

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Buffalo
Ridge Power Partners, LLC for an up to
138 MW large Wind Energy Conversion System
in Yellow Medicine and Lincoln Counties

ISSUE DATE: May 1, 2013

DOCKET NO. IP-6684/WS-08-1448

ORDER REVOKING SITE PERMIT

PROCEDURAL HISTORY

On December 2, 2010, the Commission issued a site permit to Buffalo Ridge Power Partners, LLC (BRPP or the Company) to construct the Bitter Root Wind Project (Project), an up to 138 megawatt Large Wind Energy Conversion System (LWECS), in Yellow Medicine and Lincoln Counties.

On January 28, 2013, BRPP informed the Commission that it had not secured a power purchase agreement and had not commenced construction of the Project. The Company further stated that it was amenable to a revocation of the site permit by the Commission.

On February 21, 2013, the Commission issued a notice of comment period on the revocation of the site permit, requesting initial comments by March 19, 2013, and reply comments by April 2, 2013.¹

On March 19, 2013, the Department of Commerce Energy Facilities Permitting (DOC EFP) staff filed comments, recommending that the Commission, at the Company's request, either 1) allow the permit to be revoked, or 2) amend sections 10.2 and 10.3 of the permit to allow for the termination of the permit at the Company's option.²

On April 25, 2013, the Commission met to consider the matter.

¹ Two public comments were received in response to the notice of comment period. One commentator recommended that the Commission revoke the site permit; the second recommended that the Commission extend the time frame for compliance with permit conditions.

² DOC EFP also recommended that future permits and permit amendments issued by the Commission specifically allow an option for permit revocation or termination at the request of the permittee.

FINDINGS AND CONCLUSIONS

The Commission may revoke a site permit for an LWECS at any time after notice and/or hearing if the Commission finds that the applicant has failed to comply with a material condition or term of the permit.³ Here, the Company acknowledges that it has failed to comply with two material conditions of the site permit, and has requested that the Commission revoke the site permit. The Company further stated that due to the severity of the interconnection obstacles encountered during project development, it did not anticipate being able to satisfy either of these permit conditions in the foreseeable future.

The Commission agrees that under the circumstances, revocation of the site permit is warranted. It is so ordered.

ORDER

1. The Buffalo Ridge Power Partners, LLC's Site Permit for an up to 138 MW Large Wind Energy Conversion System in Yellow Medicine and Lincoln Counties is revoked.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



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³ Minn. Stat. § 216E.14.