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November 4, 2009

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

**RE: Comments and Recommendation of the Office of Energy Security Energy
Facility Permitting Staff
Docket No. IP6684/WS-08-1448**

Dear Dr. Haar:

Attached are the Comments and Recommendation of the Office of Energy Security Energy Facility Permitting Staff in the following matter:

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

The OES EFP staff is also providing you with:

- A. Project Vicinity Map

Staff is available to answer any questions the Commission may have.

Sincerely,

Suzanne Lamb Steinhauer
OES EFP Staff

Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET NO. IP6684/WS-08-1448

Meeting Date: November 12, 2009

Agenda Item # _____

Company: Buffalo Ridge Power Partners, LLC

Docket No. IP6684/WS-08-1448

**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(s): Should the Commission accept the Buffalo Ridge Power Partners, LLC, application
for a Large Wind Energy Conversion System (LWECS) site permit as complete?

OES Staff: Suzanne Lamb Steinhauer.....651-296-2888

Relevant Documents

Route Permit Application.....October 13, 2009

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

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).

(Relevant documents and additional information can be found on eDockets (# 08-1448) or the PUC Facilities Permitting website <http://energyfacilities.puc.state.mn.us/Docket.html?Id=25538>)

Statement of the Issues

Should the Public Utilities Commission (the PUC or Commission) accept, conditionally accept, or reject the application of Buffalo Ridge Power Partners LLC, as complete? If the Application is accepted, should the Commission appoint a public advisor?

Introduction and Background

Buffalo Ridge Power Partners, LLC (Applicant), has submitted a site permit application for a proposed 138 megawatt (MW) wind farm in Yellow Medicine and Lincoln counties. Buffalo Ridge Power Partners, LLC, a Delaware limited liability company based in Minneapolis, is a joint venture of ACCIONA Wind Energy USA, LLC, and Global Winds Harvest, LLC. The Applicant anticipates that the Project will be owned and operated exclusively by ACCIONA Wind Energy once constructed and commercially operable. Neither the Applicant nor any of its related entities own or operate any other LWECS in Minnesota.

The Applicant proposes to locate the Bitter Root Wind Farm Project (Project) west and southwest of the city of Canby and has identified a Project Area of approximately 35 square mile (22,500 acres) located in Fortier and Florida townships of Yellow Medicine County and Hansonville Township in Lincoln County (see attached map). The Applicant represents having site control of approximately 12,600 acres within the Project Area. Depending upon final design, the Applicants anticipate that the Project would occupy approximately 120 acres.

The Applicant proposes to use up to 92 1.5 Megawatt (MW) wind turbine generators, or up to 46 3 MW wind turbine generators. In addition to the turbines, the proposed Project would consist of:

- Associated turbine access roads and electric collector lines;
- A permanent meteorological towers;
- An operations and maintenance building;
- A project substation; and
- An interconnect to the transmission grid;

The Applicant anticipates that construction of the Project will begin in 2011, with commercial operation expected within 18 months from the commencement of construction.

Regulatory Process and Procedures

A site permit from the Commission is required to construct a LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirement for LWECS are in Minnesota Rules Chapter 7854. Buffalo Ridge Power Partners, LLC, filed an application with the Commission for a site permit on October 13, 2009.

Certificate of Need

Because the Project is larger than 50 MW, it is considered a large electric power generating plant under Minnesota Statute 216B.2421 and a Certificate of Need (CN) from the Commission is required for the Project under Minnesota Statute 216B.243.

The Applicant applied to the Commission for a CN for the Project on April 27, 2009. The CN review is proceeding under PUC Docket Number IP6684/CN-08-785.

Site Permit Application Contents

The required contents of a site permit application are specified in Minnesota Rule 7854.0500. 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 turbine locations, discussion of wind rights, project design, associated facilities, environmental impacts, project construction, project operation, costs, schedules, energy projections and decommissioning and restoration.

Application Acceptance

Application acceptance is guided by Minnesota Rule 7854.0600. 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 of LWECS site permit application acceptance, the Applicant is required to provide notice of application acceptance. In addition to publishing this notice in a newspaper of general circulation in each county, the notice is distributed to the county board and each city council and township board in each county where the LWECS is proposed to be located. This notice is also published in the *EQB Monitor*, eDockets, and on the PUC's energy facility permitting web page. 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 7854.0600.

As a part of the notice requirements of Minn. Rule 7854.0600, the Applicant must provide a copy of the accepted application to each landowner within the site and to anyone on request. The Applicant is also required to distribute the accepted application to the Minnesota Historical Society, the regional development commission(s) within which the LWECS is proposed, the auditor of each county and the clerk of each city and township in 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. In practice, the Applicant also provides a copy of the application to anyone requesting a copy. The Applicant is responsible for maintaining the application distribution list. In practice, EFP 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 7854.0700 states: “Upon acceptance of an application for a site permit, the PUC shall designate a staff person to act as the public advisor on the project.” The Commission can authorize OES to name a staff member from the EFP staff as the public advisor or assign a Commission staff member.

Preliminary Determination on Draft Site Permit

Minnesota Rule 7854.0800 states that: “Within 45 days after acceptance of the application by the commission the commission shall make a preliminary determination whether a permit may be issued or should be denied. 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 confer an authority to construct an 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. EFP staff anticipates requesting commission consideration of issuance of a draft site permit for this project in December.

Public Participation Process

Public participation in the LWECs site permitting process is guided by Minnesota Rule 7854.0900. The commission provides public notice of the availability of the draft site permit. The notice is required to include:

- Applicant’s contact information;
- a brief description of the proposed project, including a proposed site map;
- locations where the 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;
- time and place of the public information meeting held 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; and
- a statement that a person may request a contested case hearing on the matter.

Notice of draft site permit availability is sent to all persons or agencies who received a copy of the accepted application, published in local newspaper, the *EQB Monitor*, and posted on eDockets, and on the Commission’s energy facility permitting web page.

The public information meeting serves several functions. First, it provides OES EFP staff with the opportunity to provide an overview of the commission’s role in the review and approval of LWECs and associated facilities, and respond to questions or comments about the regulatory review process. Second, it also provides the Applicant with an opportunity to present an overview of its proposed LWECs project. Prior to the public meeting, interested persons and governmental agencies would have received the LWECs application and draft site permit. Third, the public meeting provides the public with an opportunity to ask questions of the Applicant and EFP staff and offer comments on the application and draft site permit, which serve as the environmental documents for the project.

The rule requires a minimum of 30 days (commencing with the notice of the draft site permit availability in the *EQB Monitor*) for any interested person to submit comments on either the site permit application or the draft site permit. The rule also contemplates that the Commission may wish to extend the public comment period to afford 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.

OES EFP Staff Analysis and Comments

The Application has been reviewed by EFP staff pursuant to the requirements of Minnesota Rules Chapter 7854 (Wind Siting Rules). The application provides the information required by Minnesota Rule 7854.0500 in a format that all members of the public can access. Acceptance of the Application will allow staff to initiate the procedural requirements of Minnesota Rules, Chapter 7854.

The Applicant has agreed to honor requests for additional information as necessary to facilitate the review process.

Commission Decision Options

A. Application Acceptance

1. Accept the Buffalo Ridge Power Partners, LLC, Site Permit Application for a Large Wind Energy Conversion System, with the condition that Buffalo Ridge Power Partners, LLC, will provide additional information as requested by the Commission and the Office of Energy Security for the Bitter Root Wind Farm 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 complete upon the submission of supplementary information.
4. Make another decision deemed more appropriate.

B. Public Advisor

1. Authorize the Minnesota Office of Energy Security Energy Facilities Permitting 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.

DOC EFP Staff Recommendation: Staff recommends option A1 and B1.

