

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David Boyd
J. Dennis O'Brien
Phyllis Reha
Thomas Pugh
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

Keith L. Thorstad
West Stevens Wind, LLC
P.O. Box 321
Chokio, MN 56221

SERVICE DATE: September 8, 2009

DOCKET NO. IP-6824/WS-09-830

In the Matter of the Site Permit Application for a 20 Megawatt (MW) Large Wind Energy Conversion System (LWECS) in Stevens County, Minnesota

The above entitled matter has been considered by the Commission and the following disposition made:

The Commission finds the application combined with the Supplemental/Amended Application Data complete, with the condition that West Stevens Wind, LLC will also provide additional information as requested by the Commission and the OES for the West Stevens Wind project.

Authorized the OES EFP staff to name a public advisor for this project.

The Commission finds that a certificate of need is not required.

The Commission agrees with and adopts the recommendations of the Office of Energy Security which are attached and hereby incorporated in the Order.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary

(S E A L)

This document can be made available in alternative formats (i.e. large print or audio tape) by calling 651.201.2202 (voice). Persons with hearing or speech disabilities may call us through Minnesota Relay at 1.800.627.3529 or by dialing 711.



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE
MINNESOTA OFFICE OF ENERGY SECURITY
ENERGY FACILITY PERMITTING STAFF

DOCKET NO. IP-6824/WS-09-830

Meeting Date: September 2, 2009 Agenda Item # 6

Company: West Stevens Wind, LLC

Docket No. IP-6824/WS-09-830

In the Matter of the Site Permit Application for a 20 Megawatt (MW) Large Wind Energy Conversion System (LWECS) in Stevens County, Minnesota.

Issue(s): Should the Commission accept the application as complete?

OES Staff: Scott Ek..... (651) 296-8813

RELEVANT DOCUMENTS

Site Permit Application.....July 13, 2009

Site Permit Application Revisions August 27, 2009

The enclosed materials are work papers of the Office of Energy Security (OES) Energy Facility Permitting (EFP) staff. They are intended for use by the Minnesota Public Utilities Commission (Commission) and are based on information already in the record unless otherwise noted.

This document can be made available in alternative formats (voice/TTY) by contacting the Minnesota Relay Service at 711 or 1-800-627-3529.

DOCUMENTS ATTACHED

Figure 1 – Proposed LWECS Site Location

Relevant documents and additional information can be found on eDockets (09-830) or the Commission's Energy Facilities Permitting website at: <http://energyfacilities.puc.state.mn.us/Docket.html?Id=24842>.

STATEMENT OF THE ISSUES

Should the Commission accept, conditionally accept, or reject the site permit application? If the application is accepted or conditionally accepted, should the Commission appoint a public advisor?

INTRODUCTION AND BACKGROUND

West Stevens Wind, LLC (WSW or applicant) made application to the Minnesota Public Utilities Commission for a LWECS site permit under the Wind Siting Act (Minnesota Statutes, Chapter 216F) on July 13, 2009. The application is for the construction, operation, and maintenance of a proposed 20 MW wind farm and associated facilities. On August 27, 2009, the applicant filed supplemental and amended information to the initial application submittal.

The applicant is a Minnesota-based limited liability company owned by eight local entities. One of the eight WSW owners has a minor ownership interest in Carstensen Wind, LLC, and is the only WSW owner to have ownership or financial interest in another LWECS. WSW will own, manage and operate the project, including monitoring, maintenance, and repair activities. Mnioka, a Minnesota contracting and development company will manage construction and will be responsible for retaining general contractor services and certain specialty subcontractor for the project.

Project Description and Location

The project is a proposed 20 MW wind farm to be located on approximately 2,880 acres of agricultural land just northwest of the city of Chokio in Stevens County, Minnesota (Figure 1). The project would consist of the following:

- Approximately 13 turbines (depending upon specifications)
- A permanent meteorological tower
- A project substation
- Transmission line interconnection point
- Permanent access roads

Pursuant to Minnesota Statute 216B.1612, subd. 2(g) the project qualifies as a community-based energy development project (C-BED). The Stevens County Planning Commission authorized a conditional use permit for the proposed project on July 30, 2007.

REGULATORY PROCESS AND PROCEDURES

Pursuant to the Minnesota Wind Siting Act, a site permit from the Commission is required to construct a LWECS, which is any combination of a wind charger, windmill, or wind turbine and associated facilities with a combined nameplate capacity of five MW or more that converts wind energy to electric energy.

The rules to implement the permitting requirement for LWECS are found in Minnesota Rules 7836.0100 to 7836.1500. The applicant filed an application with the Commission for a LWECS site permit on July 13, 2009.

Certificate of Need

A certificate of need from the Commission for a large electric power generating plant is not required, as the project does not exceed 50 MW in size (Minnesota Statute 216B.2421).

Site Permit Application Contents

The required contents of a site permit application are specified in Minnesota Rule 7836.0500. These information requirements include, but are not limited to, applicant background information, certificate of need compliance, compliance with state policy, proposed site maps, wind characteristics, other wind turbine locations, discussion of wind rights, project design and associated facilities, environmental impacts, project construction and operation, costs, schedules, energy projections, and decommissioning and restoration.

Application Acceptance

Application acceptance is guided by Minnesota Rule 7836.0600. The Commission may elect to accept, conditionally accept, or reject the application. If the Commission conditionally accepts or rejects an application, the Commission must advise the applicant of the deficiencies in the application and the manner in which the deficiencies can be addressed.

Within 15 days after the Commission's acceptance of a LWECS site permit application, the applicant is required to provide notice of the application. The notice is to be provided to the county board and each city council and township board in each county where the LWECS is proposed to be located and published in a newspaper of general circulation in each county. In practice this notice is developed by the applicant, with assistance from OES staff to ensure that the notice meets the requirements and intent of Minnesota Rule 7836.0600. This notice is also published on eDockets and the PUC's Energy Facility Permitting Website.

As a part of the notice requirements of Minnesota Rule 7836.0600, the applicant must provide a copy of the application to each landowner within the proposed site and to anyone upon request. The applicant is also required to distribute the application to the Minnesota Historical Society, the regional development commission(s), the auditor of each county, and the clerk of each city and township within which the LWECS is proposed to be located. The auditors and clerks are to retain the application and make it available for public inspection on request (Minnesota Rule 7836.0600, subp. 3). The applicant is responsible for maintaining the application distribution list.

In practice, OES staff also distributes copies of the application along with a cover memo requesting comments on the application or the project to technical representatives from state agencies (Pollution Control Agency, Department of Natural Resources, Minnesota Department of Transportation, Department of Employment and Economic Development, Board of Water and Soil Resources) that may have permitting or review authority over the project.

Public Advisor

Minnesota Rule 7836.0700 states, "Upon acceptance of an application for a site permit, the commission shall designate a staff person to act as the public advisor on the project." The Commission can authorize OES EFP to name a staff member as the public advisor or assign a Commission staff member.

Preliminary Determination on Draft Site Permit

In accordance with Minnesota Rule 7836.0800, the Commission shall make a preliminary determination on whether a permit may be issued or should be denied within 45 days after acceptance of the application. If the preliminary determination is to issue a permit, the Commission shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions.

Issuing a draft site permit does not authorize a person to construct a LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date. OES staff anticipates requesting Commission consideration of issuance of a draft site permit for this project in October 2009.

Public Participation Process

Public participation in the LWECS site permitting process is guided by Minnesota Rule 7836.0900. The Commission provides public notice of the availability of the draft site permit. The notice is required to include the following:

- the applicant's contact information;
- a description of the proposed project, including a proposed site map;
- locations where the permit application and draft site permit are available for review and information on how to obtain a copy of the application and site permit;
- the role of the public advisor, and how the public advisor may be contacted to obtain more information about the process or the project;
- the time and place of the public information meeting conducted by OES staff;
- the dates on which the comment period commences and terminates;
- a statement that during the comment period any person may submit comments to the Commission on the draft site permit;
- a statement that a person may request a contested case hearing on the matter; and
- a brief description of the procedures for reaching a final decision on the permit application.

Notice of draft site permit availability is sent to all persons or agencies who received a copy of the permit application, is published in the *EQB Monitor* and in the county newspaper(s) where the project is proposed, and is posted on eDockets and on the Commission's energy facility permitting web page.

Public Meeting

A public meeting will be held at a convenient location in the vicinity of the proposed LWECS project. The meeting will provide the public an opportunity to learn about the proposed project and the Commission's role in review and approval of LWECS and to ask questions of the applicant and OES staff. The meeting is also an opportunity for the public to offer comments on the permit application and draft site permit, which serve as the environmental documents for the project.

Public Comment Period

A minimum 30-day public comment period commencing with the notice of the draft site permit availability in the *EQB Monitor* will afford any interested person an opportunity to submit comments on either the site permit application or the draft site permit. If necessary, the Commission may extend the public comment period to provide the public adequate time to review the application and other pertinent information in order to formulate complete comments on the draft site permit and the project.

STAFF ANALYSIS AND COMMENTS

The application has been reviewed by EFP staff pursuant to the requirements of Minnesota Rules Chapter 7836 (Wind Siting Rules).

Staff finds that the permit application does not provide all the necessary information required by Minnesota Rule 7836.0500. Specifically, the following deficiencies must be addressed:

- Appendix C (Project Layout) of the application has been filed in eDockets as trade secret. Staff does not believe this information to be trade secret; it is a necessary component of the public review process.
- The figures/maps provided in the application do not adequately depict the project layout, turbine spacing, noise setbacks, electrical system configurations, project substation, transformers, transmission grid interconnection, access roads, wetland locations, legends, and scales.
- Noise impact calculations were not provided in the application.
- Wetland maps were not provided in the application.
- The anticipated project schedule identified in the application should be adjusted to incorporate the required timelines of the state's wind siting process.

Accepting the application as complete upon correction of the above deficiencies and submission of identified supplementary data in a format that all members of the public can access will allow staff to proceed with processing the application under Minnesota Rules, Chapter 7836.

Staff finds that the applicant's August 27, 2009, submittal of supplemental/amended permit application data adequately addresses the above deficiencies. The initial application combined with the newly supplied information should therefore be accepted as complete.

COMMISSION DECISION OPTIONS

A. Application Acceptance

1. Accept the application as complete, with the condition that West Stevens Wind, LLC will provide additional information as requested by the Commission and the OES for the West Stevens Wind project.
2. Reject the application as incomplete and issue an order indicating the specific deficiencies to be remedied before the application can be accepted.
3. Find the application combined with the Supplemental/Amended Application Data complete, with the condition that West Stevens Wind, LLC will also provide additional information as requested by the Commission and the OES for the West Stevens Wind project.
4. Make another decision deemed more appropriate.

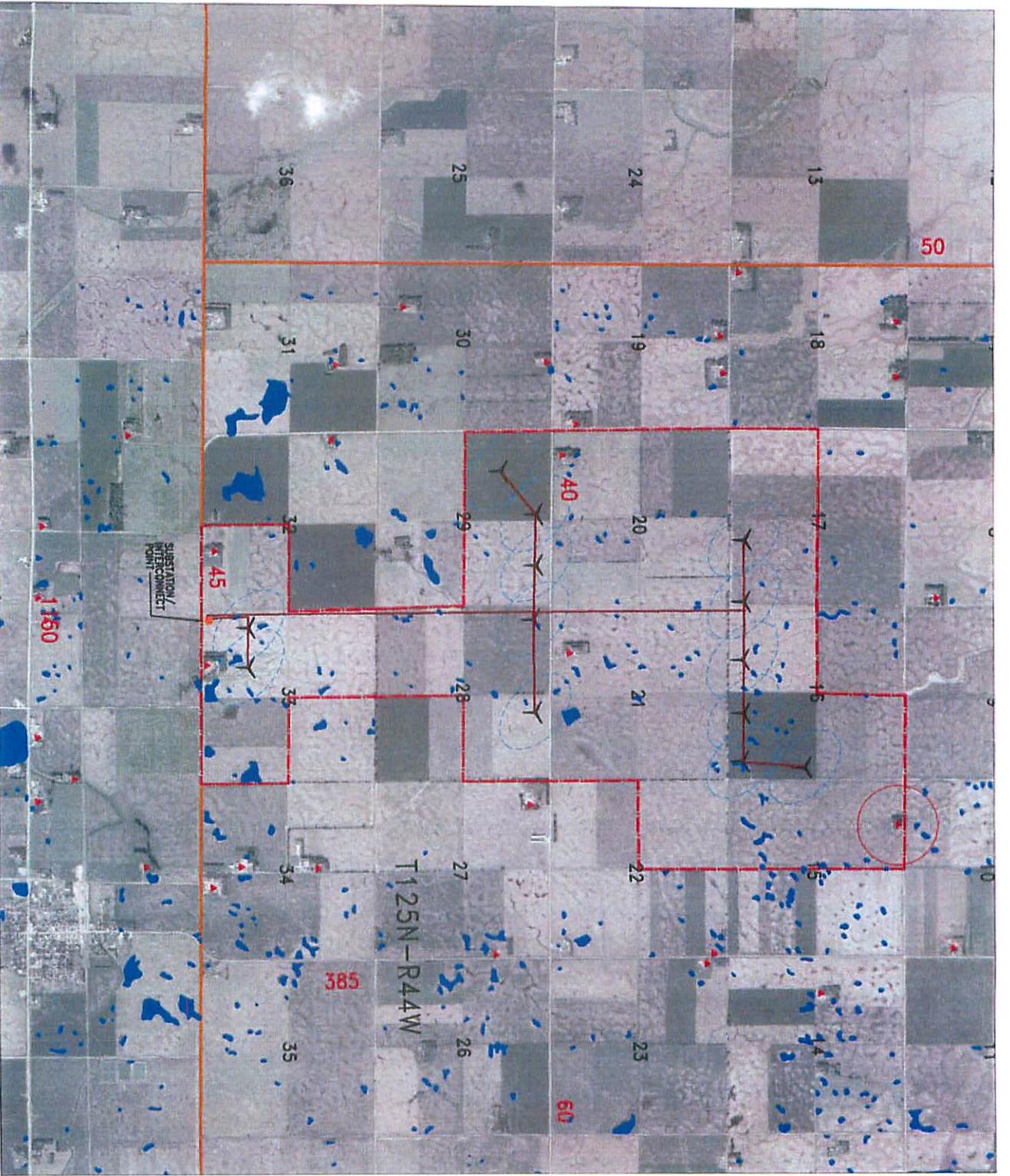
B. Public Advisor

1. Authorize the OES EFP staff to name a public advisor for this project.
2. Appoint a Commission staff person as public advisor.
3. Make another decision deemed more appropriate.

C. Certificate of Need

1. Find that a certificate of need is not required.
2. Make no findings regarding the certificate of need.
3. Make some other decision deemed more appropriate.

Energy Facility Permitting Staff Recommendation: Staff Recommends Options A3, B1, and C1.



LEGEND

- PROPOSED PROJECT BOUNDARY
- TURBINE LOCATION
- SECTION LINE
- TOWNSHIP LINE
- HOME RESIDENCE
- HOME RESIDENCES 1200' RADIUS SETBACK
- TURBINE SETBACKS
- ACCESS ROAD
- COLLECTION LINE
- NATIONAL WETLAND INVENTORY WETLANDS
- SUBSTATION/INTERCONNECT POINT
- 60 ANNUAL AVERAGE DAILY TRAFFIC (AADT) (HWY-2004 DATA) (COUNTY-2005 DATA)

NOTES:

LAND USE: ALL LAND IS CROP
 LANDS UNLESS NOTED OTHERWISE
 CULTURAL RESOURCES: NONE FOUND
 WITHIN PROPOSED PROJECT BOUNDARY
 FLOOD PLAINS: NONE FOUND
 WITHIN PROPOSED PROJECT BOUNDARY
 NATURAL HERITAGE: NONE FOUND
 WITHIN PROPOSED PROJECT BOUNDARY

DATA SOURCES:
 AADT-MNDOT
 WETLANDS-MIN. DEPARTMENT OF
 NATURAL RESOURCES

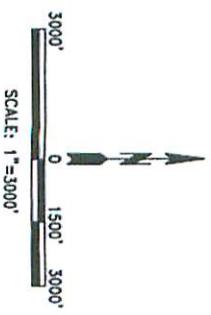


Figure 1
 Proposed LMECS Site Location
 West Stevens Wind, LLC Project
 PUC Docket IP-6824/WS-09-830

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

I, Robin Benson, being first duly sworn, deposes and says:

That on the 8th day of September, 2009 she served the attached
ORDER.

MNPUC Docket Number: IP-6824/WS-09-830

- XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid
- XX By personal service
- XX By inter-office mail

to all persons at the addresses indicated below or on the attached list:

Tricia DeBleeckere
Docketing - OES
Julia Anderson - OAG
John Lindell- OAG

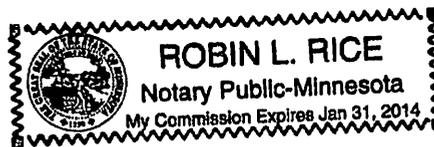
Robin Benson

Subscribed and sworn to before me,

a notary public, this 8th day of

September, 2009

Robin L. Rice
Notary Public



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No
Sharon	Ferguson	sharon.ferguson@state.mn.us	MN Department Of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No
Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No
John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No
Keith	Thorstad	N/A	West Stevens Wind, LLC	PO Box 321 Chokia, MN 56221	Paper Service	No

WEST STEVENS WIND

IP-6824/ws-09-830

CRAIG AFFELDT
MINNESOTA POLLUTION CONTROL
AGENCY
520 LAFAYETTE RD N
ST. PAUL, MN 55155

DOUGLAS BENSON
MINNESOTA DEPARTMENT OF HEALTH
625 NORTH ROBERT ST
ST. PAUL, MN 55155

RANDALL DONEEN
MINNESOTA DEPARTMENT OF NATURAL
RESOURCES
500 LAFAYETTE RD, BOX 10
ST. PAUL, MN 55155

TRAVIS GERMUNDSON
MINNESOTA BOARD OF WATER AND SOIL
RESOURCES
520 LAFAYETTE RD
ST. PAUL, MN 55155

DENNIS GIMMESTAD
MINNESOTA HISTORICAL SOCIETY
STATE HISTORIC PRESERVATION OFFICE
345 KELLOGG BLVD W
ST. PAUL, MN 55101

ROLAND JURGENS
MNIOKA CONSTRUCTION, LLC
PO BOX 321
CHOKIO, MN 56221

SUSAN MEDHAUG
MINNESOTA DEPARTMENT OF
COMMERCE
85 7TH PLACE EAST, SUITE 500
ST. PAUL, MN 55155

BOB PATTON
MINNESOTA DEPARTMENT OF
AGRICULTURE
625 NORTH ROBERT ST
ST. PAUL, MN 55155

MIKE REESE
MINNESOTA REGIONAL DEVELOPMENT
COMMISSION, REGION 4
1000 WESTERN AVE
FERGUS FALLS, MN 56537

JENNIE ROSS
MINNESOTA DEPARTMENT OF
TRANSPORTATION
395 JOHN IRELAND BLVD, MS 620
ST. PAUL, MN 55155

KEITH THORSTAD
WEST STEVENS WIND, LLC
PO BOX 321
CHOKIO, MN 56221

MINNESOTA DEPARTMENT OF EMPLOYMENT
AND ECONOMIC DEVELOPMENT
1ST NATIONAL BANK BUILDING, SUITE E200
332 MINNESOTA ST
ST. PAUL, MN 55101

STEVENS COUNTY PLANNING
COMMISSION
400 COLORADO AVE
MORRIS, MN 56267

CITY OF CHOKIO
221 MAIN ST
PO BOX 36
CHOKIO, MN 56221