

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 Morgan
Wind Acquisition Group, LLC, for a Large
Wind Energy Conversion System (LWECS)
Site Permit for the 31.5 MW Morgan Wind
Project

ISSUE DATE: July 7, 2015

DOCKET NO. IP-6723/WS-09-360

ORDER REVOKING SITE PERMIT

PROCEDURAL HISTORY

On December 22, 2009, the Commission issued to Morgan Wind Acquisition Group (Morgan Wind) a site permit to erect wind turbines designed to generate 31.5 megawatts (MW) of electricity at a site in Redwood and Brown Counties.

On July 26, 2012, 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 Morgan Wind to show cause why the Commission should not find the permittee out of compliance.

Morgan Wind filed no official reply. However, Commission staff received electronic correspondence from Paul Dinzeo stating that Morgan Wind had ceased operations.

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 to erect wind turbines in Brown and Redwood Counties.

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.¹ People

¹ Minn. R. 7854.0100.

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

III. Site Permit

The site permit issued to Morgan Wind 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.⁴

* * *

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.⁵

While the Commission later extended the deadline to December 22, 2013, the Commission received no statement of noncompliance from the permittee at that time.

IV. Permittee's Statement

Morgan Wind's sole reply to the show-cause letter has been an electronic correspondence from Paul Dinzeo declaring that the firm has ceased operations. Commission staff has not been able to obtain any additional response. However, staff verified that the Minnesota Secretary of State lists Mr. Dinzeo as the manager of the Morgan Wind Acquisition Group, LLC.

V. Commission Analysis and Action

In the absence of any compliance filings from Morgan Wind as required by both the Site Permit and the Commission's show-cause letter, 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.

² Minn. R. 7854.0300.

³ Minn. R. 7854.1300, subp. 3.

⁴ Site Permit section III.J.4.

⁵ *Id.*, section III.K.2.

ORDER

1. The Site Permit for the Morgan Wind Project in Redwood and Brown Counties is revoked.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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