



# STATE OF MINNESOTA



Issued: March 16, 2010

## NOTICE OF AVAILABILITY OF DRAFT SITE PERMIT, NOTICE OF AVAILABILITY OF ENVIRONMENTAL REPORT AND NOTICE OF PUBLIC HEARING BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

**In the Matter of the Application of Buffalo Ridge Power Partners, LLC, for a Certificate of Need for the 138 MW Bitter Root Wind Farm Project in Yellow Medicine and Lincoln Counties: Docket Number IP6684/CN-08-785; and**

**In the Matter of the Application of Buffalo Ridge Power Partners, LLC, for a Site Permit for up to 138 MW of Wind Energy Generation in Yellow Medicine and Lincoln Counties: Docket Number IP6684/WS-08-1448**

**PLEASE TAKE NOTICE** that a public hearing will be held on behalf of the Minnesota Public Utilities Commission on Buffalo Ridge Power Partner, LLC's, applications for a certificate of need and site permit for the proposed Bitter Root Wind Farm Project (project). The hearing will address: (a) whether the proposed project is needed and in the public interest, and (b) issues related to the proposed siting of the project. The hearing will be held at the following time and location:

**6:30 PM  
Tuesday, March 30, 2010  
P K Egers  
115 Saint Olaf Avenue North  
Canby, MN**

**Administrative Law Judge.** Administrative Law Judge (ALJ) Bruce Johnson from the Minnesota Office of Administrative Hearings will preside at the hearing. Any person who would like to comment on the need for the project or the proposed site can do so at the hearing or in writing to Judge Johnson: Bruce H. Johnson, Office of Administrative Hearings, P.O. Box 64620, St. Paul, MN 55164-0620, (phone) 651-361-7839, (fax) 651-361-7936, [bruce.johnson@state.mn.us](mailto:bruce.johnson@state.mn.us)

**Written Comments.** Written comments should be submitted to Judge Johnson at the address listed above. Comments will be accepted through **April 21, 2010**. Mailed comments must be postmarked by this date. Faxed, emailed, and delivered comments must be received by 4:30 PM on this date.

**Purpose and Conduct of the Hearing.** During the public hearing, members of the public may offer either oral or written testimony, offer exhibits for inclusion in the public hearing record, and ask questions of the applicant. Any person who wishes to ask questions but does not want to ask the questions personally may submit them in writing to the ALJ, who will then ask the question during the hearing.

Interested persons may comment on the draft site permit, the environmental report, the site permit application, the certificate of need application, or on the project generally. The hearing will continue until all persons have had the opportunity to offer testimony and ask questions. If needed, the hearing may be recessed and continued by the ALJ. At the close of written comment period, Judge Johnson will prepare a written summary of the comments received at the hearing and file it with the Commission which will consider them in its deliberations of the certificate of need and site permit applications.

**Request for Accommodation.** Any person who needs an accommodation for a disability in order to participate in the hearing, and any person who requires an interpreter, including a foreign language interpreter, should promptly notify the Office of Administrative Hearings, P.O. Box 64620, 600 North Robert Street, St. Paul, Minnesota 55164-0620, Phone: (651) 361-7900 (voice) or (651) 361-7878 (TDD).

**Environmental Report.** The Office of Energy Security (OES) has completed and issued an environmental report for the proposed Bitter Root Wind Farm Project (see “Project Contacts and Information” below). The environmental report addresses potential human and environmental impacts of the proposed project and alternatives.

**Project Description.** Buffalo Ridge Power Partners, LLC, proposes a Large Wind Energy Conversion System (LWECS) of up to 138 MW using between 46 and 92 utility scale wind turbine generators, depending on what turbines are ultimately selected. Turbines between 1.5 MW and 3.0 MW in nameplate capacity are under consideration. Turbines under consideration have hub heights between 80 meters (262 feet) and 100 meters (328 feet); total heights (ground to tip when blades are fully extended) of these turbines are 389 to 492 feet. In addition to the wind turbines, the project would include access roads, meteorological towers, communications lines, power lines, and a project substation.

The project area (see map at the end of this notice) consists of 22,434 acres located west and southwest of Canby, Minnesota, in Fortier, Norman, and Florida Townships in Yellow Medicine County and in the northern portion of Hansonville Township in Lincoln County. The applicant has options on approximately 11,500 acres within the project area. The applicant anticipates that the project will permanently impact approximately 120 acres of the project area for all the facilities. The applicant expects to begin construction in 2011 and begin commercial operation 12 – 18 months after construction begins. Electricity from the project would be transmitted via 34.5 kV electric lines to a new project substation. The project would connect to the electric grid along Otter Tail Power Company’s 115 kV Toronto-Canby transmission line at a new project substation.

**Authority and Statement of Issues to Be Decided.** In order to proceed with this project, the applicant must obtain both a certificate of need and a site permit from the Commission. The Commission is authorized by Minnesota Statute § 216B.243, Subd. 2, to issue a certificate of need for a large energy facility if the applicant can prove that there is a need for the project. A certificate of need is a state permit that is issued upon a determination that construction of an energy facility is

in the public interest. The Commission is authorized by Minnesota Statutes §§ 216E.02, Subd. 2 and 216F.04, Subd. a, to designate sites and issue site permits for designated projects. When the Commission designates a site, it issues a permit for the construction of the project specifying the design, location, preparation, and operation of the facility, along with any other appropriate conditions it deems necessary. The Commission is required by Minnesota Statutes §§ 216B.243, subd. 4, and 216F.05, Subd. 3 to hold public meetings and hearings on such applications.

**Project Contacts and Information.** For more information on the **Certificate of Need**, please contact:

Michael Kaluzniak,  
Minnesota Public Utilities Commission,  
121 7th Place E., Suite 350, St. Paul, MN 55101-2147,  
(651) 201-2257  
[mike.kaluzniak@state.mn.us](mailto:mike.kaluzniak@state.mn.us).

For additional information regarding the **Site Permit** application, or to place your name on the project mailing list maintained for this project, please contact:

Suzanne Steinhauer  
State Permit Manager  
Minnesota Department of Commerce,  
85 7th Place E., Suite 500, St. Paul, MN  
55101-2198,  
(651) 296-2888;  
[suzanne.steinhauer@state.mn.us](mailto:suzanne.steinhauer@state.mn.us)

Larry Hartman  
Public Advisor  
Minnesota Department of Commerce,  
85 7th Place E., Suite 500, St. Paul, MN  
55101-2198,  
(651) 296-5089;  
[larry.hartman@state.mn.us](mailto:larry.hartman@state.mn.us).

Other contact information: Toll-Free Tel: 1-800-657-3794, Fax: 651-297-7891 or TTY: Minnesota Relay Service, 800-627-3529, and ask for the DOC.

A copy of the certificate of need application and environmental report can be found on the Commission's eDockets webpage: <https://www.edockets.state.mn.us/EFiling/search.jsp> using Year "08" and Number "785." The LW ECS site permit application and draft site permit can be found on the eDockets webpage using Year "08" and Number "1448"

Copies of the site permit application, draft site permit, environmental report, and other relevant documents, including Minnesota rules and statutes governing the site permitting process, are also available on the Commission's energy facilities permitting website at:  
<http://energyfacilities.puc.state.mn.us/Docket.html?Id=25538>

Persons may add their names to the project mailing list for the Bitter Root Wind Farm Project by contacting Ms. Steinhauer or by registering on the Commission's energy facilities permitting website (above).

Copies of the certificate of need application, the environmental report prepared on the certificate of need application, the site permit application, and the draft site permit are available at the offices of the Yellow Medicine County Administrator and the Lincoln County Auditor, and at the Canby Public Library, 110 Oscar Ave. N, Canby, MN 56220.

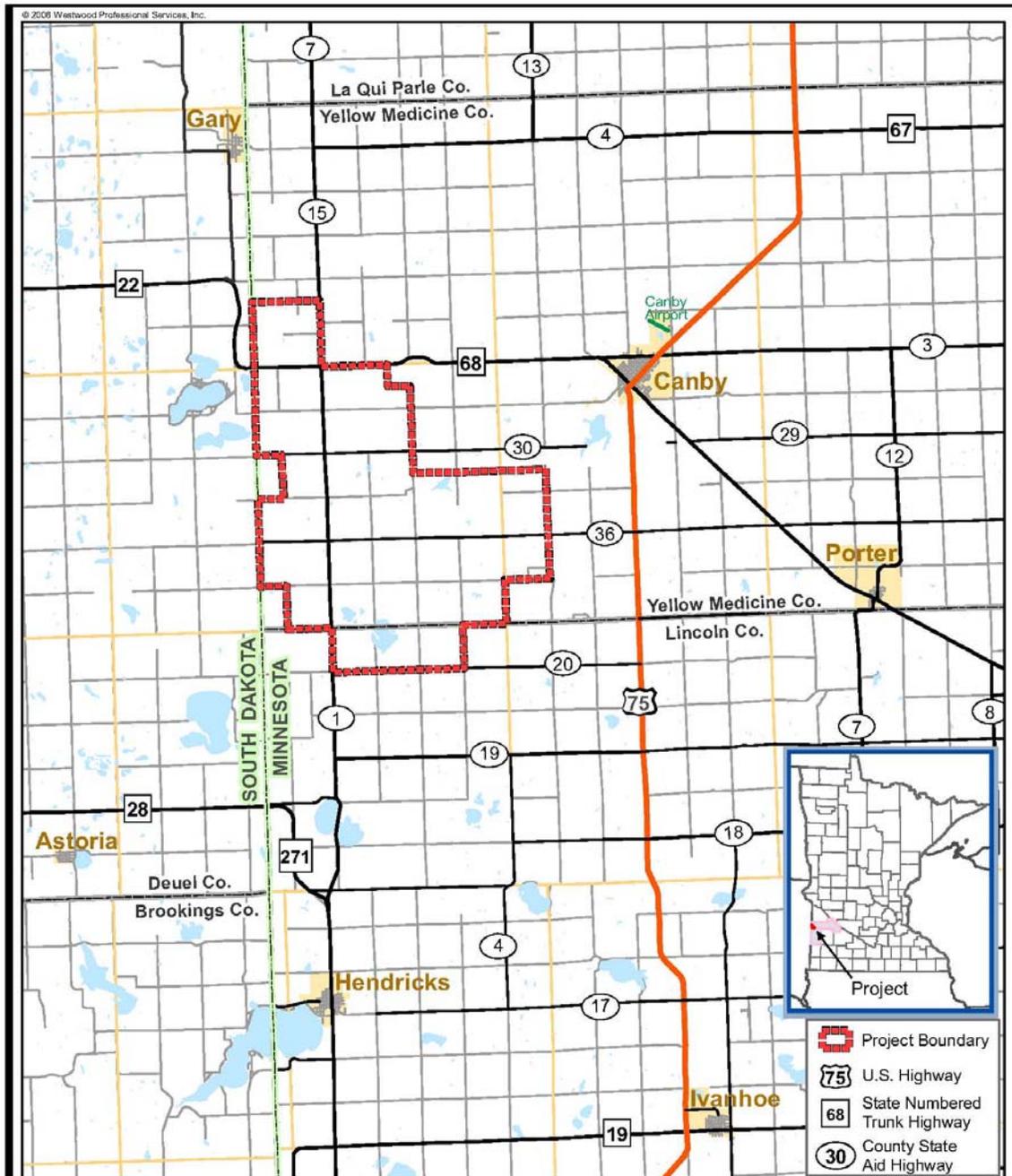
Questions about the Bitter Root Wind Project can also be directed to the applicant by contacting:

Peter Kennon  
Project Developer  
ACCIONA Energy North America  
333 West Wacker Drive, Suite 1500  
Chicago, IL 60606  
(312) 673-3020  
[pkennon@acciona-na.com](mailto:pkennon@acciona-na.com).

**Contested Case Hearing Request.** Any person may request a more formal contested case hearing on the site permit proceeding for the LWECs pursuant to Minnesota Rules part 7854.0900. All contested case hearing requests must be filed with Judge Johnson in writing by 4:30 PM on April 21, 2010. The person requesting the contested case hearing must list the issues sought to be addressed in the hearing and the reason why a contested case hearing is required to resolve those issues. The Commission shall order a contested case hearing if it finds that a material issue of fact has been raised and that the holding of the contested case hearing will aid it in making a final decision on whether to authorize construction of the project. Upon completion of the public participation and hearing process, the record created will be presented to the Commission for final decisions on the applications.

**Eminent Domain.** Buffalo Ridge Power Partners, LLC, an independent power producer, does not have the power of eminent domain to acquire the land or wind rights necessary for this project. Wind and land rights necessary for the project will be limited to voluntary easement or lease agreements between Buffalo Ridge Power Partners, LLC, and individual landowners.

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651-201-2202 (Voice) or 1-800-627-3529 (TTY relay service).



Data Source(s): MnDOT Basemap (2008); ISRI Major Roads (2006); South Dakota DOT Roads (2008); MnDNR 100X Hydrography (2002); USGS National Hydrography Dataset (2008); SD PLS and Municipal (unknown); MnDNR PLS (2004); MnDOT Basemap-Muni (2003); Minnesota Atlas and Gazetteer (2003).

# Bitter Root Wind Project

Yellow Medicine and Lincoln counties, Minnesota

Project Vicinity Map

Exhibit 1

**Westwood**  
 Westwood Professional Services, Inc.  
 7699 Anagram Drive  
 Eden Prairie, MN 55344  
 PHONE 952-937-5150  
 FAX 952-937-5822  
 TOLL FREE 1-888-937-5150  
 www.westwoodpsi.com



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