

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
Nancy Lange  
Dan Lipschultz  
Matthew Schuerger  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Certificate of Need for the  
Flat Hill Windpark I Project in Clay County

ISSUE DATE: June 6, 2016

DOCKET NO. IP-6687/CN-08-951

In the Matter of the Large Wind Energy  
Conversion Site Permit for the Flat Hill  
Windpark I Project in Clay County

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

DOCKET NO. IP-6687/TL-08-988

In the Matter of the Application for a Route  
Permit for the Flat Hill Windpark I, LLC  
230 kV Transmission Line

ORDER ACCEPTING SURRENDER OF  
CERTIFICATE OF NEED, SITE PERMIT,  
AND ROUTE PERMIT

**PROCEDURAL HISTORY**

On February 3, 2010, the Commission granted Noble Flat Hill I, LLC, now known following a name change as Flat Hill Windpark I (Flat Hill or the Company), a certificate of need for the construction of an up to 201 MW wind farm in Clay County (the Project).

On February 5, 2010, the Commission issued a site permit and a route permit to Flat Hill for the Project.

On May 20, 2011, the Commission extended Flat Hill's deadlines for obtaining a power purchase agreement and beginning construction until May 2013, due to delays engendered by litigation regarding a nearby tower radio directional antenna system.

On August 27, 2013, the Commission issued orders in the certificate of need, site permit, and route permit dockets extending the time to obtain a power purchase agreement and construct the Project. The certificate of need was extended until December 2015, the site permit was extended until August 27, 2015, and the route permit was extended until August 27, 2017.

On July 15, 2015, Flat Hill again filed petitions to extend the time authorized to commence construction in the certificate-of-need and site permit dockets.

On October 6, 2015, the Commission postponed Certificate-of-Need and Site Permit decisions until Flat Hill updated its Site Permit record with information as to the type of turbine to be used, the project layout, and natural resource information.

On April 21, 2016, the Commission met to consider a further, and final, extension of the permits.

On May 18, 2016, Flat Hill filed a letter informing the Commission that it had decided to discontinue the Flat Hill Windpark I Project in Clay County due to economic considerations; the Company requested that the Commission revoke the certificate of need, and site and route permits issued in the proceedings.

### **FINDINGS AND CONCLUSIONS**

Flat Hill requested that the Commission revoke the certificate of need, site permit, and route permit for the Flat Hill Wind Project because it is being discontinued for economic reasons. The Commission is not convinced in this matter that revocation is the most judicious means by which to close this docket, as Flat Hill's request is not based on the factors enumerated in Minn. R. 7854.1300 (site permit revocation) or Minn. R. 7850.5100 (route permit revocation).<sup>1</sup>

In the past, the Commission has revoked a project permit when it was being abandoned for economic reasons, even though that is not one of the grounds for revocation under the Commission's rules.<sup>2</sup> In this matter, however, the Commission finds it more appropriate to close this docket as a voluntary surrender of Flat Hill's certificate of need, site permit, and route permit. Flat Hill stated that it will notify affected landowners and local government officials of this decision. The Commission cautions that should Flat Hill wish to pursue the Project in the future, it will be required to re-start the certificate-of-need, siting, and routing processes.

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<sup>1</sup> The statute and rules on certificates of need do not contemplate a certificate of need being revoked. *See generally* Minn. Stat. § 216.243; Minn. R. 7849.0400.

<sup>2</sup> *See, e.g. In the Matter of the Application of Shell Rock Wind Farm, LLC for a Large Wind Energy Conversion System in Freeborn County*, Docket No. IP-6858/WS-11-195, Order Revoking Site Permit (Nov. 12, 2013).

**ORDER**

The Commission hereby accepts Flat Hill's surrender of its certificate of need, site permit, and route permit in this proceeding.

1. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf  
Executive Secretary



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