting, the Permittee shall file a description of its ownership structure, identifying, as applicable:

(a) the owner(s) of the financial and governance interests of the Permittee;
(b) the owner(s) of the majority financial and governance interests of the Permittee's owners; and
(c) the Permittee's ultimate parent entity (meaning the entity which is not controlled by any other entity).

The Permittee shall notify the Commission of:

(a) a change in the owner(s) of the majority* financial or governance interests in the Permittee; or
(b) a change in the owner(s) of the majority* financial or governance interests of the Permittee's owners; or
(c) a sale which changes the ultimate parent entity of the Permittee
* When there are only co-equal 50/50 percent interests, any change shall be considered a change in majority interest.

Also, in the event of an ownership change, the Permittee must provide the Commission with a certification that it has read, understands and is able to comply with the plans and procedures it filed and all conditions of this permit.

3 DESIGNATED SITE

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

DRAFT SITE PERMIT

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.

~~The site designated by the Commission for the [Project Name] is the site depicted on the site maps attached to this permit. [As applicable, provide a detailed description of the authorized site. Example: The site is generally described as follows...]~~

~~The layout represents the approximate location of photovoltaic tracker rows and associated facilities within the project boundary and identifies a layout that seeks to minimize 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. Any modification to the location of a photovoltaic tracker row or other associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 8.3.~~

~~5~~4 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the solar energy generating system and associated facilities over the life of this permit.

~~5.1~~4.1 Permit Distribution

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, and city and township clerk in which any part of the site is located.

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

~~5.2~~4.2 Access to Property

DRAFT SITE PERMIT

The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, 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.

~~5.3~~4.3 Construction and Operation Practices

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

~~5.3.1~~4.3.1 Field Representative

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

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to the pre-construction meeting. The Permittee shall provide the field representative's contact information to affected landowners within or adjacent to the Project Boundary, local government units and other interested persons 14 days prior to the pre-construction meeting. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, local government units and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its field representative's contact information at least 14 days prior to the pre-construction meeting and upon changes to the field representative.

~~5.3.2~~4.3.2 Site Manager

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of the project. This person shall be accessible by telephone or other means during normal business hours for the life of this permit.

The Permittee shall file the name, address, email, phone number, and emergency phone number of the site manager with the Commission within 14 days prior to the pre-operation meeting. The Permittee shall provide the site manager's contact information to landowners

DRAFT SITE PERMIT

within or adjacent to the Project Boundary, local government units and other interested persons at least 14 days prior to the pre-operation meeting. The Permittee may change the site manager at any time upon notice to the Commission, landowners within or adjacent to the Project Boundary, local government units, and other interested persons. The Permittee shall file with the Commission an affidavit of distribution of its site manager's contact information at least 14 days prior to the pre-operation meeting and upon changes to the site manager.

~~5.3.3~~4.3.3 Employee Training and Education of Permit Terms and Conditions

The Permittee shall train and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this permit. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.4~~4.3.4 Independent Third-Party Monitor

Prior to any construction, the Permittees shall propose a scope of work and identify one independent third party monitor on behalf of the Department of Commerce. The scope of work shall be developed in consultation with and approved by the Department of Commerce. This third-party monitor will report directly to and will be under the control of the Department of Commerce with costs borne by the Permittee. The Permittee shall file the scope of work, and the name, address, email, phone number, and emergency phone number of the third-party monitor with the Commission at least 14 days prior to the pre-construction meeting, and upon changes to the scope of work or third-party monitor contact information.

~~5.3.5~~4.3.5 Public Services and Public Utilities

During construction, the Permittee shall minimize any disruption to public services and public utilities. To the extent disruptions to public services or public utilities occur these will be temporary, and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

DRAFT SITE PERMIT

~~5.3.6~~4.3.6 Temporary Workspace

The Permittee shall select temporary workspace and equipment staging areas that limit the removal and impacts to vegetation. The Permittee shall not site temporary workspace in wetlands or native prairie as defined in sections 4.3.13 and 4.3.14. The Permittee shall site temporary workspace to comply with standards for development of the shorelands of public waters as defined in Section 4.3.13. The Permittee shall obtain temporary easements outside of the authorized Project Boundary from affected landowners through rental agreements as these are not provided for in this permit.

~~5.3.7~~4.3.7 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080, at all times and at all appropriate locations during operation of the Project. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable.

~~5.3.8~~4.3.8 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners and 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.

~~5.3.9~~4.3.9 Topsoil Protection

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands.

~~5.3.10~~4.3.10 Soil Compaction

The Permittee shall implement measures to minimize soil compaction of all lands utilized for Project construction and travelled on by cranes, heavy equipment, and heavy trucks.

~~5.3.11~~4.3.11 Soil Erosion and Sediment Control

DRAFT SITE PERMIT

The Permittee shall implement erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the facility disturbs more than one acre of land, or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) that describes methods to control erosion and runoff.

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

~~5.3.12~~4.3.12 Public Lands

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

~~5.3.13~~4.3.13 Wetlands and Water Resources

The Permittee shall not place the solar energy generating system or associated facilities in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The Permittee shall locate the solar energy generating system and associated facilities in compliance with the standards for development of the

DRAFT SITE PERMIT

shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

The Permittee shall construct in wetland areas during frozen ground conditions, to the extent feasible, to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. The Permittee shall contain and manage soil excavated from the wetlands and riparian areas in accordance with all applicable wetland permits. The Permittee shall access wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

The Permittee shall restore wetland and water resource areas disturbed by construction activities to pre-construction conditions in accordance with the requirements of applicable state and federal permits or laws and landowner agreements. The Permittee shall meet the USACE, DNR, and local units of government requirements.

~~5.3.14~~4.3.14 Native Prairie

The Permittee shall not place the solar energy generating system or associated facilities in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and not located in areas enrolled in the Native Prairie Bank Program. The Permittee shall not impact native prairie during construction activities, as defined in Minn. Stat. § 216E.01, unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the Project Boundary. The Permittee shall file the prairie protection and management plan with the Commission at least 30 days prior to submitting the site plan required by Section 8.3 of this permit. The prairie protection and management plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

~~5.3.15~~4.3.15 Vegetation Removal

The Permittee shall minimize the number of trees removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow

DRAFT SITE PERMIT

fences, and other vegetation, to the extent that such actions do not violate sound engineering principles or interfere with the safe operation of the Project.

~~5.3.16~~4.3.16 Beneficial Habitat

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that enhances soil water retention and reduces storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). If the Permittee chooses to participate in Minnesota's Habitat-Friendly Solar Program, it shall file documents required to be filed with BWSR for meeting and maintaining Habitat Friendly Solar Certification with the Commission.

~~5.3.17~~4.3.17 Vegetation Management Plan

The Permittee shall develop a vegetation management plan (VMP), in coordination with the Department of Commerce, and the Vegetation Management Working Group (VMWG), using best management practices established by the DNR and BWSR. The Permittee shall file the VMP and documentation of the coordination efforts between the Permittee and the coordinating agencies with the Commission at least 14 days prior to the pre-construction meeting. Landowner-specific vegetation requests resulting from individual consultation between the Company and a landowner need not be included in the Vegetation Management Plan. The Permittee shall provide all landowners within the Project Boundary with copies of the VMP. The Permittee shall file with the Commission an affidavit of its distribution of the VMP to landowners at least 14 days prior to the pre-construction meeting.

The VMP must include the following:

(a) management objectives addressing short term (year 0-5, seeding and establishment) and long term (year 5 through the life of the Project) goals;

(b) a description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used;

DRAFT SITE PERMIT

(c) a description of how the site will be monitored and evaluated to meet management goals;

(d) a description of the management tools used to maintain vegetation (*e.g.*, mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities;

(e) identification of the third-party (*e.g.*, consultant, contractor, site manager, etc.) contracted for restoration, monitoring, and long-term vegetation management of the site;

(f) identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized; and

(g) a marked-up copy of the site plan showing how the site will be revegetated and that identifies the corresponding seed mixes.

Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

~~5.3.18~~4.3.18 Agricultural Impact Mitigation Plan

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the Minnesota Department of Agriculture (MDA). The Permittee shall provide landowners within the Project Boundary with a copy of the AIMP. The Permittee shall file with the Commission the AIMP and an affidavit of the AIMP distribution to landowners at least 14 days prior to the pre-construction meeting.

~~5.3.19~~4.3.19 Application of Pesticides

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 request that there be no application within the landowner's property. The Permittee shall provide notice of pesticide application to ~~affected~~ adjacent landowners and ~~known~~ beekeepers operating known apiaries within three miles of the Project Boundary at least

DRAFT SITE PERMIT

14 days prior to such application. The Permittee shall keep pesticide communication and application records and provide them upon the Commission's request.

~~5.3.20~~4.3.20 Invasive Species

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 14 days prior to the pre-construction meeting.

~~5.3.21~~4.3.21 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil, the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.22~~4.3.22 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city or township roads that will be used during the construction phase of the project. Where practical, existing roadways shall be used for all activities associated with construction of the Project. The Permittee shall not haul oversize or overweight loads associated with the 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.

DRAFT SITE PERMIT

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.

~~5.3.23~~4.3.23 Archaeological and Historic Resources

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

Prior to construction, the Permittee shall train workers about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. The Permittee shall not resume construction at such location until authorized by local law enforcement or the State Archaeologist. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.24~~4.3.24 Interference

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the project, the Permittee shall take whatever action is feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the project. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.25~~4.3.25 Restoration

The Permittee shall restore the areas affected by construction of the Project to the condition that existed immediately before construction began to the greatest extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be

DRAFT SITE PERMIT

compatible with the safe operation, maintenance and inspection of the Project. Within 60 days after completion of all restoration activities, the Permittee shall notify the Commission in writing of the completion of such activities.

~~5.3.26~~4.3.26 Cleanup

The Permittee shall remove and properly dispose of all construction waste and scrap from the site and all premises on which construction activities were conducted upon completion of each task. The Permittee shall remove and properly dispose of all personal litter, including bottles, cans, and paper from construction activities on a daily basis.

~~5.3.27~~4.3.27 Pollution and Hazardous Wastes

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

~~5.3.28~~4.3.28 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.29~~4.3.29 Public Safety

The Permittee shall provide educational materials to landowners within and adjacent to the Project Boundary and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also implement any necessary safety measures such as placing warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of the construction of the Project. The Permittee shall keep records of compliance with this section and provide them upon the request of Department of Commerce or Commission staff.

~~5.3.30~~4.3.30 Site Identification

DRAFT SITE PERMIT

The Permittee shall mark the solar energy generating system with a clearly visible identification number and or street address.

4.3.31 Security Fencing

The Permittee shall design the security fence surrounding the solar energy generating system to minimize the visual impact of the Project while maintaining compliance with the National Electric Safety Code. The Permittee shall develop a final fence plan for the specific site in coordination with EERA and the DNR. The final fence plan shall be submitted to the Commission as part of the site plan pursuant to Section 8.3.

~~5.4~~4.4 Feeder Lines

The Permittee may use a hybrid electrical collection system of aboveground and belowground conductors to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

The Permittee may use overhead or underground feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid. The Permittee shall place overhead and underground feeder lines that parallel public roads within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the landowner or government unit responsible for the affected right-of-way.

The Permittee shall locate feeder lines in such a manner as to minimize interference with agricultural operations including, but not limited, to existing drainage patterns, drain tile, future tiling plans, and ditches. The Permittee shall place safety shields on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the site plan pursuant to Section 8.3.

~~5.5~~4.5 Other Requirements

~~5.5.1~~4.5.1 Safety Codes and Design Requirements

The Permittee shall design the solar energy generating system and associated facilities to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements. The Permittee shall keep records of compliance with these

DRAFT SITE PERMIT

standards and provide them upon the request of Department of Commerce or Commission staff.

~~5.5.2~~4.5.2 Other Permits and Regulations

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

~~5.5.3~~4.5.3 Prevailing Wage

The Permittee, its contractors, and subcontractors shall pay no less than the prevailing wage rate as defined in Minnesota Statute 177.42, and shall be subject to the requirements and enforcement provisions under Minnesota Statute sections 177.27, 177.30, 177.32, 177.41 to 177.435, and 177.45.

~~6~~5 SPECIAL CONDITIONS

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

5.1 Facility Lighting

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.

5.2 Dust Control

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

5.3 Wildlife Friendly Erosion Control

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

DRAFT SITE PERMIT

~~[Add Special Conditions in accordance with the record of the docket]~~

~~7~~6 DELAY IN CONSTRUCTION

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

~~8~~7 COMPLAINT PROCEDURES

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

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

~~9~~8 COMPLIANCE REQUIREMENTS

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

~~9.1~~8.1 Pre-Construction Meeting

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission. The Permittee shall indicate in the filing the construction start date.

~~9.2~~8.2 Pre-Operation Meeting

DRAFT SITE PERMIT

At least 14 days prior to commercial operation of the Project, the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate field monitoring of operation activities for the Project. Within 14 days following the pre-operation meeting, the Permittee shall file a summary of the topics reviewed and discussed and a list of attendees with the Commission.

~~9.3~~8.3 Site Plan

At least 30 days prior to the pre-construction meeting, the Permittee shall file with the Commission, and provide the Department of Commerce, and Murray County with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of the solar energy generating system and associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the Project Boundary, solar energy generating system and associated facilities layout in relation to that approved by this permit.

The Permittee may not commence construction until the earlier of (i) 30 days after the pre-construction meeting or (ii) until the Commission has notified the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Commission notifies the Permittee in writing within 30 days after the pre-construction meeting that it has completed its review of the documents and planned construction, and finds that the planned construction in not consistent with this permit, the Permittee may submit additional and/or revised documentation and may not commence construction until the Commission has notified the Permittee in writing that it has determined that the planned construction is consistent with this permit.

If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission, the Department of Commerce, and Murray County at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

~~9.4~~8.4 Status Reports

The Permittee shall file monthly status reports on progress regarding site construction with the Commission. Reports shall begin with the issuance of the site permit and continue until completion of restoration. Reports shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

DRAFT SITE PERMIT

If the Permittee does not commence construction of the Project within six months of the permit issuance, the Permittee shall file status reports on the anticipated timing of construction every six months beginning with the issuance of this permit until the pre-construction meeting. The status updates shall include information on the Project's Midcontinent Independent System Operator (MISO) interconnection process.

~~9.5~~8.5 Labor Statistic Reporting

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the Project. The reports shall:

(a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers; and

(b) provide an account of:

  (i) the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7;

  (ii) the gross number of hours worked by or full-time equivalent workers who are residents of other states, but maintain a permanent residence within 150 miles of the Project; and

  (iii) the total gross hours worked or total full-time equivalent workers. Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

~~9.6~~8.6 In-Service Date

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

~~9.7~~8.7 As-Builts

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

~~9.8~~8.8 GPS Data

DRAFT SITE PERMIT

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

~~9.9~~8.9 Project Energy Production

The Permittee shall, by February 1st following each complete or partial year of project operation, file a report with the Commission on the monthly energy production of the facility including:

(a) the installed nameplate capacity of the permitted facility;

(b) the total daily energy generated by the facility in MW hours;

(c) the total monthly energy generated by the facility in MW hours;

(d) the monthly capacity factor of the facility;

(e) yearly energy production and capacity factor for the facility;

(f) the average monthly and average annual solar strength gradient measured in kWh/m²/Day observed at the facility;

(g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and

(h) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

~~9.10~~8.10 Emergency Response

The Permittee shall prepare an Emergency Response Plan (ERP) in consultation with the emergency responders having jurisdiction over the Project prior to construction. The Permittee shall file the ERP, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised ERP, if any, at least 14 days prior to the pre-operation meeting. At least 14 days prior to the pre-construction meeting the Permittee shall file with the Commission an affidavit of the distribution of the ERP to emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the

DRAFT SITE PERMIT

Project. The Permittee shall obtain and register the Project address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the Project.

~~9.11~~8.11 Extraordinary Events

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

~~9.12~~8.12 Wildlife Injuries and Fatalities

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

~~10~~9 DECOMMISSIONING AND RESTORATION

~~10.1~~9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted decommissioning plan. The initial version of the decommissioning plan was submitted for this project as Appendix G to the Site Permit Application. The Permittee shall file an updated decommissioning plan incorporating comments and information from the permit application process and any updates associated with the final construction plans with the Commission at least ~~fourteen~~ 14 days prior to the pre-construction meeting. The Permittee shall update and file the decommissioning plan with the Commission every five years following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all Project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other Project components. The decommissioning plan may also include anticipated costs for the replacement of panels or repowering the Project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the Project is located. The Permittee shall

DRAFT SITE PERMIT

ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

~~10.2~~9.2 Site Final Restoration

Upon expiration of this permit or upon termination of operation of the project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment in accordance with the most recently filed and accepted decommissioning plan. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

The Permittee shall restore the site in accordance with the requirements of this condition and file a notification of final restoration completion to the Commission within 18 months of termination of operation of the Project.

~~10.3~~9.3 Abandoned Solar Installations

The Permittee shall notify the Commission of any solar equipment that is abandoned prior to termination of operation of the Project. Equipment shall be considered abandoned after one year without energy production and the land restored pursuant to Section 9.2 unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the equipment to service.

~~11~~10 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

~~11.1~~10.1 Final Boundaries

DRAFT SITE PERMIT

After completion of construction the Commission shall determine the need to adjust the final Project Boundary required for the Project. This permit may be modified, after notice and opportunity for hearing, to represent the actual Project Boundary required by the Permittee to operate the Project authorized by this permit.

~~11.2~~10.2 Expansion of Site Boundaries

No expansion of the site boundary described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

~~11.3~~10.3 Periodic Review

The Commission shall initiate a review of this permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

~~11.4~~10.4 Modification of Conditions

After notice and opportunity for hearing this permit may be modified or amended for cause, including but not limited to the following:

(a) violation of any condition in this permit;

(b) endangerment of human health or the environment by operation of the project; or

(c) existence of other grounds established by rule.

~~11.5~~10.5 More Stringent Rules

The issuance of this permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

~~11.6~~10.6 Right of Entry

DRAFT SITE PERMIT

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

(a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.

(b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.

(c) To sample and monitor upon the facilities easement of the property.

(d) To examine and copy any documents pertaining to compliance with the conditions of this Permit.

~~12~~11 PERMIT AMENDMENT

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

~~13~~12 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity (transferee). In its request, the Permittee must provide the Commission with:

(a) the name and description of the transferee;
(b) the reasons for the transfer;
(c) a description of the facilities affected; and
(d) the proposed effective date of the transfer.

The transferee must provide the Commission with the name and contact information for the site manager, as described in Section 4.3.2, and either a current version with e-docket reference, or a revised version of the following:

(a) VMP as described in Section 4.3.17;
(b) complaint procedures, as described in Section 7 and Attachment 1;
(c) ERP, as described in Section 8.10; and
(d) decommissioning plan, as described in Section 9

DRAFT SITE PERMIT

~~14~~13 REVOCATION OR SUSPENSION OF THE PERMIT

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

~~15~~14 EXPIRATION DATE

This permit shall expire 30 years after the date this permit was approved and adopted.

DRAFT SITE PERMIT

ATTACHMENT 1

Complaint Handling Procedures for Permitted Energy Facilities

SAMPLE PERMIT

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

SAMPLE PERMIT

E. Complaint Documentation and Processing

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.

2. A person presenting the complaint should, to the extent possible, include the following information in their communications:

    a. name, address, phone number, and email address;
    b. initial date of the complaint;
    c. tract, parcel number, or address of the complaint;
    d. a summary of the complaint; and
    e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.

3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

    a. docket number and project name;
    b. name of complainant, address, phone number and email address;
    c. precise description of property or parcel number;
    d. name of permittee representative receiving complaint and date of receipt;
    e. nature of complaint and the applicable permit condition(s);
    f. summary of activities undertaken to resolve the complaint; and
    g. a statement on the final disposition of the complaint.

F. Reporting Requirements

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

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or publicadvisor.puc@state.mn.us. For e-mail reporting, the email

SAMPLE PERMIT

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

Monthly Reports: During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: https://www.edockets.state.mn.us/EFiling/home.jsp. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of one year following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

H. Commission Process for Unresolved Complaints

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate persons if it determines that the

SAMPLE PERMIT

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or publicadvisor.puc@state.mn.us. The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

SAMPLE PERMIT

ATTACHMENT 2

Compliance Filing Procedures for Permitted Energy Facilities

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all known compliance filings required by permit.

C. Definitions

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

D. Responsibilities

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

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

2. All filings must have a cover sheet that includes:

    a. Date
    b. Name of submitter/permittee
    c. Type of permit (site or route)
    d. Project location
    e. Project docket number
    f. Permit section under which the filing is made
    g. Short description of the filing

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

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

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Lake Wilson Solar Energy LLC
PERMIT TYPE: Solar Energy Generating System Site Permit
PROJECT LOCATION: Murray County, Minnesota
PUC DOCKET NUMBER: IP-7070/GS-21-792

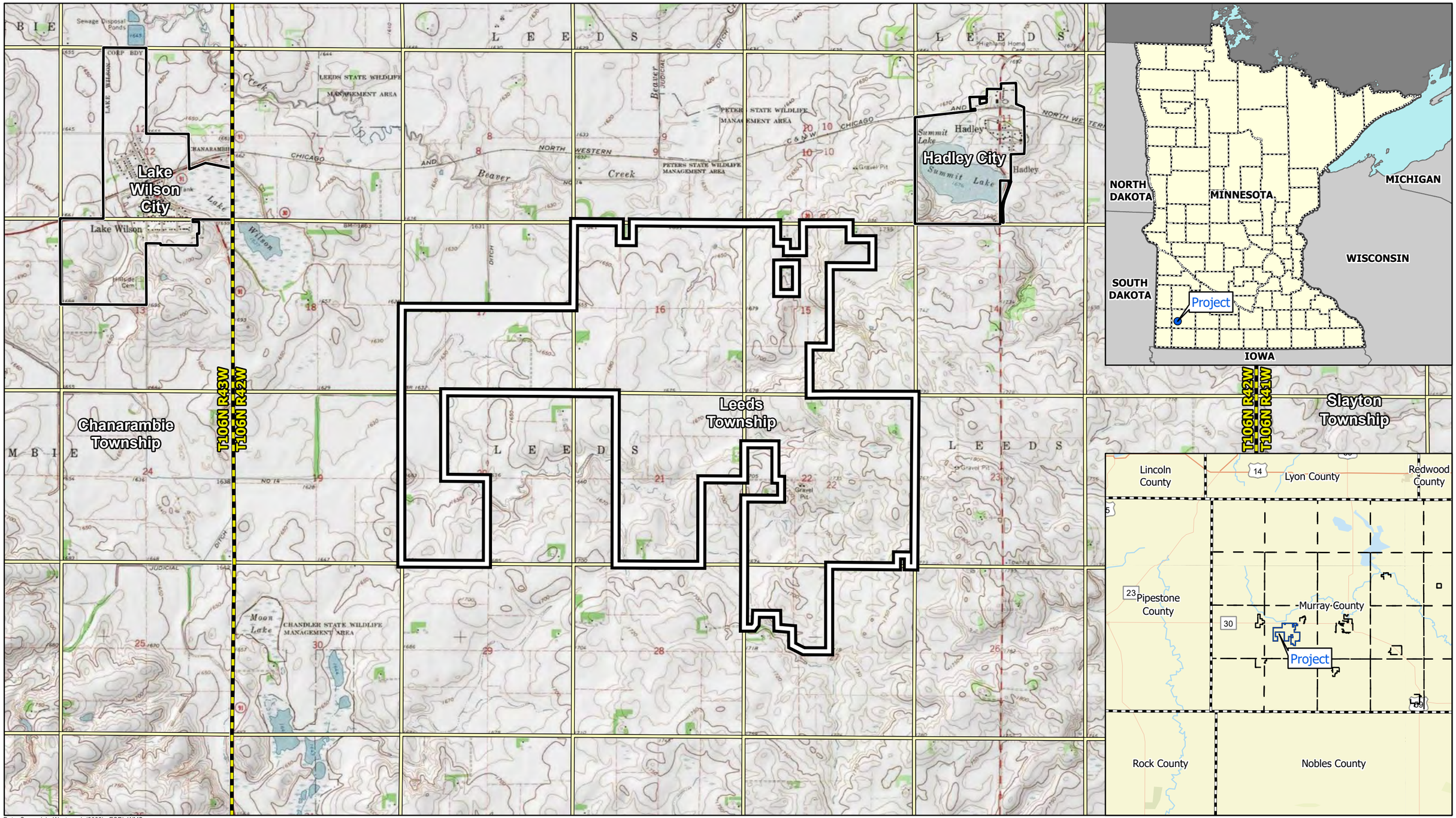
Filing Number	Permit Section	Description of Compliance Filing	Due Date
	4.1	Permit Distribution	30 days after permit issuance
	4.3.1	Field Representative	14 days prior to pre-construction meeting
	4.3.2	Site Manager	14 days prior to pre-operation meeting
	4.3.4	Independent Third-Party Monitor	14 days prior to pre-construction meeting
	4.3.17	Vegetation Management Plan	14 days prior to pre-construction meeting
	4.3.18	Agricultural Impact Mitigation Plan	14 days prior to pre-construction meeting
	4.3.19	Application of Pesticides	14 days prior to application
	4.3.20	Invasive Species Plan	14 days prior to pre-construction meeting
	4.3.25	Site Restoration Notification	60 days after completion of all restauration activities

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

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	4.3.31	Security Fencing Plan	With Site Plan
	4.4	Feeder and Collector Line Drawings	With Site Plan
	6	Delay in Construction	Four years after permit issuance, as needed
	7	Complaint Procedures	Prior to construction
	8.1	Pre-construction Meeting Summary	14 days after the meeting
	8.2	Pre-operation Meeting Summary	14 days after the meeting
	8.3	Site Plan	30 days prior to pre-construction meeting
	8.3	Changes to Site Plan after Authorization	Five days prior to implementing changes
	8.4	Status Reports	Monthly
	8.5	Labor Statistic Reporting	Quarterly
	8.6	In-Service Date	Three days before
	8.7	As-Builts	90 days after completion of construction

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	8.8	GPS Data	90 days after completion of construction
	8.9	Energy Production Report	Yearly on February 1st
	8.10	Emergency Response Plan	14 days prior to pre-construction meeting
	8.11	Extraordinary Events	Notification within 24 hours of discovery and report 30 days after occurrence
	8.12	Wildlife Injuries and Fatalities	Quarterly
	9.1	Decommissioning Plan	14 days prior to pre-construction meeting
	9.2	Site Final Restoration	Within 18 months of project termination
	Complaint Reporting	Monthly Complaint Reports	Attachment 1 to Site Permit
	Complaint Reporting	Immediate Complaint Reports	Attachment 1 to Site Permit

© 2022 Westwood Professional Services, Inc.



Data Source(s): Westwood (2022); ESRI WMS USGS Topographic & World Streets Basemaps (Accessed 2021).

Legend

- Project Area
- City/Civil Township Boundary
- County Boundary
- PLS Township
- PLS Section

N

0 2,800 Feet

Lake Wilson Solar Project

Murray County, Minnesota

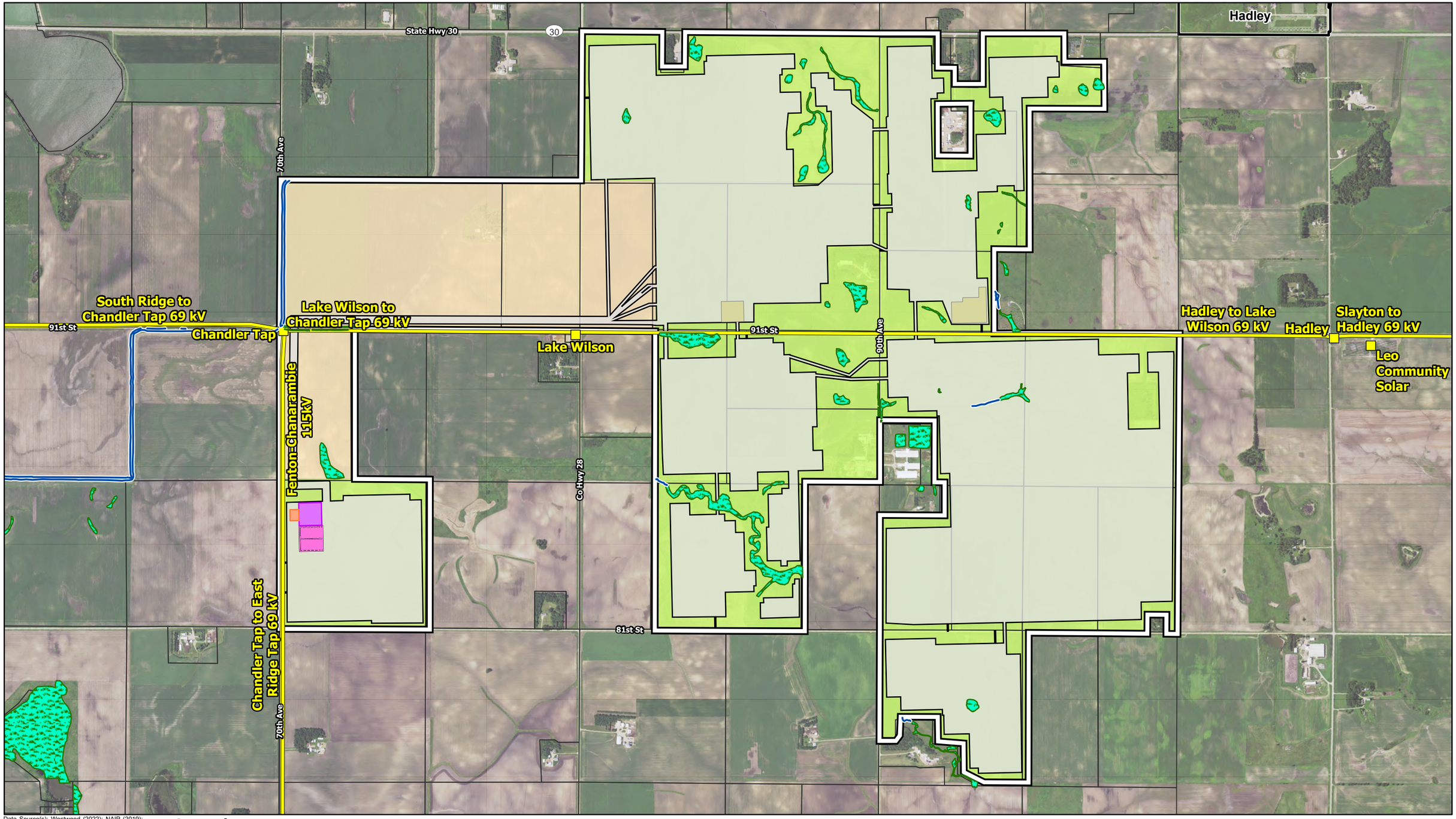
Project Location

FIGURE 1 (November, 2022)

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\0012861.01\GIS\ArcPro\LW_SPAExhibits_210830\R001286101_040_SPAExhibits_220209.aprx 11/1/2022 10:19 AM EMBasen

© 2022 Westwood Professional Services, Inc.



Data Source(s): Westwood (2022); NAIP (2019); U.S. Census Bureau (2020); Ventyx Velocity Suite (2021); MNDOT (2021); USFWS NWI (2016); USGS NHD (2015). Existing pipeline routes are approximate.

Legend

- Project Area
- Preliminary Development Area
- Proposed Switchyard
- Proposed Substation
- Proposed Battery Energy Storage System
- Proposed Laydown Yard
- Field Delineated Waterway
- Field Delineated Wetland
- Participating - Solar Agreement
- Participating - Transmission Agreement
- Parcel Boundary
- Municipal Boundary
- Existing Substation
- Existing Transmission Line

N

0 1,600 Feet

Lake Wilson Solar Project

Murray County, Minnesota

Land Rights & Preliminary Development Area

FIGURE 2 (November, 2022)

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: N:\0012861.01\GIS\ArcPro\LW_SPA\Exhibits_210830\R001286101_040_SPA\Exhibits_220209.aprx 11/10/2022 4:48 PM EMBolsen

© 2023 Westwood Professional Services, Inc.

Data Source(s): Westwood (2023); ESRI WMS Imagery Basemap (Accessed 2021); U.S. Census Bureau (2020).

Legend

- Project Area
- Point of Interconnection (POI)
- Project Gen-Tie Line
- Proposed Trackers
- Preliminary Development Area
- Array Fence
- Proposed Inverter
- AC Feeder
- Access Road
- Proposed Switchyard
- Proposed Substation
- Proposed Battery Energy Storage System
- Proposed O&M Facility
- Proposed Laydown Yard
- Fenton-Chanarambie 115kV Transmission Line
- Field Delineated Waterway
- Field Delineated Wetland

N

0 500 Feet

Lake Wilson Solar Project

Murray County, Minnesota

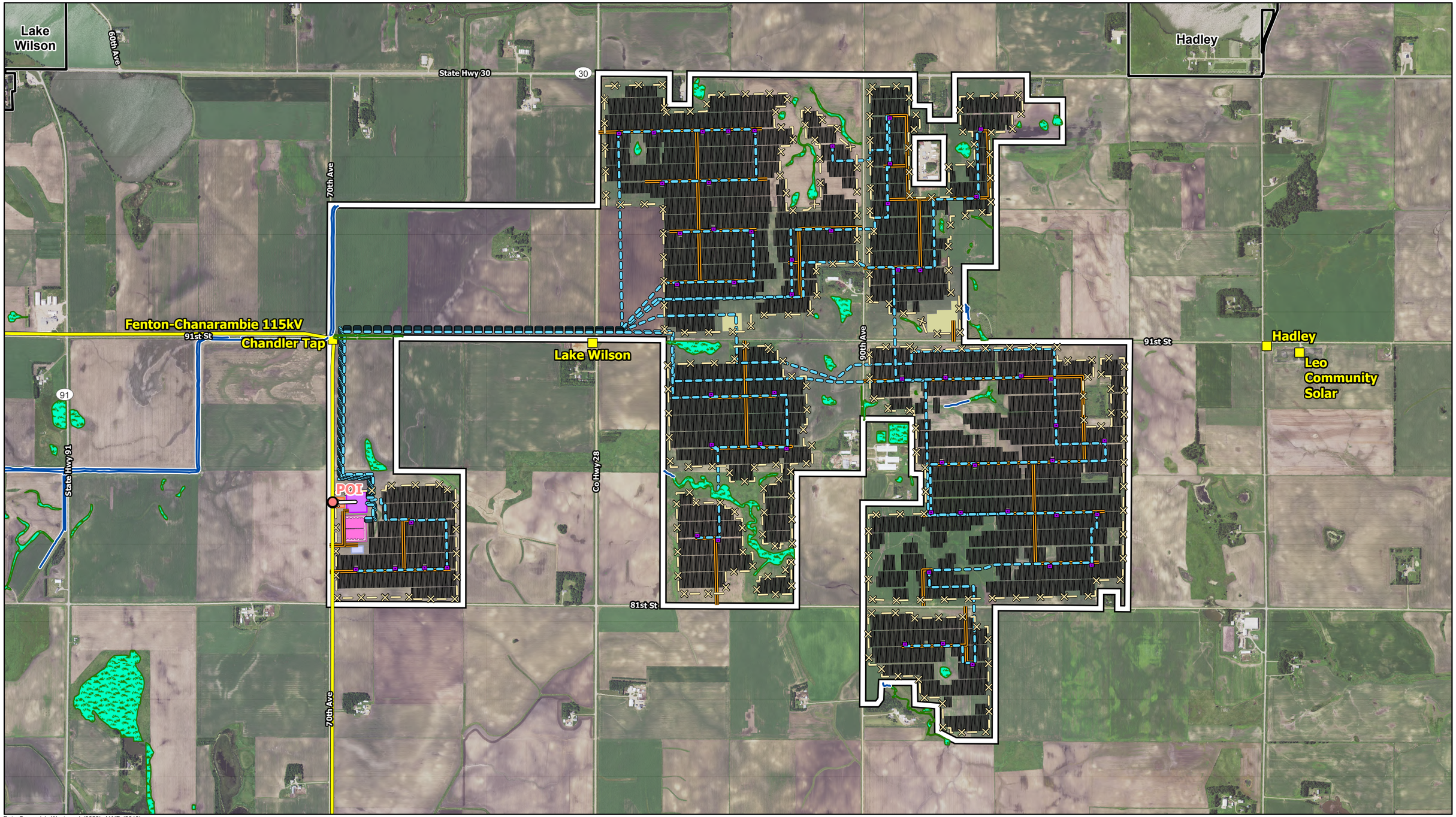
Project Interconnection Facilities

FIGURE 3 (January, 2023)

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.

Map Document: \\westwoodps.local\Global Projects\0012861.01\GIS\ArcPro\LW_SPA\Exhibits_210830\R001286101_040_SPA\Exhibits_230104.aprx 1/10/2023 10:12 AM MMQuade

© 2023 Westwood Professional Services, Inc.



Data Source(s): Westwood (2023); NAIP (2019); U.S. Census Bureau (2020); Ventyx Velocity Suite (2021); MNDOT (2021); USFWS NWI (2016); USGS NHD (2015). Existing pipeline routes are approximate.

Map Document: \\westwoodps.local\Global Projects\0012861.01\GIS\ArcPro\LW_SPAExhibits_210830\R001286101_040_SPAExhibits_230104.aprx 1/10/2023 10:18 AM MMQuade

Legend

- Project Area
- Point of Interconnection (POI)
- Project Gen-Tie Line
- Proposed Trackers
- Array Fence
- Access Road
- AC Feeder
- Proposed Inverter
- Proposed Switchyard
- Proposed Substation
- Proposed Battery Energy Storage System
- Proposed O&M Facility
- Proposed Laydown Yard
- Field Delineated Waterway
- Field Delineated Wetland
- Municipal Boundary
- Existing Substation
- Fenton-Chanarambie 115kV Transmission Line

N

0 1,800 Feet

Lake Wilson Solar Project

Murray County, Minnesota

Preliminary Facility Design

FIGURE 4 (January, 2023)

Westwood
Toll Free (888) 937-5150 westwoodps.com
Westwood Professional Services, Inc.