



STATE OF MINNESOTA
Minnesota Department of Commerce
Issued: September 28, 2007



**In the Matter of Establishment of General Permit Standards for the Siting of Wind
Generation Projects Less than 25 Megawatts**

PUC Docket Number: E,G999/M-07-1102

NOTICE OF PUBLIC COMMENT PERIOD

Please take notice that the Minnesota Department of Commerce is requesting public comments and is preparing recommendations for consideration by the Minnesota Public Utilities Commission (PUC or Commission) for establishing general permit standards for siting wind energy conversion systems and delegating wind site permit processing to Minnesota counties for wind energy conversion systems less than 25 Megawatts (MW) in combined nameplate capacity.

Background

Minnesota Session Laws 2007, Chapter 136, Sections 12-14, (relevant sections attached) provides a new option for counties to assume responsibility under Minnesota Statutes Chapter 216F to process wind site permitting for large wind energy conversion systems (LWECS) less than 25 MW in total nameplate capacity. In providing this option, the Legislature recognized that there was a need for some standardization of siting parameters that would support consistent and orderly development of Minnesota's wind resource. It therefore tasked the Commission with establishing general permit standards by January 15, 2008.

The PUC order establishing general permit standards must consider existing and historic Commission standards for wind permits issued by the Commission. The standards adopted by the PUC will apply to wind site permits issued by counties and to permits issued by the Commission for LWECS with a combined nameplate capacity of less than 25 MW. The Commission or counties may grant a variance from a general permit standard if the variance is found to be in the public interest and counties may establish more restrictive standards by ordinance.

The process is similar to the local review provisions for siting certain eligible large electric generating power plants and high voltage transmission lines enabled by 2001 legislative amendments to the Power Plant Siting Act, Minnesota Statutes Chapter 216E. The local review section allows utilities and project developers to apply to local governments, rather than the PUC, for site or route permits for smaller power plants and transmission lines on a case-by-case basis.

Historic PUC Wind Standards

The PUC has requested that the Department of Commerce (DOC) Energy Facilities Permitting (EFP) unit with collecting public comments the Commission's historic wind siting standards and

setbacks and present recommendations to the Commission in November 2007. A summary of historic PUC wind site permit standards and a generic site permit are available at the web site below.

Public Comments

Interested parties are encouraged to submit comments on the historic PUC wind siting standards, suggest additional siting standards or modifications to PUC's historic standards. In addition, parties are encouraged to comment on procedural matters related to siting wind facilities by the PUC or by counties and technical assistance needs which could be provided to counties in the future by the DOC EFP staff.

Interested parties may comment on the proposed delegation process and PUC wind siting standards by submitting written comments by 4:30 p.m. on **October 31, 2007**. Written comments can be sent by mail, fax or by email. Please include the following docket number (E,G999/M-07-1102) on written comments. Written or fax comments should be directed to: Minnesota Department of Commerce, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198, fax 651-297-7891.

Additional information about the process to establish general permit standards, the state wind siting process, rules guiding the review process, and additional information is available and will be updated on the MPUC website at:

<http://energyfacilities.puc.state.mn.us/Docket.html?Id=19302>

The DOC will take comments into consideration in making recommendations general permit standards and setbacks to the PUC in late November 2007.

DOC Project Contacts

Questions about PUC site permit standards, the standards review process, or wind development and permitting generally may be directed to:

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Minnesota Session Laws 2007, Chapter 136, SF 145

Sec. 12. [216F.011] SIZE DETERMINATION.

(a) The total size of a combination of wind energy conversion systems for the purpose of determining what jurisdiction has siting authority under this chapter must be determined according to this section. The nameplate capacity of one wind energy conversion system must be combined with the nameplate capacity of any other wind energy conversion system that:

(1) is located within five miles of the wind energy conversion system;

(2) is constructed within the same 12-month period as the wind energy conversion system; and

(3) exhibits characteristics of being a single development, including, but not limited to, ownership structure, an umbrella sales arrangement, shared interconnection, revenue sharing arrangements, and common debt or equity financing.

(b) The commissioner shall provide forms and assistance for project developers to make a request for a size determination. Upon written request of a project developer, the commissioner of commerce shall provide a written size determination within 30 days of receipt of the request and of any information requested by the commissioner. In the case of a dispute, the chair of the Public Utilities Commission shall make the final size determination.

(c) An application to a county for a permit under this chapter for a wind energy conversion system is not complete without a size determination made under this section.
EFFECTIVE DATE. This section is effective January 15, 2008.

Sec. 13. [216F.08] PERMIT AUTHORITY; ASSUMPTION BY COUNTIES.

(a) A county board may, by resolution and upon written notice to the Public Utilities Commission, assume responsibility for processing applications for permits required under this chapter for LWECs with a combined nameplate capacity of less than 25,000 kilowatts. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to an appropriate county officer or employee. Processing by a county shall be done in accordance with procedures and processes established under chapter 394.

(b) A county board that exercises its option under paragraph (a) may issue, deny, modify, impose conditions upon, or revoke permits pursuant to this section. The action of the county board about a permit application is final, subject to appeal as provided in section 394.27.

(c) The commission shall, by order, establish general permit standards, including appropriate property line set-backs, governing site permits for LWECs under this section. The order must consider existing and historic commission standards for wind permits issued by the commission. The general permit standards shall apply to permits issued by counties and to permits issued by the commission for LWECs with a combined nameplate capacity of less than 25,000 kilowatts. The commission or a county may grant a variance from a general permit standard if the variance is found to be in the public interest.

(d) The commission and the commissioner of commerce shall provide technical assistance to a county with respect to the processing of LWECs site permit applications.
EFFECTIVE DATE. This section is effective January 15, 2008.

Sec. 14. [216F.081] APPLICATION OF COUNTY STANDARDS.

A county may adopt by ordinance standards for LWECs that are more stringent than standards in commission rules or in the commission's permit standards. The commission, in considering a permit application for LWECs in a county that has adopted more stringent standards, shall consider and apply those more stringent standards, unless the commission finds good cause not to apply the standards.