



STATE OF MINNESOTA
Office of Energy Security



Issued: September 10, 2009

NOTICE OF PUBLIC HEARING

In the Matter of the Noble Flat Hill Windpark I, LLC (Noble) applications for a 201 megawatt (MW) Large Wind Energy Conversion System (LWECS) Site Permit, a 230 kilovolt (kV) High Voltage Transmission Line (HVTL) Route Permit and a Certificate of Need (CN) for the Noble Flat Hill Windpark I Project (Project) in Clay County.

PUC Docket Numbers: IP-6687/CN-08-951; TL-08-988; and WS-08-1134
OAH Docket Number: 15-2500-20657-2

PLEASE TAKE NOTICE that a Public Hearing will be held on behalf of the Minnesota Public Utilities Commission (Commission) on the Noble Flat Hill Windpark I, LLC Certificate of Need application for a 201 MW LWECS and associated facilities, and on the Route Permit application for a proposed 230 kV HVTL at the times and location listed below. Comments will also be received on the LWECS Site Permit application.

PUBLIC HEARING

Tuesday, October 13, 2009 - 1:00 P.M. and 6:00 P.M.*

**Glyndon Community Center
212 Partridge Avenue South
Glyndon, Minnesota**

* Each session will offer the same process and comment opportunity, so interested persons need attend only one.

Administrative Law Judge. Administrative Law Judge (ALJ) Beverly Jones Heydinger will preside at the hearing. Judge Heydinger is with the Office of Administrative Hearings (OAH), P.O. Box 64620, St. Paul, MN 55164-0620; phone 651-361-7838, fax 651-361-7936 or email beverly.heydinger@state.mn.us.

Project Description. The Project is a Large Wind Energy Conversion System, as defined by the Wind Siting Act, Minnesota Statute 216F.01. The Project is located in Clay County and will be up to 201 megawatts in size, consisting of up to 134, 1.5 MW General Electric wind turbine generators. Associated facilities include access roads, a substation, an operations and maintenance building, a wind electrical collection system, and a new 230 kV transmission line.

Certificate of Need. The proposed project is considered a large energy facility under Minnesota Statute 216B.2421, subd. 2(1) (defined as any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system) and as such requires a CN under Minnesota Statute 216B.243, subd. 2.

Noble filed a Certificate of Need application for the proposed project on October 17, 2008, that was accepted by the Commission as complete on January 14, 2009. In its Order accepting the CN application, the Commission ordered an informal review process under Minn. Rule 7829.1200, and referred the application to the Office of Administrative Hearings for a public hearing.

Route Permit. The proposed transmission line is a high voltage transmission line (defined as any conductor of electric energy and associated facilities designed for and capable of operating at a voltage of 100 kV or more and greater than 1,500 feet in length) and requires a Route Permit from the Commission under Minnesota Statute 216E.03, subd. 2.

The Applicant filed an application for a Route Permit for the Noble Flat Hill 230 kV HVTL with the Commission on August 29, 2008 under the Full Permitting Process as defined in Minn. Rule 7849.5200-5340. The application was accepted as complete by the Commission on September 26, 2008. A contested case hearing is required under Minn. Rule 7849.5330, subp. 1.

Site Permit. Noble Flat Hill Windpark I would have a nameplate capacity of up to 201 MW in size. The proposed project is considered a Large Wind Energy Conversion System (LWECS) under Minnesota Rule Chapter 7836.0100, which states that “Large wind energy conversion system or “LWECS” means a combination of wind energy conversion systems with a combined nameplate capacity of 5,000 kilowatts (5 MW) or more.” Minn. Rule 7836.0300 defines the permit requirements for LWECS.

The Applicant filed an application for a Site Permit with the Commission for Noble Flat Hill Windpark I on October 17, 2008. The Site Permit application was accepted as complete by the Commission on December 23, 2008. Comments on the Site Permit application will be heard at the Public Hearing.

Environmental Impact Statement. The Minnesota Office of Energy Security (OES) issued a Draft Environmental Impact Statement (EIS) on the proposed project on July 31, 2009, to fulfill the environmental review requirements for both the Certificate of Need and Route Permit processes. The EIS addresses the potential impacts of the project and alternatives to the project. It also analyzes the potential impacts of the proposed and alternative transmission line routes. Electronic versions of the EIS and other documents relevant to this matter are available for viewing and download on eDockets at <https://www.edockets.state.mn.us/EFiling/search.jsp> or on the Commission’s website at <http://energyfacilities.puc.state.mn.us/Docket.html?Id=19714>.

The Draft EIS is currently available at the Glyndon City Hall. The Final EIS will be released on October 8, 2009, and will be available at the locations noted below:

Hawley Library
421 Hartford St.
Hawley, MN 56549
(See reference desk.)

Glyndon City Hall
36 3rd St. SE
Glyndon, MN 56547
(See receptionist.)

Conduct of Hearing. The hearing for the Certificate of Need will be conducted in accordance with the requirements of Minnesota Statute 216B.243, subd. 4, and the rules of the Minnesota Public Utilities Commission, Minn. Rule 7829.2500, subp. 9, for projects of the size and type proposed here. It will be held jointly with the public hearing on the Route Permit.

The public hearing on the Route Permit will be conducted in accordance with the requirements of the Power Plant Siting Act, Minnesota Statute 216E.04, subd. 6. The portion of the hearing with respect to the Route Permit will be a contested case hearing as per Minn. Rule 7849.5330, and will be conducted by an administrative law judge from the Office of Administrative Hearings pursuant to the contested case procedures of Minnesota Statutes, chapter 14 and Minn. Rule 1405. The applicable statutes and rules can be found on the web page of the Revisor of Statutes, <https://www.revisor.leg.state.mn.us/pubs/>. Hearings may be recessed and reset by the administrative law judge.

OES staff will be present and introduce into the record a number of documents relating to the project, including the applications, the Final EIS, and certain procedural documents. Representatives of Noble will also be present to offer their evidence by way of testimony and exhibits. The only party to the hearing on the Route Permit is Noble.

The final date for party intervention in the Route Permit hearing was August 28, 2009; however, members of the public will have an opportunity to ask questions of OES staff and Noble representatives, to make statements, and to offer written comments and material into the record. Members of the public are not required to file any papers in advance of the hearing in order to participate and may be represented by legal counsel if they choose, but representation by legal counsel is not required.

Written Comments. Written comments on the Certificate of Need, the Route Permit or the Site Permit should be submitted directly to Judge Heydinger at the address above. Comments may be submitted by U.S. Mail, fax or email. Email comments should be submitted to Marybeth.Gossman@state.mn.us. Comments will be accepted through October 22, 2009, and should include the OAH Docket No. 15-2500-20657-2.

Purpose of Hearing. The purpose of the public hearing is to receive public comments on the applications for the proposed project. Upon closure of the public comment period, Judge Heydinger will compile the record, make recommendations to the Commission with respect to the Route Permit and summarize public comments received on the Certificate of Need and Site Permit. The Commission is tentatively scheduled to make its final decisions on January 14, 2010.

Accommodation for Disability or Language Interpreter. The Glyndon Community Center is handicap accessible. Please contact the Office of Administrative Hearings by October 6, 2009, to request additional accommodation for a disability or a language interpreter.

Additional Information. For more information about the permit review processes, the project, or to place your name on the project mailing list, please contact the OES project manager or public advisor. For questions specific to the Certificate of Need, please contact the Commission public advisor.

<p>OES Project Manager David Birkholz</p> <p>651-296-2878 david.birkholz@state.mn.us Minnesota Office of Energy Security 85 7th Place E., Suite 500 St. Paul, Minnesota 55101-2198</p> <p>OES Public Advisor Raymond Kirsch</p> <p>651-296-7588 raymond.kirsch@state.mn.us Minnesota Office of Energy Security 85 7th Place E., Suite 500 St. Paul, Minnesota 55101-2198</p> <p>OES Legal Counsel Karen Hammel</p> <p>651-297-1852 karen.hammel@state.mn.us Minnesota Attorney General's Office 445 Minnesota Street Saint Paul, Minnesota 55101-2127</p>	<p>Commission Public Advisor Bret Eknes</p> <p>651-201-2236 bret.eknes@state.mn.us Minnesota Public Utilities Commission 121 7th Place E., Suite 350 St. Paul, Minnesota 55101-2147</p> <p>Persons designated to receive notices for Noble Flat Hill Windpark, LLC Brian M. Meloy Matthew B. Seltzer</p> <p>Leonard, Street and Deinard, P.A. 150 South 5th Street, Suite 2300 Minneapolis, MN 55402.</p>
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This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (Voice) or 1-800-627-3529 (TTY relay service).

