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May 24, 2013

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

In the Matter of the Applications of Flat Hill Windpark I, LLC for a Site Permit for a 201 MW LWECS and a Route Permit for a 200 kV HVTL in Clay County
(PUC Docket nos. IP-6687/WS-08-1134; TL-08-988)

Dear Dr. Haar:

Attached please find the comments and recommendations of the Department of Commerce Energy Facility Permitting staff in the above matter.

A petition for approval to extend the in-service date and amend the site and route permits for the 201 MW Flat Hill Wind I Project was filed on April 4, 2013, by:

Brian M. Meloy & Matthew Seltzer
Leonard, Street and Deinard, PA
150 South Fifth Street, Suite 2300
Minneapolis, MN 55402

Energy Facility Permitting staff has prepared a proposed Amended Site Permit and a proposed Amended Route Permit. Staff is available to answer any questions the Commission may have.

Sincerely,

David E. Birkholz
Energy Facility Permitting

Attachments

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA DEPARTMENT OF COMMERCE ENERGY FACILITY PERMITTING STAFF

DOCKET NOS. IP-6687/WS-08-1134; TL-08-988

Date: May 24, 2013

EFP Staff: David Birkholz 651-296-2878

In the Matter of the Large Wind Energy Conversion System (LWECS) Site Permit and the High Voltage Transmission Line Route Permit issued to Noble Flat Hill I, LLC

Issues Addressed: These Comments and Recommendations address the petition of Flat Hill Windpark I, LLC to extend the in-service date and amend its site permit and route permit.

Document(s) Attached

1. Proposed Amended Site Permit
2. Proposed Amended Route Permit

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-296-0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

INTRODUCTION AND BACKGROUND

On February 5, 2010, the Minnesota Public Utilities Commission (Commission) issued an LWECS Site Permit to Flat Hill Windpark I, LLC to construct the 201 MW Flat Hill Windpark I Project in Clay County.[1]

[1] Minnesota Public Utilities Commission Order (Original), February 5, 2010, eDockets no. 20102-46844-01

On May 20, 2011, the Commission dismissed a contested proceeding concerning Radio Fargo-Moorhead, Inc. questions re Project compatibility with their radio antennae when the parties reached a settlement agreement. In their Order,[2] the Commission ruled:

> "The Project Permits are affirmed without modification, except the time for commencement of construction of the Project and demonstrating that the Project has obtained a Power Purchase Agreement or other enforceable mechanism for the sale of electricity from the Project under the LWECS Site Permit which is extended to two years from the effective date of this Order."[3]

Amendment Requests

On April 4, 2013, prior to the deadline of May 20, 2013, Flat Hill submitted a petition to amend its Site Permit by extending for two years both the time in which to obtain a Power Purchase Agreement (PPA) or some other enforceable mechanism for sale of the electricity and the deadline to begin construction.[4]

The petition also stated, "for the same reasons that justify amendment of the Site Permit, Flat Hill requests that the Commission extend the time for commencement of construction or improvement of the route under the Route Permit."[5]

REGULATORY PROCESS AND PROCEDURES

Siting of Large Wind Energy Conversion Systems is governed by Minnesota Statute 216F. Minnesota Statute 216F.03 states:

> "The legislature declares it to be the policy of the state to site LWECS in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources."

Minnesota Rule 7854.1000, subpart 1, directs the Commission to make a final site permit decision based on the record that has been compiled in the matter. Minnesota Rule 7854.1000, subpart 3, requires that the Commission determine that:

> "…the project is compatible with environmental preservation, sustainable development, and the efficient use of resources, and the applicant has complied with this chapter."

Minnesota Rule 7854.1300, subpart 2, states that:

> "The Commission may amend a site permit for an LWECS at any time if the commission has good cause to do so."

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[2] Minnesota Public Utilities Commission Site Order (Affirmed), May 20, 2011, eDockets no. 20115-62760-01
[3] Id. at Order no. 6
[4] Flat Hill Windpark I, LLC "Petition for Modification or Amendment of Site and Route Permits," (Petition) April 4, 2013, eDockets no. 20134-85367-01
[5] Id. at 2

Routing of High Voltage Transmission Lines is governed by Minnesota Statute 216E. Minnesota Statute 216E.03, subdivision 7(a) states:

> "The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure."

Minnesota Rule 7850.1100 states that:

> "It is the purpose of the act and the policy of the state to locate large electric power generating plants and high voltage transmission lines in an orderly manner compatible with environmental preservation and the efficient use of resources."

Minnesota Rule 7850.4900, subpart 1, states that:

> "The commission may amend any of the conditions in a site permit for a large electric power generating plant or in a route permit for a high voltage transmission line issued by the PUC upon request of any person."

EFP STAFF ANALYSIS AND COMMENTS ON AMENDING SITE PERMIT

The Commission's initial notice requested comments on whether the Commission should:

- Amend the site permit, authorizing an additional two years to commence construction and to obtain a power purchase agreement or other enforceable mechanism?
- Authorize an extension to the term of the LWECS site permit to 30 years from the date of reissuance (if reissued)?

Because the Commission found in its initial permit decision that the proposed project is compatible with environmental preservation, sustainable development and the efficient use of resources, it would appear that any permit amendment should also meet those standards. To that end, EFP staff focused its analysis on three areas:

- New information that would substantially change the findings accompanying the Commission's original permit decisions and potentially change the Commission's determination that the project is compatible with the standards set out in Statute and Rule;
- Compliance with existing site permit terms and conditions; and
- Consistency with more recently issued site permits.

New Information

Flat Hill in its petition proposes to extend by two years the period of time by which it must obtain a PPA or other enforceable mechanism, complete pre-construction surveys and commence construction. Flat Hill is also requesting the expiration of the Site Permit be extended to 30 years after issuance of an amended permit. Beyond the time extensions for these issues, Flat Hill is not proposing any other changes to the Project or the Site Permit.

Environmental Impacts

A review of the record for the Flat Hill Wind I Project indicates the site is approximately 20,000 acres in size and predominately used for agricultural purposes. There are no Wildlife Management Areas (WMAs) or Waterfowl Production Areas (WPAs) within four-miles of the Project area. The Bluestem Prairie Scientific and Natural Area (SNA) and Buffalo State Park are approximately six miles southeast of the Project.

According to Department of Natural Resources comments on April 26, 2013, "The current project boundary reflects substantial avoidance of a beach ridge habitat for which the DNR had concerns regarding impacts to natural resources. Based on current information, the DNR estimates that the risk for fatalities to avian and bat species is low for the Noble Flat Hill I Wind Project due to the location of the project in primarily an agricultural setting away from natural resource features the DNR identified during previous coordination with project developers."[6] According to Section 5.22 of its Site Permit Application, the Permittee has stated it will conduct the following resource inventories for the Project area prior to construction:

- Biological Preservation Survey – inventory of existing WMAs, SNAs, recreation areas, wetlands, native prairies, forests, and other biologically sensitive areas within the Project area;
- Fall and Spring Avian Point County Survey for the Project area;
- Acoustical Bat Survey for the Project area; and
- Phase I Environmental Site Assessment (ESA)[7]

DNR also recommended a new Natural Heritage Information System (NHIS) review (the Permittee's last review was in 2007). EFP agrees with this recommendation. As DNR notes, this new data could inform the Avian and Bat Protection Plan (ABPP) and other inventories planned by the Permittee. Updated natural resource data would make it more efficient for EFP staff to comment on any potential changes in impacts of this project to wildlife or rare or unique natural resources when a site plan is submitted.

Compliance with Existing Site Permit Terms and Conditions

Since this permit was issued, EFP staff has developed a permit compliance filing and tracking system that allows EFP staff to effectively monitor state permitted wind projects. EFP staff has reviewed Flat Hill's compliance filings to date and finds them to be current with compliance filing requirements.

[6] DNR Comment Letter, April 26, 2013, eDockets no. 20134-86222-01
[7] Site Permit Application, Noble Flat Hill Windpark I, LCC, October 17, 2008, eDockets no. 5568012 at 75

Flat Hill's petition seeks to rectify potential compliance issues with permit conditions 10.2 and 10.3[8] by amending the language to extend the timelines in those conditions to two years following issuance of the Amended Site Permit.

10.2 Power Purchase Agreement

Permit Condition 10.2 requires Flat Hill to obtain a PPA or other enforceable mechanism for sale of the electricity generated by the Project within two years of permit issuance. As noted in their Petition, since entering the Midwest Independent System Operators (MISO) queue in 2007, Flat Hill has encountered significant delays in establishing an interconnection agreement.[9] Flat Hill has twice been transitioned into reformed MISO queue processes, offsetting the certainties required for arranging for a PPA or financing. Meanwhile, Flat Hill continues attempts to pursue these goals. Their petition also states that "Flat Hill anticipates completing the MISO interconnection process and entering into a large generator interconnection agreement no later than the end of 2014."[10]

10.3 Failure to Commence Construction

Permit Condition 10.3, states that:

> "If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the Project within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason construction has not commenced."

Permit Condition 10.2 requires a PPA or other enforceable mechanism to commence construction. Given the conditions noted above, it follows that Flat Hill could not have commenced construction.

EFP notes that in recent years and for a variety of reasons, several permitted wind projects have petitioned the Commission for permit amendments to allow additional time to obtain a PPA or other enforceable mechanism and to commence construction. The Commission has granted these petitions in all cases, except one in which the Commission denied the petition in the second request for amendment by Kenyon Wind (06-1445). EFP staff notes that other permitted LWECS projects may also seek permit amendments to allow additional time to obtain a PPA or other enforceable mechanism and to commence construction.

Consistency with Recently Issued Site Permits

Since issuance of a site permit to Flat Hill Windpark I in February 2010, the Commission has made several changes to LWECS permits, such as modifying site permit requirements at conditions 4.7 [Native Prairie], 5.6 [Pre-Construction Meeting], 6.6 [Noise] and several other minor or technical changes to a number of other conditions and Attachment 2 [Complaint Handling Procedures for Large Wind Energy Conversion Systems]. These edits are highlighted in red type in the attached Proposed Amended Site Permit.

[8] All noted permit section numbers reflect the amended permit. The structure and numbering have been altered from the original permit to provide a consistent reference with currently issued permits.
[9] Petition at 3-4
[10] Id. at 4

Requirements included in current permits have been added to Flat Hill's permit, including 4.12 [Aviation], 5.7 [Pre-Operation Meeting], 6.2 [Shadow Flicker], 6.7 [Avian and Bat Protection] and 8.4 [Notification to the Commission], also highlighted in red. Other modifications include a universal change throughout the permit modifying the number of days for submittal of pre-construction and pre-operation compliance filings from 10 working days to 14 calendar days, unless otherwise noted, and clarifying what is meant by the term "filing." The following discussion addresses the major modifications. EFP proposed changes to this permit result in a nearly identical permit to those resulting from the permit amendment reviews of Pleasant Valley Wind (09-1197)[11] and Lake Country wind (10-798).[12]

4.7 Native Prairie

In reviewing the native prairie language in section (4.7) of the site permit, EFP staff concluded that: 1) the existing language was not clear regarding when a Prairie Protection and Management Plan is required; 2) the 10 working day period for review of a prairie protection plan was insufficient; and 3) the method of native prairie restoration was not clearly identified. Therefore, EFP staff has revised the native prairie language to provide clarity, increased time for review to 30 days, and addressed native prairie restoration, if necessary.

4.12 Aviation

The amended permit addresses obstruction clearance of local airports pursuant to Minnesota Rule 8800.1900, subpart 5. Setbacks are expected to follow Minnesota Department of Transportation, Department of Aviation and FAA limitations.

5.6 Pre-Construction and 5.7 Pre-Operation Meeting

The Commission modified the pre-construction language in recent permits. Flat Hill's Site Permit did not include a provision for a pre-operation meeting. The amended permit adds the clause with explanations of the meeting and filing requirements.

6.2 Shadow Flicker

The Commission now requires permittees to provide information for all residences subject to shadow flicker, whether within or outside the project boundary. The proposed language requires information on the results of modeling used, assumptions made, and the anticipated exposure from turbine shadow flicker for each residence.

6.6 Noise

The original permit language suggested the Commission may require submission of a post-construction noise study. All recent permits have made this study mandatory. The language added in the amended permit requires the Permittee to file a proposed protocol and describes expectations concerning designing the study and submitting results.

6.7 Avian and Bat Protection

While the language requirements for reporting on avian and bat protection is relatively new, similar language has been included in recently issued site permits. This language continues to be modified or fine-tuned to clarify what is required to be reported, when it is required and how it is filed, noticed and distributed. EFP has been working with the DNR and the United States Fish and Wildlife Service to clarify the avian and bat reporting requirements in the site permit at 6.7.

[11] EFP Comments on Pleasant Valley Permit Amendment, November 11, 2012, eDockets no. 201211-80766-01
[12] EFP Comments on Lake Country Permit Amendment, April 15, 2013, eDockets no. 20134-85683-01

Depending on project location within the state and the presence or absence of different resource features, permitted sites may have distinctly different potential impacts, and the duration of monitoring or other studies that may be required will vary from project to project. For example, a low risk site may have no monitoring requirement; whereas, a moderate risk site may require one year of monitoring. Therefore, specific project monitoring requirements may be different. As noted above, DNR has classified the Flat Hill Windpark I as a low risk area.

8.4 Notification to the Commission

This new permit condition inserts language to notice the Commission when the Project will commence commercial operation. This condition was first added to the site permit issued by the Commission to CWS Wind Farm, LLC (11-863) on May 1, 2012. For consistency purposes, EFP has included this permit requirement in the proposed amended site permit.

Other

The Commission also modified the language in Attachment 2 of the CWS Wind Farm Site Permit to update and clarify its own complaint handling procedures. This has been carried forward in this and other permits.

Additionally, EFP has added updated or clarified language throughout for consistency with current permitting standards (see red text in attached Amended Site Permit). For example, the language addresses collector lines in 4.15, invasive species prevention in 7.11, abandoned turbines in 9.3, expanded detail on federal, state and local permits in 10.5, notice of ownership changes in 11.5, information on distributing the amended permit in 13.2, and noting GIS preferences in "Compliance Filing Procedure." In addition, EFP has updated the Permit Compliance Filings checklist (Attachment 4).

EFP STAFF ANALYSIS AND COMMENTS ON AMENDING ROUTE PERMIT

On February 5, 2010, the Commission issued a Route Permit to Flat Hill Windpark I, LLC for a new 230 kV transmission line.[13] The Route Permit authorized a new project substation within the wind park, a switching station southeast of Glyndon and a new, single-circuit 230 kV transmission line to transfer the energy generated by Flat Hill Windpark I to the grid. The transmission line connects between the project substation and the Otter Tail Power Company Sheyenne-Audubon 230 kV southeast of Glyndon.

In its May 20, 2011, Order dismissing a contested proceeding with Radio Fargo-Moorhead, Inc., the Commission extended the LWECS permit for two years but did not extend the route permit requirement to commence construction within four years. Given Flat Hill's continuing delays in obtaining a PPA and proceeding through MISO, the Route Permit is potentially in danger of suspension according to Permit Condition IV.J and in accordance with Minnesota Rule 7850.4700. The transmission is the required interconnection to operate the Flat Hill Windpark.

If the LWECS Site Permit is extended, the HVTL Route Permit must also be extended in order for the Project to be move forward.

[13] Minnesota Public Utilities Commission Order, February 5, 2010, eDockets no. 20102-46843-01

Permit Amendments
The primary change in the proposed permit (see attached Amended Route Permit) is to extend the time to commence construction (see Section IV.J) below:

Condition IV.J [Delay in Construction]. "If the Permittees have not commenced construction or improvement of the route within four years after the date of issuance of this amended permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule ~~7849.5970~~ 7850.4700."[14]

EFP also suggests the following changes:

Erratum. The Commission issued an Erratum Notice[15] on March 15, 2010, to update the length of the route in the permit to 11.4 miles. The Amended Route Permit incorporates this change.

Condition IV.A [Plan and Profile]. Newer permits require permittees to file a plan and profile "thirty (30)" days before right-of-way preparation for construction begins. The proposed Amended Route Permit updates this section from "14" days to the new standard.

Compliance Filing Procedure. EFP has incorporated the same updated GIS preferences as those included in the proposed Amended Site Permit.

Complaint Handling Procedures. EFP has incorporated the same updated complaint handling procedures as those included in the proposed Amended Site Permit, adapted for high voltage transmission lines.

EFP STAFF RECOMMENDATIONS

EFP staff believes the environmental conditions in the project area are essentially the same as they were when the EIS[16] was released and the permits were initially ordered. In addition, there are a number of surveys and inventories called for above and in the Permit that should well inform the site plan and any potential need for follow up monitoring. The Commission originally ruled the Flat Hill Windpark I Project "is compatible with environmental preservation, sustainable development, and the efficient use of resources."[17] EFP believes this is still the case.

EFP recommends:

1. The Commission issue an amended permit to Flat Hill Windpark I, LLC for a 201 MW LWECS Site Permit in Clay County, incorporating the changes in the proposed, attached Amended Site Permit; and

2. The Commission issue an amended permit to Flat Hill Windpark I, LLC for a 230 kV HVTL Route Permit in Clay County, incorporating the changes in the proposed, attached Amended Route Permit.

[14] The proposed Amended Route Permit also updates Minnesota Rule numbers.
[15] Public Utilities Commission Order-Erratum Notice, March 15, 2010, eDockets no. 20103-47981-01
[16] Final Environmental Impact Statement, October 8, 2009, eDockets no. 200910-42715-03
[17] Original at Conclusions of Law no. 5

PERMIT AMENDMENT

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM

IN CLAY COUNTY

ISSUED TO
FLAT HILL WINDPARK I PROJECT

PUC DOCKET NO. IP-6687/WS-08-1134

In accordance with Minnesota Statutes, section 216F.04, this site permit is hereby issued to:

Flat Hill Windpark I, LLC

Flat Hill Windpark I, LLC, is authorized to construct and operate up to a 201 megawatt Large Wind Energy Conversion System on the site identified in this site permit and in compliance with the conditions contained in this site permit.

This site permit shall expire thirty (30) years from the date of approval of this amended permit.

Approved and adopted this _____ day of June 2013

BY ORDER OF THE COMMISSION

BURL W. HAAR
Executive Secretary

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TABLE OF CONTENTS

SECTION

SITE PERMIT 1

SECTION 1. PROJECT DESCRIPTION 1

SECTION 2. DESIGNATED SITE 1

2.1 PROJECT BOUNDARY 1
2.2 TURBINE LAYOUT 1

SECTION 3. APPLICATION COMPLIANCE 2

SECTION 4. SETBACKS AND SITE LAYOUT RESTRICTIONS 2

4.1 WIND ACCESS BUFFER 2
4.2 RESIDENCES 2
4.3 NOISE 2
4.4 ROADS 2
4.5 PUBLIC LANDS 3
4.6 WETLANDS 3
4.7 NATIVE PRAIRIE 3
4.8 SAND AND GRAVEL OPERATIONS 3
4.9 WIND TURBINE TOWERS 3
4.10 TURBINE SPACING 4
4.11 METEOROLOGICAL TOWERS 4
4.12 AVIATION 4
4.13 FOOTPRINT MINIMIZATION 4
4.14 COMMUNICATION CABLES 4
4.15 ELECTRICAL COLLECTOR AND FEEDER LINES 5

SECTION 5. ADMINISTRATIVE COMPLIANCE PROCEDURES 5

5.1 SITE PLAN 5
5.2 NOTICE TO RESIDENTS AND GOVERNMENT AGENCIES 6
5.3 NOTICE OF PERMIT CONDITIONS 6
5.4 FIELD REPRESENTATIVE 6
5.5 SITE MANAGER 7
5.6 PRE-CONSTRUCTION MEETING 7
5.7 PRE-OPERATION COMPLIANCE MEETING 7
5.8 COMPLAINTS 7

SECTION 6. SURVEYS AND REPORTING 7

6.1 BIOLOGICAL AND NATURAL RESOURCE INVENTORIES 7
6.2 SHADOW FLICKER 8
6.3 ARCHAEOLOGICAL RESOURCES 8
6.4 INTERFERENCE 9
6.5 WAKE LOSS STUDIES 9
6.6 NOISE 9

6.7 AVIAN AND BAT PROTECTION 9
6.7.1 AVIAN AND BAT PROTECTION PLAN 9
6.7.2 QUARTERLY INCIDENT REPORTS 10
6.7.3 IMMEDIATE INCIDENT REPORTS 10
6.8 PROJECT ENERGY PRODUCTION 10
6.9 WIND RESOURCE USE 11
6.10 EXTRAORDINARY EVENTS 11

SECTION 7. CONSTRUCTION AND OPERATION PRACTICES 11

7.1 SITE CLEARANCE 11
7.2 TOPSOIL PROTECTION 11
7.3 SOIL COMPACTION 11
7.4 LIVESTOCK PROTECTION 11
7.5 FENCES 11
7.6 DRAINAGE TILES 12
7.7 EQUIPMENT STORAGE 12
7.8 ROADS 12
7.8.1 PUBLIC ROADS 12
7.8.2 TURBINE ACCESS ROADS 12
7.8.3 PRIVATE ROADS 12
7.9 CLEANUP 13
7.10 TREE REMOVAL 13
7.11 SOIL EROSION AND SEDIMENT CONTROL 13
7.12 RESTORATION 13
7.13 HAZARDOUS WASTE 14
7.14 APPLICATION OF HERBICIDES 14
7.15 PUBLIC SAFETY 14
7.16 EMERGENCY RESPONSE 14
7.17 TOWER IDENTIFICATION 14
7.18 FEDERAL AVIATION ADMINISTRATION LIGHTING 14

SECTION 8. FINAL CONSTRUCTION 15

8.1 AS-BUILT PLANS AND SPECIFICATIONS 15
8.2 FINAL BOUNDARIES 15
8.3 EXPANSION OF SITE BOUNDARIES 15
8.4 NOTIFICATION TO THE COMMISSION 15

SECTION 9. DECOMMISSIONING, RESTORATION AND ABANDONMENT 15

9.1 DECOMMISSIONING PLAN 15
9.2 SITE RESTORATION 16
9.3 ABANDONED TURBINES 16

SECTION 10. AUTHORITY TO CONSTRUCT LWECS 16

10.1 WIND RIGHTS 16
10.2 POWER PURCHASE AGREEMENT 16
10.3 FAILURE TO COMMENCE CONSTRUCTION 17
10.4 PREEMPTION OF OTHER LAWS 17

10.5 OTHER PERMITS 17
10.5.1 COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS 17
10.5.2 COMPLIANCE WITH COUNTY, CITY, OR MUNICIPAL PERMITS 17

SECTION 11. COMMISSION POST-ISSUANCE AUTHORITIES 18

11.1 PERIODIC REVIEW 18
11.2 MODIFICATION OF CONDITIONS 18
11.3 REVOCATION OR SUSPENSION OF PERMIT 18
11.4 MORE STRINGENT RULES 18
11.5 TRANSFER OF PERMIT AND CHANGE IN OWNERSHIP 19
11.6 RIGHT OF ENTRY 19
11.7 PROPRIETARY INFORMATION 19

SECTION 12. EXPIRATION DATE 19

SECTION 13. SPECIAL CONDITIONS 20

13.1 AVIAN AND BAT PROTECTION PLAN SPECIAL PROVISION . **ERROR! BOOKMARK NOT DEFINED.**

ATTACHMENTS

Attachment 1 Site Permit Boundary and Preliminary Layout
Attachment 2 Complaint Handling Procedures
Attachment 3 Compliance Filing Procedures for Permitted Energy Facilities
Attachment 4 Permit Compliance Filings

SITE PERMIT

This Site Permit for a Large Wind Energy Conversion System (LWECS) authorizes Flat Hill Windpark I, LLC (hereinafter "Permittee") to construct up to a 201 Megawatt (MW) LWECS and associated facilities in Clay County, on a site of approximately 20,000 acres in accordance with the conditions contained in this Permit.

SECTION 1. PROJECT DESCRIPTION

The up to 201 MW LWECS authorized to be constructed in this Permit will be owned and operated by Flat Hill Windpark I, LLC. The Project will consist of 134 wind turbine generators each 1.5 MW in capacity with a combined nominal nameplate capacity of no more than 201 MW. Turbines are interconnected by communication and overhead and underground electrical power collection facilities within the wind farm. These facilities will include transformers, overhead and underground collector and feeder lines that will deliver wind-generated power to a new project substation located in Moland Township, Clay County. Associated facilities will include five temporary meteorological towers and one long-standing meteorological tower to house anemometers, electrical junction boxes, wind turbine access roads and an operations and maintenance facility.

SECTION 2. DESIGNATED SITE

2.1 PROJECT BOUNDARY

The site boundary is shown on the map that is attached hereto as Attachment 1. Within the site permit boundary, the project and associated facilities shall be located on lands for which the permittee has obtained wind rights. Wind rights or easements have been obtained by the permittee and include agreements with landowners for approximately 11,500 acres in sections of Spring Prairie and Moland townships.

2.2 TURBINE LAYOUT

The wind turbine and associated facility layout shown on Attachment 1 represents the preliminary location of wind turbines and associated facilities within the project boundary and identifies a layout that minimizes the overall potential human and environmental impacts, which were evaluated in the permitting process. The final layout depicting the location of each wind turbine and associated facility shall be located within the project boundary. The project boundary serves to provide the permittee with the flexibility to do minor adjustments to the preliminary layout to accommodate landowner requests, unforeseen conditions encountered during the detailed engineering and design process, and federal and state agency requirements. Any modification of the location of a wind turbine and associated facility depicted in a preliminary layout shall be done in such a manner as to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 5.1. The Permittee shall file the final site layout in the site plan pursuant to Section 5.1.

SECTION 3. APPLICATION COMPLIANCE

The Permittee shall comply with those practices set forth in its site permit application, dated October 17, 2008, and the record of this proceeding unless this Permit establishes a different requirement, in which case this Permit shall prevail. Attachment 4 contains a summary of compliance filings required under this permit, which is provided solely for the convenience of the Permittee.

SECTION 4. SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 WIND ACCESS BUFFER

Wind turbine towers shall not be placed less than five (5) rotor diameters (RD) on the prevailing wind directions and three (3) RD on the non-prevailing wind directions from the perimeter of the property where the permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

4.2 RESIDENCES

Wind turbine towers shall not be located closer than 1,000 feet to a residence, as instituted by the permittee in its site permit application or the distance to comply with the noise standards pursuant to Minnesota Rule 7030.0040 established by the Minnesota Pollution Control Agency (MPCA), whichever is greater.

4.3 NOISE

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this permit by the MPCA at all times and at all appropriate locations. The noise standards are found in Minnesota Rules, chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with MPCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 ROADS

Wind turbines and meteorological towers shall not be located less than 250 feet from the edge of the nearest public road right-of-way.

4.5 PUBLIC LANDS

Wind turbines and associated facilities including foundations, access roads, underground cable, and transformers, shall not be located in public lands, including Waterfowl Production Areas, State Wildlife Management Areas, Scientific and Natural Areas or county parks, and wind turbines towers shall also comply with the setbacks of Section 4.1.

4.6 WETLANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statutes, section 103G.005, subdivision 15(a), 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.

4.7 NATIVE PRAIRIE

The Permittee shall, in consultation with the Commission, Department of Commerce, and DNR, prepare a prairie protection and management plan and submit it to the Commission, DOC and DNR at least thirty (30) days prior to pre-construction meeting if native prairie, as defined in Minnesota Statutes, section 84.02, subdivision 5, is identified in any biological and natural resource inventories conducted pursuant to Section 6.1. The plan shall address steps 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 and Commission. Wind turbines and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers, shall not be placed in native prairie unless addressed in a Prairie Protection and Management Plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minnesota Statutes section 216E.01, shall not impact prairie unless addressed in a Prairie Protection and Management Plan.

4.8 SAND AND GRAVEL OPERATIONS

Wind turbines and all associated facilities, including foundations, access roads, underground cable, and transformers shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner with notice given to the owner of the sand and gravel operation.

4.9 WIND TURBINE TOWERS

Structures for wind turbines shall be self-supporting tubular towers. The towers will be up to 328 feet above grade measured at hub height.

4.10 TURBINE SPACING

The turbine towers shall be constructed within the site boundary as shown in Attachment 1. The turbine towers shall be spaced no closer than three (3) RD in the non-prevailing wind directions and five (5) RD on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the permittee shall minimize the need to site the turbine towers closer.

4.11 METEOROLOGICAL TOWERS

Two permanent meteorological towers are authorized to be constructed for the Project by this Permit. Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

4.12 AVIATION

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minnesota Rules 8800.0100, subparts 24(a) and 24(b)) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minnesota Rules 8800.1900, subpart 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (Mn/DOT), Department of Aviation, and the FAA. The Permittee shall notify owners of all known airports within six (6) miles of the project prior to construction.

4.13 FOOTPRINT MINIMIZATION

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, step-up transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner(s).

4.14 COMMUNICATION CABLES

The Permittee shall place all supervisory control and data acquisition (SCADA) cables underground and within or adjacent to the land necessary for turbine access roads unless an alternate location is contractually permitted by the affected landowner(s).

4.15 ELECTRICAL COLLECTOR AND FEEDER LINES

Collector and feeder lines comprise the electrical collection system. Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner(s).

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Feeder line locations shall be negotiated with the affected landowner(s).

Any overhead feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located 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. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 5.1.

The Permittee must fulfill, comply with, and satisfy all Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this Project including, but not limited to, IEEE 776 (Recommended Practice for Inductive Coordination of Electric Supply and Communication Lines), IEEE 519 (Harmonic Specifications), IEEE 367 (Recommended Practice for Determining the Electric Power Station Ground Potential Rise and Induced Voltage from a Power Fault), and IEEE 820 (Standard Telephone Loop Performance Characteristics) provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the Commission, the Permittee shall report to the Commission on compliance with these standards.

SECTION 5. ADMINISTRATIVE COMPLIANCE PROCEDURES

The following administrative compliance procedures require submissions to the Commission. Submissions to the Commission must be made by electronic filing (eFiling).

5.1 SITE PLAN

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission:

(a) a site plan for all turbines, roads, electrical equipment, collector and feeder lines, and other associated facilities to be constructed;

(b) engineering drawings for site preparation, construction of the facilities; and

(c) a plan for restoration of the site due to construction.

Construction is defined under Minnesota Statutes section 216E.01. The Permittee may submit a site plan and engineering drawings for only a portion of the Project if the Permittee intends to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the Project.

The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this Permit, including compliance with the noise standards pursuant to Minnesota Rules, chapter 7030. In the event that previously unidentified environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this Permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by this Permit.

5.2 NOTICE TO RESIDENTS AND GOVERNMENT AGENCIES

Within fourteen (14) days of Permit issuance, the Permittee shall send a printed copy of the Permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. As applicable, the permittee shall, within fourteen (14) days of Permit issuance, send a printed copy of this Permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within thirty (30) days of Permit issuance, the Permittee shall send a printed copy of the Permit and complaint procedures to each landowner within the project boundary. In no case shall the landowner receive this site permit and complaint procedure, developed pursuant to Section 5.8, less than five (5) days prior to the start of construction on their property.

5.3 NOTICE OF PERMIT CONDITIONS

Prior to the start of construction, the Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the Project of the terms and conditions of this Permit.

5.4 FIELD REPRESENTATIVE

At least fourteen (14) days prior to the pre-construction meeting and continuously throughout construction, including site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during the construction phase of this Project. This person (or a designee) shall be accessible by telephone during normal working hours. This person's address, phone number, email, and emergency phone number shall be filed with the Commission, which may make the contact information available to local residents and officials and other interested persons. The Permittee may change the field representative by eFiling notification to the Commission.

5.5 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 this Project. The Permittee shall provide the Commission with the name, address, email, phone number and emergency phone number of the site manager fourteen days (14) prior to placing any turbine into commercial operation. This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.

5.6 PRE-CONSTRUCTION MEETING

Prior to the start of any construction, representatives of the Permittee, the Field Representative and the Department of Commerce Permit Manager for this Project shall participate in a pre-construction meeting to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. The Permittee shall file with the Commission within fourteen (14) days following the pre-construction meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's construction start date.

5.7 PRE-OPERATION COMPLIANCE MEETING

At least fourteen (14) days prior to commercial operation, representatives of the Permittee, the Site Manager and the Department of Commerce Permit Manager shall participate in a pre-operation compliance meeting to review compliance reporting requirements. The Permittee shall file with the Commission within fourteen (14) days following the pre-operation meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the Project's date of commercial operation.

5.8 COMPLAINTS

At least fourteen (14) days prior to the pre-construction meeting, the permittee shall file with the Commission the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the Commission all complaints received concerning any part of the project in accordance with the procedures provided in Attachments 2 and 3 of this permit.

SECTION 6. SURVEYS AND REPORTING

6.1 BIOLOGICAL AND NATURAL RESOURCE INVENTORIES

The Permittee, in consultation with the Commission, DOC and DNR, shall design and conduct pre-construction desktop and field inventories of potentially impacted native prairies, wetlands, and any other biologically sensitive areas within the site and assess the presence of state threatened, endangered, or species of special concern or federally listed species. The results of these inventories shall be filed at least thirty (30) days prior to the pre-construction meeting to confirm compliance of conditions in this Permit. The Permittee shall file any biological surveys or studies conducted on this Project, including those not required under this Permit.

6.2 SHADOW FLICKER

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary subject to exposure from turbine shadow flicker. Information shall include the results of modeling used, assumptions made, and the anticipated levels of exposure from turbine shadow flicker for each residence. The Permittee shall provide documentation on its efforts to minimize shadow flicker exposure.

6.3 ARCHAEOLOGICAL RESOURCES

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes, and other areas of Project construction impact to determine whether additional archaeological work is necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to the Commission, the SHPO, and the State Archaeologist at least fourteen (14) days prior to the pre-construction meeting.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist. In addition, the Permittee shall mark and preserve any previously unrecorded archaeological sites that are found during construction and shall promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archaeologist.

If human remains are encountered during construction, the permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate section 106 (36 CFR part 800) review.

Prior to construction, construction workers shall be trained 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 any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the Commission, SHPO, about the discovery. The Commission and SHPO shall have three working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the SHPO has directed that work shall cease. In such event, work shall not continue until the SHPO determines that construction can proceed.

6.4 INTERFERENCE

At least working fourteen (14) days prior to the pre-construction meeting, the Permittee shall file the results of an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the Project or its operations cause such interference, the permittee shall take timely measures necessary to correct the problem.

6.5 WAKE LOSS STUDIES

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall file the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total Project wake losses. The Permittee shall file any operational wake loss studies conducted on this Project during the calendar year preceding the report.

6.6 NOISE

The Permittee shall file a proposal with the Commission at least fourteen (14) days prior to the pre-operation compliance meeting for the conduct of a post-construction noise study. Upon the approval of the Commission, the Permittee shall carry out the study. The study shall be designed to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee shall file the study within eighteen (18) months after commercial operation.

6.7 AVIAN AND BAT PROTECTION

6.7.1 AVIAN AND BAT PROTECTION PLAN

The Permittee shall, in consultation with the Commission, DOC, the U.S. Fish and Wildlife Service (USFWS), and the DNR, prepare an Avian and Bat Protection Plan and file it at least thirty (30) days prior to the pre-construction meeting. The plan shall address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the Project. The plan shall also include formal and informal monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project.

The Permittee shall, by March 15th following each complete or partial calendar year of operation file with the commission an annual report detailing findings of its annual audit of ABPP practices. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatalities estimates for the Project using agreed upon estimators from the prior calendar year.

The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy of the report to DOC, DNR and to the U.S. Fish and Wildlife Services (USFWS) at the time of filing with the Commission.

6.7.2 QUARTERLY INCIDENT REPORTS

The Permittee shall file quarterly avian and bat reports. Quarterly reports are due by the 15th of each January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence and the steps taken to avoid future occurrences. The Permittee shall provide notice of the report to DOC, DNR and the U.S. Fish and Wildlife Service at the time of filing with the Commission.

6.7.3 IMMEDIATE INCIDENT REPORTS

The Permittee shall notify the Commission, DOC, the United States Fish and Wildlife Service (USFWS), and DNR within twenty-four (24) hours of the discovery of any of the following within the vicinity of the rotor swept area:

(a) five or more dead or injured non-protected avian or bat species within a reporting period;

(b) one or more dead or injured migratory avian or bat species;

(c) one or more dead or injured state threatened, endangered, or species of special concern;

(d) one or more dead or injured federally listed species; or

(e) one or more bald eagles.

6.8 PROJECT ENERGY PRODUCTION

The Permittee shall by February 1st following each complete or partial year of Project operation file a report with the Commission including:

(a) The installed nameplate capacity of the permitted Project;

(b) The total monthly energy generated by the Project in MW hours;

(c) The monthly capacity factor of the Project;

(d) Yearly energy production and capacity factor for the Project;

(e) The operational status of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and

(f) Any other information reasonably requested by the Commission.

This information shall be filed electronically.

6.9 WIND RESOURCE USE

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with the Commission the average monthly and average annual wind speed collected at one permanent meteorological tower during the preceding year or partial year of operation. This information shall be filed electronically.

6.10 EXTRAORDINARY EVENTS

Within twenty-four (24) hours of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to fires, tower collapse, thrown blade, collector or feeder line failure, and injured LWECS worker or private person. The Permittee shall, within thirty (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.

SECTION 7. CONSTRUCTION AND OPERATION PRACTICES

7.1 SITE CLEARANCE

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the Project.

7.2 TOPSOIL PROTECTION

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner(s).

7.3 SOIL COMPACTION

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

7.4 LIVESTOCK PROTECTION

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

7.5 FENCES

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s). When the Permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.

7.6 DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s).

7.7 EQUIPMENT STORAGE

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner(s). Temporary staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

7.8 ROADS

7.8.1 PUBLIC ROADS

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the Project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the Project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements through development or road development agreements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

7.8.2 TURBINE ACCESS ROADS

The Permittee shall construct the least number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class 5 gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the DNR and the USACE. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. The access or intersection points with the public roadways shall be located in accordance with all necessary township, county or state road requirements and permits. Access roads shall be constructed in accordance with all necessary townships, county or state road requirements and permits.

7.8.3 PRIVATE ROADS

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner(s).

7.9 CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration, and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

7.10 TREE REMOVAL

The Permittee shall minimize the removal of trees and the permittee shall not remove groves of trees or shelter belts without notification to the Commission and the approval of the affected landowner(s).

7.11 SOIL EROSION AND SEDIMENT CONTROL

The Permittee shall develop a soil erosion and sediment control plan and submit the plan to the Commission at least fourteen (14) days prior to the pre-construction meeting. This plan may be the same as the storm water pollution prevention plan (SWPPP) submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application.

The soil erosion and sediment control plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance.

Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained throughout the project's life.

The Permittee shall develop an invasive species prevention plan to prevent the introduction of invasive species on lands disturbed by project construction activities. This requirement may be included as an element of the soil erosion and sediment control plan.

7.12 RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the affected landowner(s), restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve (12) months after completion of construction of the turbine, unless otherwise negotiated with the affected landowner(s). Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project.

7.13 HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean-up, and disposal of hazardous wastes generated during any phase of the Project's life.

7.14 APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage property, including crops, orchards, tree farms, or gardens. The Permittee shall also, at least fourteen (14) days prior to the application, notify beekeepers with an active apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

7.15 PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundary and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also provide any necessary safety measures, such as 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 Minnesota Statutes, section 216D.01, subdivision 11, to Gopher State One Call.

7.16 EMERGENCY RESPONSE

The Permittee shall prepare an emergency response plan (fire protection and medical emergency plan) in consultation with the emergency responders having jurisdiction over the area prior to Project construction. The Permittee shall file a copy of the plan with the Commission at least fourteen (14) days prior to the pre-construction meeting and a revised plan, if any, at least fourteen (14) days prior to the pre-operation compliance meeting. The Permittee shall also register the Project with the local governments' emergency 911 services.

7.17 TOWER IDENTIFICATION

All turbine towers shall be marked with a visible identification number.

7.18 FEDERAL AVIATION ADMINISTRATION LIGHTING

Towers shall be marked as required by the FAA. There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

SECTION 8. FINAL CONSTRUCTION

8.1 AS-BUILT PLANS AND SPECIFICATIONS

Within sixty (60) days after completion of construction, the Permittee shall file with the Commission a copy of the as-built plans and specifications. The Permittee must also provide this data in a geographic information system (GIS) compatible format so that the Commission can place it into the Minnesota Geospatial Information Office's (MnGeo) geographic data clearinghouse located in the Office of Enterprise Technology.

8.2 FINAL BOUNDARIES

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

8.3 EXPANSION OF SITE BOUNDARIES

No expansion of the site boundaries 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 boundaries of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

8.4 NOTIFICATION TO THE COMMISSION

At least three (3) days before the Project is to commence commercial operation, the Permittee shall file the date on which the Project will commence commercial operation and the date on which construction was completed.

SECTION 9. DECOMMISSIONING, RESTORATION AND ABANDONMENT

9.1 DECOMMISSIONING PLAN

At least fourteen (14) days prior to the pre-operation compliance meeting, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules 7854.0500, subpart 13. The Permittee shall 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.

9.2 SITE RESTORATION

Upon expiration of this Permit, or upon earlier termination of operation of the Project, or any turbine within the Project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner(s) requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner(s) shall be filed with the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after site permit expiration or upon earlier termination of the Project, or any turbine within the Project.

9.3 ABANDONED TURBINES

The Permittee shall advise the Commission of any turbines that are abandoned prior to termination of operation of the Project. A Project, or any turbine within the Project, shall be considered abandoned after one (1) year without energy production and the land restored pursuant to Section 9.2 unless a plan is developed and filed outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.

SECTION 10. AUTHORITY TO CONSTRUCT LWECS

10.1 WIND RIGHTS

At least fourteen (14) days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the boundaries of the LWECS authorized by this Permit.

Nothing in this Permit shall be construed to preclude any other person from seeking a permit to construct a WECS in any area within the boundaries of the Project covered by this Permit if the Permittee does not hold exclusive wind rights for such areas.

10.2 POWER PURCHASE AGREEMENT

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project at the time this permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This Permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project.

In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this Permit should be amended or revoked. No amendment or revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rules 7854.1300.

10.3 FAILURE TO COMMENCE CONSTRUCTION

If the Permittee has not completed the pre-construction surveys required under this Permit and commenced construction of the Project within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this Permit should be amended or revoked. No revocation of this Permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rules 7854.1300.

10.4 PREEMPTION OF OTHER LAWS

Pursuant to Minnesota Statutes, section 216F.07, this site permit shall be the only site approval required for the location of this Project, and this Permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments. Nothing in this Permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

10.5 OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate an LWECS within the authorized site. The Permittee shall file a copy of such permits and authorizations with the Commission upon request.

10.5.1 COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the MPCA (Section 401 Water Quality Certification, National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation Act), FAA determinations, and Mn/DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit, and the Mn/DOT Utility Accommodation Policy).

10.5.2 COMPLIANCE WITH COUNTY, CITY, OR MUNICIPAL PERMITS

The Permittee shall comply with all terms and conditions of permits, authorizations, or licenses issued by the counties, cities, and municipalities affected by the Project that do not conflict with or are not pre-empted by federal or state permits and regulations. These authorizations include, but are not limited to, compliance with Minnesota's Wetland Conservation Act.

SECTION 11. COMMISSION POST-ISSUANCE AUTHORITIES

11.1 PERIODIC REVIEW

The Commission shall initiate a review of this Permit and the applicable conditions at least once every five (5) 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.

11.2 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.

11.3 REVOCATION OR SUSPENSION OF PERMIT

The Commission may take action to suspend or revoke this Permit upon the grounds that:

(a) A false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;

(b) There has been a failure to comply with material conditions of this Permit, or there has been a failure to maintain health and safety standards; or

(c) There has been a material violation of a provision of an applicable statute, rule, or an order of the Commission.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this Permit, the Commission shall proceed in accordance with the requirements of Minnesota Rules 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

11.4 MORE STRINGENT RULES

The Commission's issuance of this Site 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.

11.5 TRANSFER OF PERMIT AND CHANGE IN OWNERSHIP

The Permittee may not transfer this permit without the approval of the Commission. If the Permittee desires to transfer this Permit, the holder shall advise the Commission in writing of such desire. The Permittee shall provide the Commission with such information about the transfer as the Commission requires to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

Any and all changes in the Permittee's ownership structure and ownership interests must be reported to the Commission. The Permittee shall, in a timely fashion, file with the Commission the Notice of Change in Ownership for every change in ownership structure and ownership interest for the duration of this permit.

11.6 RIGHT OF ENTRY

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

(a) To enter upon the facilities easement of the site 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; and

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

11.7 PROPRIETARY INFORMATION

Certain information required or requested to be filed with the Commission under this Permit may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

SECTION 12. EXPIRATION DATE

This Permit shall expire thirty (30) years after the date this permit was approved and adopted.

SECTION 13. SPECIAL CONDITIONS

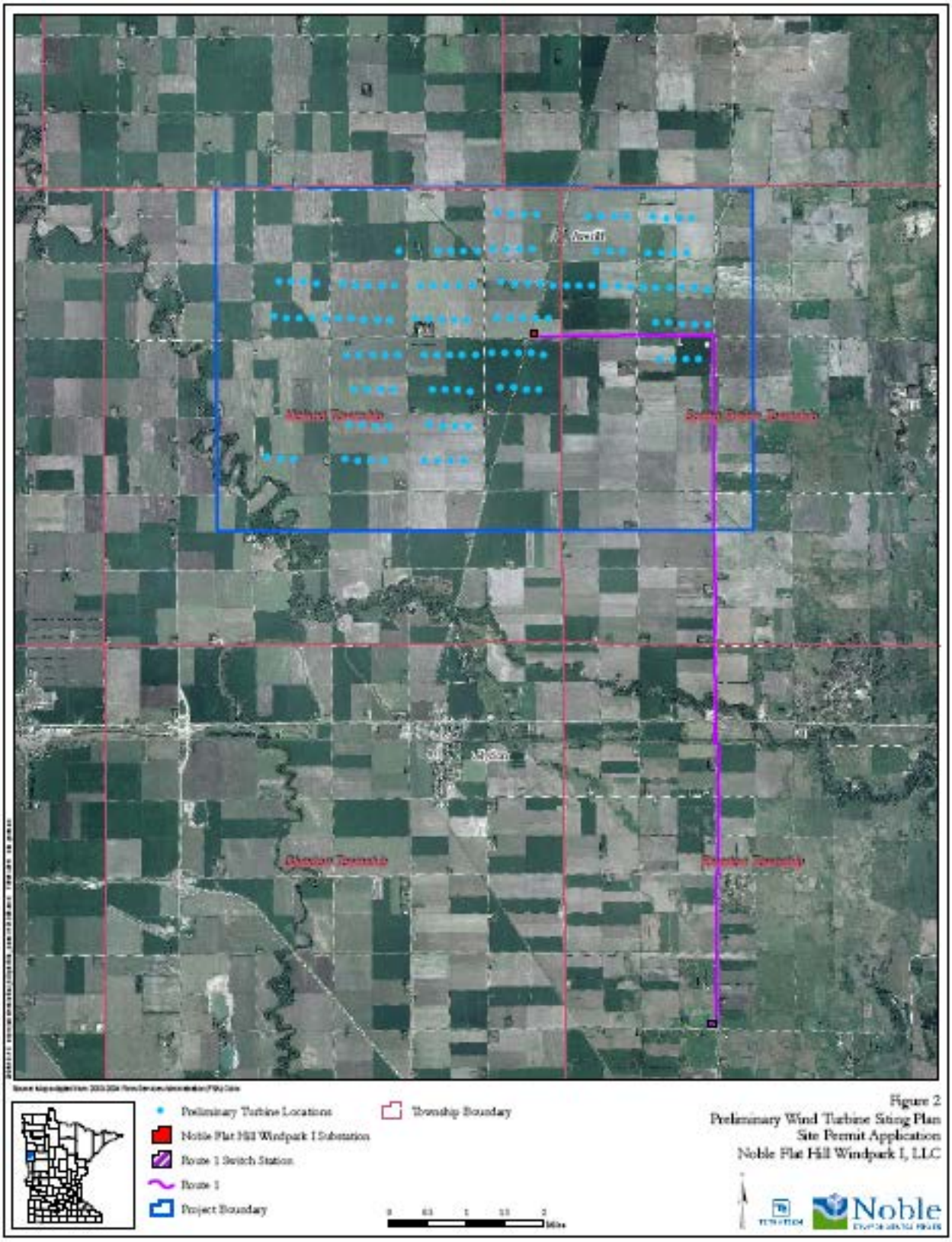
Special conditions shall take precedence over any of the other conditions of this Permit if there should be a conflict between the two.

13.1 AMENDED PERMIT DISTRIBUTION REQUIREMENT

Within thirty (30) days of the issuance of any permit amendment the Permittee shall send an explanatory letter to each landowner within the Project Boundary. The explanatory letter shall accompany the copy of the site permit required to be provided to landowners under Section 5.2 of this permit and shall summarize changes from previously issued permits for this Project. The Permittee shall have the letter approved by Commission staff before sending.

ATTACHMENT 1

PERMIT AREA MAP



MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES
FOR LARGE WIND ENERGY CONVERSION SYSTEMS

A. Purpose:

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation, and resolution of such complaints.

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 Commission under Minn. Rule 7829.1500 or 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 preparation, cleanup or restoration or other LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions, or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site 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(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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.

E. Complaint Documentation and Processing:

1. The Permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.

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

    a. Name of Complainant, address, phone number, and e-mail address.
    b. Date of complaint
    c. Tract or parcel number
    d. Whether the complaint relates to (1) a Site Permit matter, (2) an LWECS and associated facility issue, or (3) a compliance issue.

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, phone number and e-mail address.
    c. Precise property description or parcel number.
    d. Name of Permittee representative receiving Complaint and date of receipt
    e. Nature of Complaint and the applicable Site Permit conditions(s).
    f. Activities undertaken to resolve the Complaint.
    g. Final disposition of the Complaint.

F. Reporting Requirements:

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 Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. Voice messages are acceptable. E-mail Subject Line should read "EFP Complaint" with Docket Number.

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Commission's eDocket system.

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

Permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit.

G. Complaints Received by the Commission or the Department of Commerce:

Complaints received directly by the Commission or the Department of Commerce from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

H. Commission Process for Unresolved Complaints:

Initial Screening: Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. The Complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contact for Complaints:

Permittee will eFile the Project's Complaint Contact information within fourteen (14) days of the Order granting a site permit and will include the Project's Complaint Contact information in the mailing to landowners and local governments.

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE
FOR PERMITTED ENERGY FACILITIES

1. Purpose

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

2. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

3. Definition

Compliance Filing – A filing of information required by a Commission site or route permit.

4. Responsibilities

A) The Permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: https://www.edockets.state.mn.us/EFiling/home.jsp

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

B) All filings must have a cover sheet that includes:

1) Date
2) Name of submitter / permittee
3) Type of Permit (Site or Route)
4) Project Location
5) Project Docket Number
6) Permit Section Under Which the Filing is Made
7) Short Description of the Filing

C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

D) Preferred GIS formats include Esri® shapefile (with associated projection data) and ArcGIS® Geodatabase. The preferred map projection is UTM Extended Zone 15, NAD83. A PDF document containing clear descriptions of file naming conventions, data projection and feature attributes must be included with the GIS data provided.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Flat Hill Windpark I, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Clay County
COMMISSION DOCKET NUMBER: IP-6687/WS-08-1134

PRE-CONSTRUCTION MEETING

Filing Number	Permit Section	Description	Due Date	Notes
1	4.7	Native Prairie Protection Plan	30 days prior to pre-construction meeting, if required.	Develop in consultation with Commission and DNR
2	5.1	Site Plan	14 days prior to pre-construction meeting.	
3	5.4	Field Representative	14 days prior to pre-construction meeting.	
4	5.8	Complaint Reporting Procedures	14 days prior to pre-construction meeting and complaint submittals on the 15th of each month or within 24 hours.	
5	6.1	Biological & Natural Resource Inventories	30 days prior to pre-construction Meeting.	Results may trigger need for a Native Prairie Protection Plan
6	6.2	Shadow Flicker Analysis	14 days prior to pre-construction meeting.	
7	6.3	Archaeological Resources	14 days prior to pre-construction meeting and as recommended by the State Historic Preservation Office.	

[1] This compilation of permit compliance filings is provided for the convenience of the Permittee and the Commission. However, it is not a substitute for the permit; the language of the permit controls.

Filing Number	Condition	Description	Due Date	Notes
8	6.4	Interference	14 days prior to pre-construction meeting.	
9	6.5	Wake Loss	14 days prior to pre-construction meeting and may be included with site plan or operation studies if performed.	
10	6.7	Avian and Bat Protection Plan	30 days prior to pre-construction meeting.	Develop in consultation with Commission and DNR
11	7.8	Roads	14 days prior to pre-construction meeting.	
12	7.11	Soil Erosion and Sediment Control Plan	14 days prior to pre-construction meeting.	
13	7.16	Emergency Response	14 days prior to pre-construction meeting. Must register in 911 Program.	
14	10.1	Wind Rights	14 days prior to pre-construction meeting.	

PRE-OPERATION MEETING

Filing Number	Permit Section	Description	Due Date	Notes
1	5.7	Pre-operation compliance meeting	Prior to commercial operation.	
2	6.6	Noise Study Protocol	14 days prior to pre-operation meeting.	
3	9.1 & 9.3	Decommissioning Plan	14 days prior to pre-operation meeting.	

OTHER COMPLIANCE REQUIREMENTS

Filing Number	Permit Section	Description	Due Date	Notes
1	5.2	Notice to Landowners and Governmental Units	Within 14 days of permit approval to local units of government and within 30 days to landowners.	
2	5.5	Site Manager	14 days prior to prior to commercial operation.	Update contact information as necessary.
3	6.6	Noise Study Results	Within 18 months of Commercial Operation.	
4	6.7.1	Annual Audit Report of ABPP	By March 15th following each complete or partial year of operation.	
5	6.7.2	Quarterly Incident Reports	By 15th January, April, July, and October.	
6	6.7.3	Immediate Incident Report	Within 24 hours of discovery.	
7	6.8	Project Energy Production	Due February 1st each year.	

Filing Number	Permit Section	Description	Due Date	Notes
8	6.9	Wind Resource Use	February 1st following each partial or complete year of operation.	
9	6.10	Extraordinary Events	Within 24 hours and report on occurrence of event within 30 days.	
10	8.1	As Builts	Within 60 days of completion of construction.	
11	8.4	Notification of Commercial Operation	At least three days prior to commencement of commercial operation.	
12	10.2	PPA or Enforceable Mechanism	Within two years of permit issuance.	If no PPA or other enforceable mechanism at time of permit issuance
13	10.3	Failure to Start Construction	Within two years of permit issuance.	
14	13.2	Amended Permit Explanation	Accompanying notice sent out under 5.2	Approval by Commission Staff Required

PERMIT AMENDMENT

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT FOR CONSTRUCTION OF A HIGH VOLTAGE TRANSMISSION LINE, NEW SUBSTATION AND SWITCHING STATION IN CLAY COUNTY, MINNESOTA

ISSUED TO
FLAT HILL WINDPARK I, LLC

PUC DOCKET No. IP-6687/TL-08-988

In accordance with the requirements of Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850, this route permit is hereby issued to:

Flat Hill Windpark I, LLC

FLAT HILL WINDPARK I, LLC is authorized by this route permit to construct a new 11.4 mile 230 kilovolt (kV) high voltage transmission line transmission line located within Clay County in the State of Minnesota, from a new project substation in Spring Prairie Township to a new switching station in Riverton Township.

The transmission line and substation project shall be built within the route identified in this permit and as portrayed on the attached, official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this _____ day of June 2013

BY ORDER OF THE COMMISSION

_____

Burl W. Haar,
Executive Secretary

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-296-0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

I. ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to Flat Hill Wind Park I, LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E.03 and Minnesota Rules Chapter 7850. This permit authorizes the Permittee to build 11.4 miles of 230 kV transmission line in Clay County from a new LWECS project substation in Spring Prairie Township to a new switching station in Riverton Township to connect with the existing Otter Tail Power 230 kV Transmission Line.

II. PROJECT DESCRIPTION

Permittees are authorized to construct a project comprising a new substation, transmission line and switching station as described below:

- A new single circuit 230 kilovolt (kV) transmission line to capture energy generated by the Flat Hill Windpark I located in Clay County, Minnesota, and connect to the Otter Tail Power Company (OTP) Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota;

- The new project substation within the Flat Hill Windpark I at 70th Avenue North and 120th Street North, northeast of Glyndon in Clay County, Minnesota; and

- The new switching station along the existing OTP Sheyenne-Audubon 230 kV transmission line southeast of Glyndon, Minnesota.

III. DESIGNATED ROUTE

A route permit for a high voltage transmission line corridor 300 feet wide, along Applicant's preferred Route 1, which is depicted in Appendix A and Figures 1-4 and 8 in the Route Permit Application and runs from the Flat Hill Windpark I substation along the 70th Avenue North right-of-way east for 2.35 miles then generally follows the MN Highway 9 road right-of-way south to the point of interconnection with the existing OTP Sheyenne-Audubon 230 kV transmission line located on the north side of 50th Avenue South (CSAH 12) southeast of Glyndon, Minnesota. Route 1 includes those segments that are described in Table 3-1 on page 17 of the Route Permit Application from north to south: 1-1, 1-2, 1-3, 1-4, and 1-5. The approved right-of-way (ROW) width for the selected segments is 125 feet.

The new project substation will occupy approximately 2.5 acres on a 10-acre parcel within Flat Hill Windpark I (see attached map) The substation will be designed to accommodate the incoming 34.5 kV collector lines and the outgoing 230 kV line.

IV. PERMIT CONDITIONS

The Permittees shall comply with the following conditions during construction of the transmission line and associated facilities and the life of this permit.

A. Plan and Profile. At least thirty (30) days before right-of-way preparation for construction begins, the Permittees shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the transmission line. The Permittees may not commence construction until the 30 days has expired or until the Commission has advised the Permittees in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittees intends to make any significant changes in its plan and profile or the specifications and drawings after submission to the Commission, the Permittees shall notify the Commission 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.

B. Construction Practices.

1. Application. The Permittees shall follow those specific construction practices and material specifications described in the Great River Energy and Minnesota Power Application to the Public Utilities Commission for a Route Permit, dated July 17, 2008, and as described in the environmental assessment and findings of fact, unless this permit establishes a different requirement, in which case this permit shall prevail.

2. Field Representative. At least 10 days prior to commencing construction, the Permittees shall advise the Commission in writing of the person or persons designated to be the field representative for the Permittees with the responsibility to oversee compliance with the conditions of this permit during construction. The field representative's address, phone number, and emergency phone number shall be provided to the Commission and shall be made available to affected landowners, residents, public officials and other interested persons.
The Permittees may change its field representative at any time upon written notice to the Commission.

3. Local Governments. The Permittees shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

4. Cleanup. All waste and scrap that is the product of construction shall be removed from the area and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

5. Vegetation Removal in the Right-of-Way. The Permittees shall minimize the number of trees to be removed in selecting the right-of-way. As part of construction, low growing brush or tree species are allowable within and at the outer limits of the easement area. Taller tree species that endanger the safe and reliable operation of the transmission facility need to be removed. To the extent practical, low growing vegetation that will not pose a threat to the transmission facility or impede construction should remain in the easement area.

6. Erosion Control. The Permittees shall implement reasonable measures to minimize runoff during construction and shall promptly plant or seed, erect silt fences, and/or use erosion control blankets in non-agricultural areas that were disturbed where structures are installed. All areas disturbed during construction of the facilities will be returned to their pre-construction condition.

7. Temporary Work Space. The Permittees shall limit temporary easements to special construction access needs and additional staging or lay-down areas required outside of the authorized right-of-way.

8. Restoration. The Permittees shall restore the right-of-way, temporary work spaces, access roads, abandoned right-of-way, and other private lands affected by construction of the transmission line. Restoration within the right-of-way must be compatible with the safe operation, maintenance, and inspection of the transmission line. Within 60 days after completion of all restoration activities, the Permittees shall advise the Commission in writing of the completion of such activities. The Permittees shall compensate landowners for any yard/landscape, crop damage, soil compaction, or other that may occur during construction.

9. Notice of Permit. The Permittees shall inform all employees, contractors, and other persons involved in the transmission line construction of the terms and conditions of this permit.

C. Periodic Status Reports. Upon request, the Permittees shall report to the Commission on progress regarding finalization of the route, design of structures, and construction of the transmission line. The Permittees need not report more frequently than quarterly.

D. Complaint Procedure. Prior to the start of construction, the Permittees 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 set forth in the complaint procedures attached to this permit.

E. Notification to Landowners. The Permittees shall provide all affected landowners with a copy of this permit and the complaints procedures at the time of the first contact with the landowners after issuance of this permit.

The Permittees shall contact landowners prior to entering the property or conducting maintenance along the route and avoid maintenance practices, particularly the use of fertilizer, herbicides, or pesticides, inconsistent with the landowner's or tenant's use of the land.

The Permittees shall work with landowners to locate the high voltage transmission lines to minimize the loss of agricultural land, forest, and wetlands, and to avoid homes and farmsteads.

F. Completion of Construction.

1. Notification to Commission. At least three days before the line is to be placed into service, the Permittees shall notify the Commission of the date on which the line will be placed into service and the date on which construction was complete.

2. As-Builts. Upon request of the Commission, the Permittees shall submit copies of all the final as-built plans and specifications developed during the project.

3. GPS Data. Within 60 days after completion of construction, the Permittees shall submit to the Commission, in the format requested by the Commission, geo-spatial information (GIS compatible maps, GPS coordinates, etc.) for all above ground structures associated with the transmission lines, each switch, and each substation connected.

G. Electrical Performance Standards.

1. Grounding. The Permittees shall design, construct, and operate the transmission line in a manner that the maximum induced steady-state short-circuit current shall be limited to five milliamperes, root mean square (rms) alternating current between the ground and any non-stationary object within the right-of-way, including but not limited to large motor vehicles and agricultural equipment. All fixed metallic objects on or off the right-of-way, except electric fences that parallel or cross the right-of-way, shall be grounded to the extent necessary to limit the induced short circuit current between ground and the object so as not to exceed one milliampere rms under steady state conditions of the transmission line and to comply with the ground fault conditions specified in the National Electric Safety Code.

2. Electric Field. The transmission line shall be designed, constructed, and operated in such a manner that the electric field measured one meter above ground level immediately below the transmission line shall not exceed 8.0 kV/m rms.

3. Interference with Communication Devices. If interference with radio or television, satellite or other communication devices is caused by the presence or operation of the transmission line, the Permittees shall take whatever action is prudently feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the line.

H. Other Requirements.

1. Applicable Codes. The Permittees shall comply with applicable requirements of the National Electric Safety Code including clearances to ground, clearance to crossing utilities, clearance to buildings, right-of-way widths, erecting power poles, and stringing of transmission line conductors.

2. Other Permits. The Permittees shall comply with all applicable state rules and statutes. The Permittees shall obtain all required local, state and federal permits for the project and comply with the conditions of these permits. A list of the required permits is included in the route permit application and the environmental assessment. The Permittees shall submit a copy of such permits to the Commission upon request.

3. Pre-emption. Pursuant to Minnesota Statutes 216E.10, subdivisions 1 and 2, this route permit shall be the sole route approval required to be obtained by the Permittees 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.

J. Delay in Construction. If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit, the Commission shall consider suspension of the permit in accordance with Minnesota Rule 7850.4700.

K. Special Conditions.

1. Route Alignments. To reduce the impact of Route 1 on residences, the transmission line must be located on the west side of MN Highway 9 from 70th Avenue North to the BNSF Railway; on the east side of MN Highway 9 from the BNSF Railway to Boutons Addition; and on the west side of MN Highway 9 from Boutons Addition to the point of interconnection with the OTP Sheyenne-Audubon 230 kV transmission line.

2. Historic Resources. The Permittee shall consult with the State Historic Properties Office for recommendations on the value and location of cultural surveys and pursuant to employ mitigation such as moving poles or spanning areas as necessary on any findings.

V. PERMIT AMENDMENT

The permit conditions in Section IV 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 Permittees. The Commission may amend the conditions after affording the Permittees and interested persons such process as is required.

VI. TRANSFER OF PERMIT

The Permittees may request at any time that the Commission transfer this permit to another person or entity. The Permittees shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittees can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittees, the new Permittees, and interested persons such process as is required.

VII. 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 Minnesota Rules part 7850.5100 to revoke or suspend the permit.

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE
FOR PERMITTED ENERGY FACILITIES

1. Purpose

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

2. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

3. Definition

Compliance Filing – A filing of information required by a Commission site or route permit.

4. Responsibilities

A) The Permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website: https://www.edockets.state.mn.us/EFiling/home.jsp

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

B) 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

C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

D) Preferred GIS formats include Esri® shapefile (with associated projection data) and ArcGIS® Geodatabase. The preferred map projection is UTM Extended Zone 15, NAD83. A PDF document containing clear descriptions of file naming conventions, data projection and feature attributes must be included with the GIS data provided.

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Flat Hill Wind Park I, LLC
PERMIT TYPE: HVTL Route Permit
PROJECT LOCATION: Clay County
PUC DOCKET NUMBER: IP-6687/TL-08-988

Filing Number	Permit Section	Description	Due Date
1	Section IV.B.2	Contact information for field representative	10 days prior to construction
2	Section IV.K.2	Archaeological survey results	As required by State Historic Preservation Office
3	Section IV.D.	Complaint report procedure	Prior to construction
4	Section IV.A.	Plan and profile of right-of-way	14 days before right-of-way preparation or construction

[1] This compilation of permit compliance filings is provided for the convenience of the permittee and the PUC. However, it is not a substitute for the permit; the language of the permit controls.

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
HIGH VOLTAGE TRANSMISSION LINES

A. Purpose:

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation, and resolution of such complaints.

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 Commission under Minn. Rule 7829.1500 or 829.1700 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 preparation, cleanup or restoration or other LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions, or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Route 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(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

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.

E. Complaint Documentation and Processing:

1. The Permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.

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

    a. Name of Complainant, address, phone number, and e-mail address.
    b. Date of complaint
    c. Tract or parcel number
    d. Whether the complaint relates to (1) a Route Permit matter, (2) an associated facility issue, or (3) a compliance issue.

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, phone number and e-mail address.
    c. Precise property description or parcel number.
    d. Name of Permittee representative receiving Complaint and date of receipt
    e. Nature of Complaint and the applicable Route Permit conditions(s).
    f. Activities undertaken to resolve the Complaint.
    g. Final disposition of the Complaint.

F. Reporting Requirements:

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 Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us. Voice messages are acceptable. E-mail Subject Line should read "EFP Complaint" with Docket Number.

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be eFiled to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Commission's eDocket system.

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

Permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit.

G. Complaints Received by the Commission or the Department of Commerce:

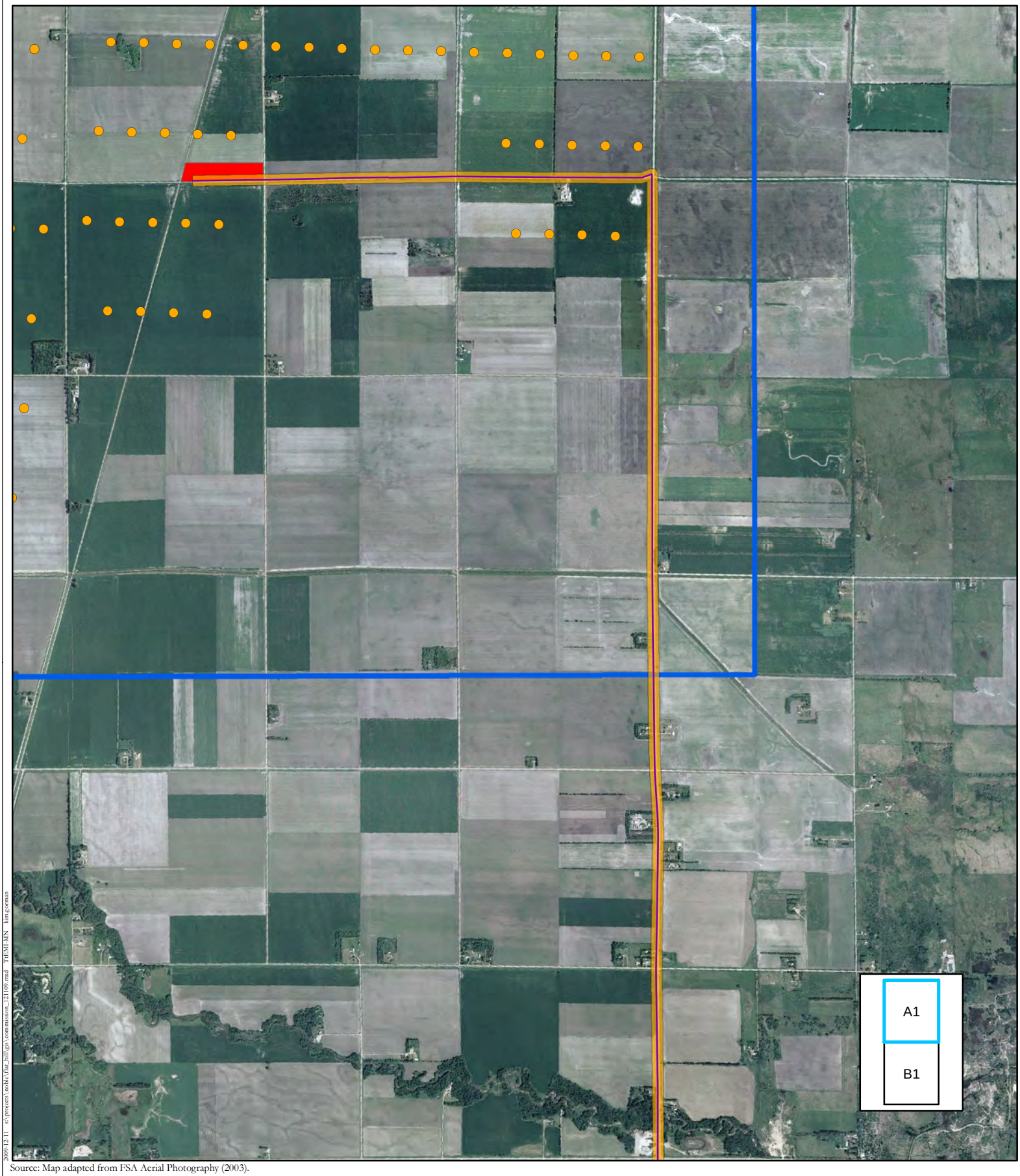
Complaints received directly by the Commission or the Department of Commerce from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the Permittee.

H. Commission Process for Unresolved Complaints:

Initial Screening: Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial Route Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the Staff notification. The Complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contact for Complaints:

Permittee will eFile the Project's Complaint Contact information within fourteen (14) days of the Order granting a route permit and will include the Project's Complaint Contact information in the mailing to landowners and local governments.



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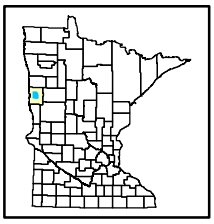
Source: Map adapted from FSA Aerial Photography (2003).



Intended Alignment Route 1

Route Width

Substation and O&M Building Parcel

Switch Station Parcel

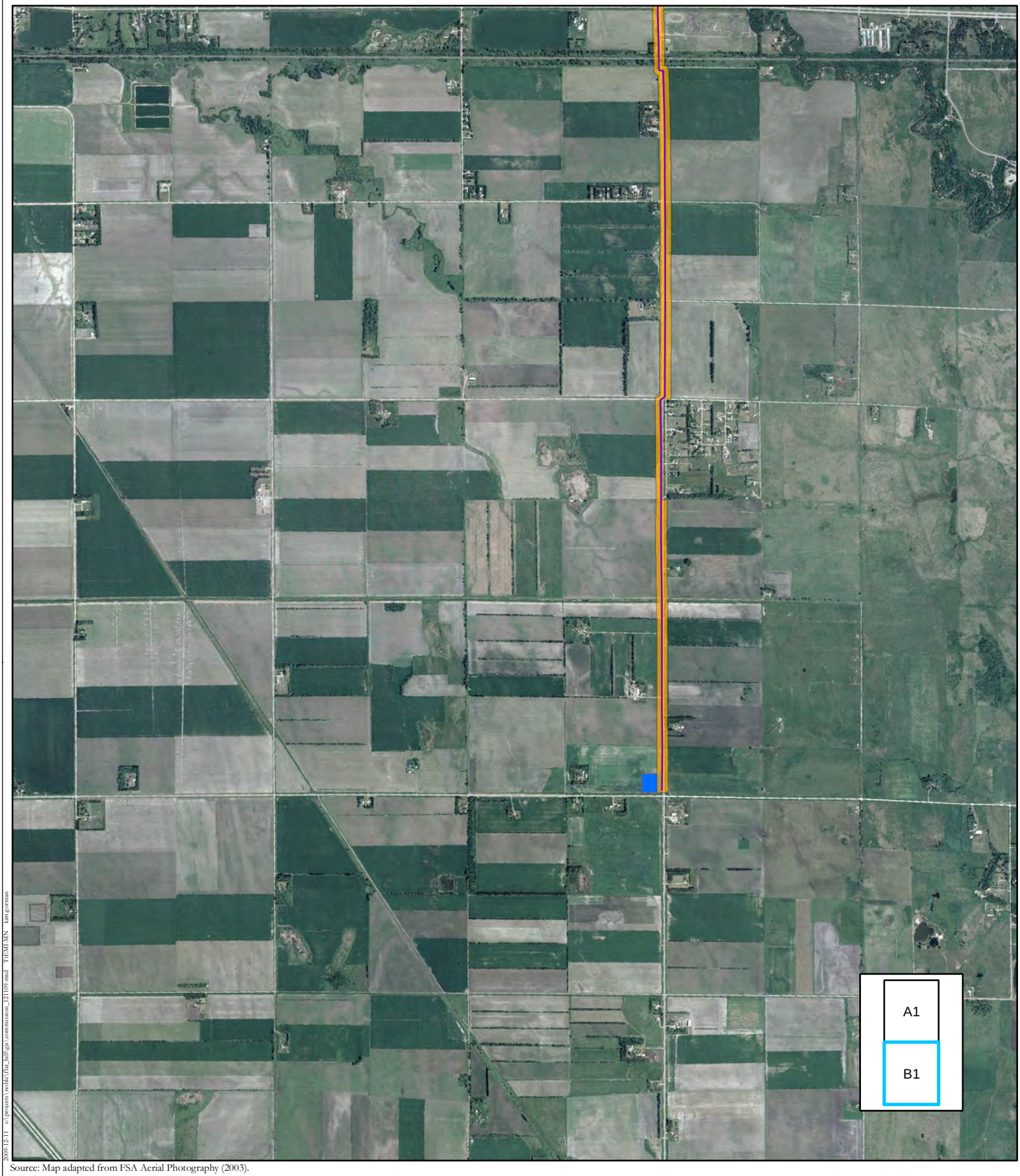
Preliminary Turbine Location (Layout 08/13/08)

Project Boundary

0 0.25 0.5 0.75 1 Miles

N

Proposed Route Permit
Noble Flat Hill Windpark I, LLC



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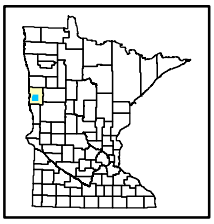

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