

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
Nancy Lange  
Dan Lipschultz  
John A. Tuma  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of  
EcoHarmony West Wind, LLC for a Site  
Permit for a 280-Megawatt Wind Farm in  
Fillmore County

ISSUE DATE: July 7, 2015

DOCKET NO. IP-6688/WS-08-973

ORDER REVOKING SITE PERMIT

**PROCEDURAL HISTORY**

On February 3, 2010, the Commission issued to EcoHarmony West Wind, LLC (EcoHarmony), a site permit to erect wind turbines designed to generate more than 100 megawatts (MW) of electricity at a site in Fillmore County (the EcoHarmony West Wind Project).

On April 22, 2013, the Commission amended the permit to grant an additional two years to fulfill the permit's terms.

On May 8, 2015, the Commission sent a letter directing Gamesa Wind US (Gamesa), successor to EcoHarmony, to show cause why the Commission should not revoke the site permit for failure to comply with the permit's terms.

On June 8, 2015, Gamesa filed a reply acknowledging that it had not complied with the permit's terms, and expressing no opposition to revocation.

On June 25, 2015, the matter came before the Commission. No party asked to address the Commission on this issue.

**FINDINGS AND CONCLUSIONS**

**I. Summary**

The Commission will revoke the site permit issued for the EcoHarmony West Wind Project.

**II. Legal Background**

Minnesota Rules define a "large wind energy conversion system" (LWECS) to include a collection of wind turbines capable of generating 5,000 kilowatts (5 MW) or more.<sup>1</sup> People

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<sup>1</sup> Minn. R. 7854.0100.

seeking to develop LWECSs must first obtain a site permit from the Commission.<sup>2</sup> The Commission may revoke that permit if it determines that the applicant has failed to comply with a material condition or term of the permit.<sup>3</sup>

### **III. Site Permit**

The site permit issued for the EcoHarmony West Wind Project states as follows:

In the event the permittee does not obtain a power purchase agreement (PPA) 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 amendment, the permittee must advise the Commission of the reason for not having such power purchase agreement or enforceable mechanism. In such event, the Commission may determine whether this permit should be amended or revoked.<sup>4</sup>

\* \* \*

If the permittee has not ... commenced construction of the project within two years of the issuance of this permit amendment, the permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission may determine whether this permit should be amended or revoked.<sup>5</sup>

While the Commission later extended the deadline to April 22, 2015, the Commission received no statement of noncompliance from the permittee at that time.

### **IV. Permittee's Statement**

In response to the Commission's show-cause letter, Gamesa stated that it has not secured an enforceable agreement to sell the project's power, has not begun construction, and has no current plans to pursue the project. Gamesa acknowledged that it would need to secure a new site permit if it chose to pursue the project again.

### **V. Commission Analysis and Action**

Because Gamesa acknowledges that it has not secured an enforceable agreement to sell the project's power and has not begun construction, the Commission finds that the permittee has failed to comply with a material condition or term of the permit. Consequently the permit will be revoked. Anyone seeking to develop the project in the future will have to secure a new site permit.

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<sup>2</sup> Minn. R. 7854.0300.

<sup>3</sup> Minn. R. 7854.1300, subp. 3.

<sup>4</sup> Site Permit section III.J.4.

<sup>5</sup> *Id.*, section III.K.2.

**ORDER**

1. The Site Permit for the EcoHarmony West Wind Project is revoked.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf  
Executive Secretary



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