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November 16, 2012

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

**RE: Comments and Recommendations of the Department of Commerce Energy Facility Permitting Staff**  
Docket No. IP-6828/WS-09-1197

Dear Dr. Haar:

Attached please find the initial comments and recommendations of the Department of Commerce Energy Facility Permitting staff in the following matter:

Application of Pleasant Valley Wind, LLC for a Site Permit for a 301-Megawatt Large Wind Energy Conversion System in Dodge and Mower counties.

The petition for approval to extend the in-service date and amend the site permit for the 301 MW Pleasant Valley Wind Project was filed on October 25, 2012, by:

Brian M. Meloy & Andrew J. Gibbons  
Leonard, Street and Deinard.  
150 South Fifth Street, Suite 2300  
Minneapolis, MN 55402

Energy Facility Permitting staff has prepared: (1) a proposed LWECS amended site permit. EFP staff may submit reply comments by November 23, 2012, if warranted, and is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink that reads "Larry B. Hartman". The signature is written in a cursive, flowing style.

LARRY B. HARTMAN  
Energy Facility Permitting

LBH/sm  
Attachment



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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

**COMMENTS AND RECOMMENDATIONS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE  
ENERGY FACILITY PERMITTING STAFF**

DOCKET NO. IP-6828/WS-09-1197

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EFP Staff: Larry B. Hartman

651-296-5089

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**In the Matter of** the Application of Pleasant Valley Wind, LLC for a Site Permit for a 301 MW Large Wind Energy Conversion System in Dodge and Mower Counties.

**Issues Addressed:** Department of Commerce, Energy Facility Permitting (EFP) staff's comments on the Pleasant Valley Wind, LLC's petition to extend the in-service date and amend their site permit for a 301 MW LWECs in Dodge and Mower Counties.

Document Attached:

1. EFP Proposed Amended Site Permit

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**INTRODUCTION AND BACKGROUND**

On October 27, 2010, the Minnesota Public Utilities Commission (Commission) issued a site permit to Pleasant Valley Wind, LLC to construct the 301 MW Pleasant Valley Wind Project in Dodge and Mower Counties.<sup>1</sup>

***Amendment Request***

On October 25, 2012, the Commission received a petition from Pleasant Valley Wind, LLC to amend its site permit by extending for two years both the time in which to obtain a Power Purchase

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<sup>1</sup> Minnesota Public Utilities Commission Order, October 27, 2010, eDockets Document ID [201010-55879-01](#).

Agreement (PPA) or some other enforceable mechanism for sale of the electricity and the deadline to begin construction.<sup>2</sup> Pleasant Valley Wind requests in its petition “that the Commission amend the Site Permit to allow additional time to obtain a PPA or other enforceable mechanism, complete pre-construction surveys, and commence construction of the Project.”<sup>3</sup>

## **REGULATORY PROCESS AND PROCEDURES**

Siting of Large Wind Energy Conversion Systems are governed by Minnesota Statutes, §216F. Minnesota Statutes 216F.03 states:

"The legislature declares it to be the policy of the state to site LWECS in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources."

Minnesota Rules, part 7854.1000, subpart 1, directs the Commission to make a final site permit decision based on the record that has been compiled in the matter. Minnesota Rule, part 7854.1000, subpart 3, requires that the Commission determine that:

"...the project is compatible with environmental preservation, sustainable development, and the efficient use or resources, and the applicant has complied with this chapter."

Minnesota Rules, part 7854.1300, subpart 2, states that:

"The Commission may amend a site permit for an LWECS at any time if the commission has good cause to do so."

## **EFP STAFF ANALYSIS AND COMMENTS**

In recent years and for a variety of reasons, several permitted wind projects have petitioned the Commission for permit amendments to allow additional time to obtain a power purchase agreement (PPA) or other enforceable mechanism and to commence construction. The Commission has granted these petitions in all cases, except one in which the Commission denied the petition in the second request for amendment from Kenyon Wind. EFP staff notes that one other permit amendment request is pending and that other permitted LWECS projects may also seek a permit amendment to allow additional time to obtain a power purchase agreement or other enforceable mechanism and to commence construction.

Department of Commerce Energy Facility Permitting staff has no comment on the merits of Pleasant Valley Wind's petition regarding the reasons for being unable to obtain a PPA or commence construction within the two year time frame provided by the permit.

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<sup>2</sup> Pleasant Valley Wind, LLC Petition for Approval to Extend the In-Service Date and Amend the Site Permit for the 301 MW Pleasant Valley Wind Farm, October 25, 2012. eDockets, Document ID: [201210-79929-01](#).

<sup>3</sup> Id. at p. 1.

However, because the Commission found in its initial permit decision that the proposed project is compatible with environmental preservation, sustainable development and the efficient use of resources, it would appear that any permit amendment should also meet those standards. To that end, EFP staff focused its analysis on three areas:

- Project changes that would substantially change the findings accompanying the Commission's original permit decision, and potentially change the Commission's determination that the project is compatible with the standards set out in Statute and Rule;
- Compliance with existing site permit terms and conditions; and
- Potential permit amendments not requested by the applicant, but consistent with more recently issued site permits.

## **PROJECT CHANGES**

Pleasant Valley Wind in its petition proposes to extend by two years the period of time by which it must obtain a PPA or other enforceable mechanism, complete pre-construction surveys and commence construction. Beyond the time extensions for obtaining a PPA, completing pre-construction surveys and commencing construction, Pleasant Valley Wind is not proposing any other changes to the project or the site permit.

### **Environmental Impacts**

A review of the record for the Pleasant Valley Wind Project indicates the site is approximately 70,000 acres in size and that more than 90 percent of the land is used for agricultural purposes. There are no Wildlife Management Areas (WMAs) or Waterfowl Production Areas (WPAs) within one-mile of the Project area.

There is one Scientific and Natural Area (SNA) within the project boundaries. The 145 acres Wild Indigo Prairie SNA is a linear (east-west) SNA that extends from Ramsey to Dexter through the Project area and located along a 12-mile strip of abandoned railroad right-of-way in Mower County. Due to the prevailing wind direction, wind turbines will not be located within five (5) rotor diameters of the Wild Indigo SNA. Setbacks from SNAs are at sections 4.1 and 4.5 of the site permit. While there are public waters within the Project area, none are believed to have significant recreational recourses for fishing, swimming, or boating, and they are utilized principally as drainage conveyance for agricultural cropland. There are no local, county, state, or federal parks or recreational areas within the Project area.

Wildlife habitat impacts are expected to minimal because turbines and access roads will be placed exclusively in agricultural land. According to the Applicant, the Project is not within a migratory flyway and use of the area by migratory birds is limited.

When the permit was issued (October 2010) the Applicant was in the final stages of conducting an avian survey for the Project and impacts to bats was to be determined upon completion of a desktop and field analysis. Section 13.2 of the site permit requires the Permittee to submit the

results of its avian and bat surveys 30 days after completion or 30 days prior to the pre-construction meeting, and document how those results will be used to inform the micro-siting process and the Avian and Bat protection Plan.

Data from the Natural Heritage Information System (NHIS) and the North American Breeding Bird Survey (BBS) indicate that the threatened loggerhead-shrike may be present in the Project area. Avian impacts were to be determined after the avian surveys have been completed for the Project area.

On July 22, 2011, representatives of Pleasant Valley Wind, filed its “*Wildlife Baseline Studies for the Pleasant Valley Wind Project Area: Final Report* September 2009 – October 2010.”<sup>4</sup> The executive summary of this report concluded as follows:

In general, the Project area is comprised largely of cropland (92 %), consistent with available guidance, regarding appropriate sites for wind energy development to avoid and minimize impacts to wildlife. The results of this study showed the Project area had an overall bird use that was lower or consistent with other comparable study area. In particular, the Project area exhibited one of the lowest observed raptor use rates of publicly –available pre-construction data from proposed wind project in the country, and is predicted to pose very low risk to raptor species. Bat use in the Project area is high relative to publicly available pre-pre-construction data from other wind project sites. Any additional bat use survey data and post-construction fatality surveys should be designed to further evaluate the potential and actual impact of the Project on bats and to provide a more robust dataset for predicting potential bat fatalities from wind projects based on pre-construction bat use estimates.

The July 22, 2011, cover letter accompanying the report stated, “We will work closely with OES to discuss these results and incorporate this into our project planning as appropriate.”<sup>5</sup>

However, some the information on wildlife and rare and unique natural resources in the project record is now approximately three years old. In discussions, DNR staff pointed out that new information is constantly being entered into the Natural Heritage Information System (NHIS) database and if search results are more than one-year old, a new search is recommended.

The petition filed by Pleasant Valley Wind did not include a discussion of any possible new environmental impacts or updated wildlife and rare and unique natural resource information. This lack of updated natural resource data makes it difficult for EFP staff to comment on any potential changes in impacts of this project to wildlife or rare or unique natural resources.

EFP staff believes that the permittee should provide 1) updated information on the possible presence of state-or federally-listed species prior, such as bald eagles or loggerhead shrike, 2) a

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<sup>4</sup>“ *Wildlife Baseline Studies for the Pleasant Valley Wind Project Area: Final Report, September 2009 – October 2010*”, prepared by Western EcoSystems Technology, Inc., eDockets, Document ID [20117-64519-01](#).

<sup>5</sup> Id.

summary of any biological and natural resource inventories or studies it has conducted since the permit was issued, and 3) an indication of whether it believes that the impacts to wildlife and rare and unique natural resource are substantially the same as when the permit was issued. EFP staff also recommends that the Permittee consult with both the DNR and EFP staff to review the results of the *Wildlife Baseline Study*, and review natural resource issues, if any, as it relates to micro-siting in determining final turbine locations for the Pleasant Valley Wind Project. As noted in its Wildlife Base Line Studies:

Any additional bat use survey data and post-construction fatality surveys should be designed to further evaluate the potential and actual impact of the Project on bats and to provide a more robust dataset for predicting potential bat fatalities from wind projects based on pre-construction bat use estimates.

Pleasant Valley Wind, DNR and EFP staff would like to the opportunity to review and discuss the July 2011 Wildlife Baseline Studies and report back to the Commission on the need for any additional post-construction monitoring.

## **COMPLIANCE WITH EXISTING SITE PERMIT TERMS AND CONDITIONS**

Pleasant Valley Wind's petition seeks to bring it back into compliance with permit conditions 10.2 and 10.3.

### **10.2 Power Purchase Agreement**

Permit Condition 10.2 requires Pleasant Valley Wind to obtain a PPA or other enforceable mechanism for sale of the electricity generated by the Project within two years of the permit issuance.

Pleasant Valley Wind in its petition states that "The Project, MISO Project Number G762, entered the MISO queue on March 143, 2007. Since entering the generator interconnection queue over five (5) years ago, Pleasant Valley Wind has been "transitioned" to new generator interconnection processes twice, illustrating fundamental problems with the MISO interconnection process that are entirely beyond Pleasant Valley Wind's control."<sup>6</sup> The petition also states that "Pleasant Valley Wind, however, continues to actively engage in efforts to secure financing, obtain a PPA and complete pre-construction surveys to meet a revised construction commencement deadline. A two year extension to the Site Permit will provide sufficient time to clear the MISO interconnection process and complete all pre-construction requirements, as Pleasant Valley Wind anticipates completing the MISO interconnection process and entering into a large generator interconnection agreement no later than mid-2014."<sup>7</sup>

### **10.3 Failure to Commence Construction**

Permit Condition 10.3, states that:

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<sup>6</sup>Pleasant Valley Wind, LLC Petition for Approval to Extend the In-Service Date and Amend the Site Permit for the 301 MW Pleasant Valley Wind Farm, October 25, 2012. eDockets, Document ID: [201210-79929-01](#), page 2.

<sup>7</sup> Id. at p. 3

"If the Permittee has not completed the pre-construction surveys required under this permit and commenced construction of the Project within two years of the issuance of this Permit, the Permittee must advise the Commission of the reason construction has not commenced."

The Permit, at condition 10.2, does not authorize construction of the Project without a PPA or other enforceable mechanism; it follows that Paynesville Wind must find a purchaser for their power before commencing construction or providing for an enforceable mechanism for sale of the electricity generated by the project.

Since this permit was issued EFP staff has developed a permit compliance filing and tracking system that allows EFP staff to more effectively monitor and track state permitted wind projects. EFP staff has reviewed Pleasant Valley Wind's compliance filings to date and with the exception of the items as discussed above (10.2 and 10.3); Pleasant Valley Wind appears to be current with compliance filing requirements.

## **CONSISTENCY WITH RECENTLY ISSUED SITE PERMITS**

Since issuance of a site permit in October 2010 to Pleasant Valley Wind, the Commission has made several changes to LWECS permits by modifying site permit requirements at conditions 5.6 [Pre-Construction Meeting, 5.7 [Pre-Operation Meeting], 6.2 [Shadow Flicker], 6.7 [Avian and Bat Protection], 6.8 [Project Energy Production], 6.9 [Wind Resource Use], adding a new permit condition 8.4 [Notification to the Commission], and by modifying Attachment 2 [Complaint Handling Procedures for Large Wind Energy Conversion Systems].

EFP staff also reviewed the Pleasant Valley Wind site permit for other possible changes that would provide greater clarity and guidance on permit compliance to the Permittee. EFP staff review in consultation with staff from the Minnesota Department of Natural Resources (DNR) noted two other opportunities for permit language amendments, one for 4.7 [Native Prairie] and the other, 6.1 [Biological and Natural Resource Inventories].

EFP staff has incorporated language changes made by the Commission in more recently issued site permits as identified above and also proposes other language modifications, as discussed in this section. Other minor modifications include a universal change throughout the permit modifying the number of days for submittal of pre-construction and pre-operation compliance filings from 10 working days to 14 calendar days, unless otherwise noted, and clarifying what is meant by the term "filing." The accompanying proposed amended permit shows all modifications and changes (all language deletions and additions are shown by strike out and underlining and are highlighted in red). EFP staff proposed changes to this permit are nearly identical to the changes proposed by EFP staff in the permit amendment request of Paynesville Wind (Docket 10-49). Site permit modifications are reviewed in sequential order as follows:

### **4.7 Native Prairie**

In reviewing the native prairie language in section (4.7) of the site permit, EFP staff concluded that: 1) the existing language was not as clear as it could be regarding when a Prairie Protection and Management Plan is required, 2) the 10 working day period for review of a prairie protection

plan was insufficient and presented construction timing related issues, if native prairie was impacted by the Project, and 3) the method of native prairie restoration was not clearly identified. Therefore, EFP staff has revised the native prairie language to provide clarity, increased time for review to 30 days, and addressed native prairie restoration, if necessary.

#### 4.7 NATIVE PRAIRIE

Wind turbines and associated facilities, including foundations, access roads, collector and feeder lines, underground cable, and transformers, shall not be placed in native prairie, as defined in Minnesota Statutes section 84.02, subdivision 5, or lands enrolled in the Native Prairie Bank program as provided for in Minnesota Statutes section 84.96, unless addressed in a Prairie Protection and Management Plan. Construction activities, as defined in Minnesota Statutes section 216E.01, shall not impact native prairie unless addressed in a Prairie Protection and Management Plan.

If native prairie is identified in any biological or natural resource inventories conducted pursuant to Section 6.1, or if lands defined as native prairie or lands enrolled in the Native Prairie Bank program have the potential to be impacted by construction activities, The Permittee shall, in consultation with the Commission and DNR, prepare and file a Prairie Protection and Management Plan and submit it to the Commission and DNR at least ~~ten (10) working~~ thirty (30) days prior to the pre-construction meeting, ~~if native prairie is identified in any biological and natural resource inventories conducted pursuant to Section 6.1.~~ The plan shall address steps that will be taken to avoid impacts to native prairie and, if applicable, mitigation to unavoidable impacts to native prairie ~~by including~~ restoration or management of other native prairie areas that is in degraded condition, ~~by~~ conveyance of conservation easements, or by other means agreed to by the Permittee and Commission. Restoration of native prairie impacted by construction shall be done in accordance with the provisions of Minnesota Statutes 84.02, Subd.2. ~~Wind turbines and associated facilities, including foundations, access roads, collector and feeder lines, underground cable, and transformers, shall not be located in areas enrolled in the Native Prairie Bank Program.~~

Department of Natural Resources staff has indicated that they support this language modification and believe the amended permit, if approved, should include the proposed change.

#### **5.6 Pre-Construction and 5.7 Pre-Operation Meeting**

The Commission recently modified the pre-construction and pre-operation meeting requirement language, which is incorporated below with some minor modifications by the EFP staff for the purpose of clarity.

#### 5.6 PRE-CONSTRUCTION MEETING

Prior to the start of any construction, ~~the Permittee shall conduct a pre-construction meeting with the Field Representative and the State Permit Manager designated by the~~

~~Commission to coordinate field monitoring of construction activities.~~ representatives of the Permittee, the Field Representative, and the Department of Commerce State Permit Manager for this project shall participate in a pre-construction meeting to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. The Permittee shall file with the Commission within fourteen (14) days following the pre-construction meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's construction start date.

## 5.7 PRE-OPERATION COMPLIANCE MEETING

~~At least ten (10) working~~ fourteen (14) days prior to commercial operation, the Permittee shall conduct a pre-operation compliance meeting with the Site Manager and the State Permit Manager designated by the Commission to coordinate field monitoring of operation activities. representatives of the Permittee, the Site Manager and the Department of Commerce State Permit Manager shall participate in a pre-operation compliance meeting to review compliance reporting requirements. The Permittee shall file with the Commission within fourteen (14) days following the pre-construction meeting a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the project's date of commercial operation.

### **6.1 Biological and Natural Resource Inventories**

The existing Permit, at 6.1 requires Paynesville Wind to conduct preconstruction desktop and field inventories of biological and natural resource inventories within the site and assess the presence of state-or federally-listed species prior to construction. More recently issued permits focus the area of the surveys to potentially impacted areas and require the report be provided prior to the preconstruction meeting. Permit language has been changed to reflect this focus.

As noted earlier, NHIS search results should be updated if the original search data is more than one year old. Likewise, updated information on the possible presence of state-or federally-listed species, such as bald eagles or trumpeter swans should be provided prior to construction. EFP believes that the information requirements of this permit condition should be updated or refreshed prior to submittal of a final turbine layout and filed at least 30 days prior to the pre-construction meeting.

### **6.2 Shadow Flicker**

The Commission has required permittees to provide information on shadow flicker. Although the site permit issued addresses shadow flicker [6.2], the EFP proposed amended site permit contains updated language on shadow flicker, thereby making it consistent with language in the pending amended permit request of Paynesville Wind (Docket 10-49) and the Black Oak and Getty projects in Stearns County. The proposed language also clarifies what residences are to be included in the modeling used to calculate shadow flicker exposure and substitutes fourteen (14) calendar days for ten (10) working days as the minimum time for submittal of compliance filings associated with pre-construction or pre-operation compliance meetings.

## **6.2 SHADOW FLICKER**

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall provide data on shadow flicker for each residence of non-participating landowners and participating landowners within and outside of the project boundary subject to exposure from turbine shadow flicker. Information shall include the results of modeling used, assumptions made, and the anticipated ~~duration of exposure from turbine shadow flicker~~ for each residence. The Permittee shall provide documentation on its efforts to minimize shadow flicker ~~impacts exposure~~. The results of any modeling shall be submitted to filed with the Commission at least fourteen (14) days prior to the pre-construction meeting to confirm compliance conditions of this permit.

## **6.7 Avian and Bat Protection**

While the language requirements for reporting on avian and bat protection is relatively new, similar language has been included in recently issued site permits. However, because this language is relatively new, it is also more likely to be modified or fine-tuned to clarify what is required to be reported, when it is required, how it is filed, noticed and distributed.

EFP has also been working with the Minnesota Department of Natural Resources and the United States Fish and Wildlife Service clarify the avian and bat reporting requirements in the site permit at 6.7.

The special monitoring and study requirements for an Avian and Bat Protection Plan are specifically addressed as a special condition (Section 13). Depending on project location within the state and the presence or absence of different resource features, permitted sites may have distinctly different potential impacts and the duration of monitoring or other studies that may be required will vary from project to project. For example, a low risk site may have no monitoring requirement; whereas, a moderate risk site may require one year of monitoring. Therefore, specific project monitoring requirements may be different.

Irrespective of the project specific monitoring requirements, it is important to clearly identify the scope of the reporting requirements, the method and timing of filing reports, as well as notice and distribution requirements. EFP believes the proposed amended permit language at 6.7 does that.

### **6.7.1 AVIAN AND BAT PROTECTION PLAN**

The Permittee shall, in consultation with the Commission and DNR, prepare an Avian and Bat Protection Plan and ~~submit it to the Commission~~ file it at least ~~ten (10) working~~ thirty (30) days prior to the pre-construction meeting. The plan shall address steps to be taken to identify and mitigate impacts to avian and bat species during the construction phase and the operation phase of the Project. The plan shall also include formal and informal monitoring, training, wildlife handling, documentation (e.g., photographs), and reporting protocols for each phase of the Project.

~~The Permittee shall submit quarterly avian and bat reports to the Commission. Quarterly reports are due by the 15<sup>th</sup> of each January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols.~~

~~In the event that five or more dead or injured non-protected avian or bat species or a single dead or injured migratory, state threatened, endangered, species of special concern, or federally listed species are discovered in the vicinity of the rotor swept area, the Commission, United States Fish and Wildlife Services (USFWS), and DNR shall be notified within twenty-four (24) hours.~~

The Permittee shall, by March 15 following each complete or partial calendar year of operation, file with the Commission an annual report detailing findings of its annual audit of ABPP practices monitoring. The annual report shall include summarized and raw data of bird and bat fatalities and injuries and shall include bird and bat fatality estimates for the Project using multiple agreed upon estimators from the prior calendar year. The annual report shall also identify any deficiencies or recommended changes in the operation of the Project or in the ABPP to reduce avian and bat fatalities and shall provide a schedule for implementing the corrective or modified actions. The Permittee shall provide a copy notice of the report to DNR and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

#### 6.7.2 QUARTERLY INCIDENT REPORTS

The Permittee shall ~~submit~~ file quarterly avian and bat reports ~~to the Commission~~. Quarterly reports are due by the 15<sup>th</sup> of each January, April, July, and October commencing the day following commercial operation and terminating upon the expiration of this permit. Each report shall identify any dead or injured avian and bat species, location of find by turbine number, and date of find for the reporting period in accordance with the reporting protocols. If a dead or injured avian or bat species is found, the report shall describe the potential cause of the occurrence and the steps taken to avoid future occurrences. The Permittee shall provide a copy notice of the report to DNR and to the U.S. Fish and Wildlife Service at the time of filing with the Commission.

#### 6.7.3 IMMEDIATE INCIDENT REPORTS

The Permittee shall notify the Commission, United States Fish and Wildlife Service (USFWS), and DNR within twenty-four (24) hours of the discovery of any of the following within the vicinity of the rotor swept area:

- (a) five or more dead or injured non-protected avian or bat species within a reporting period;
  - (b) one or more dead or injured migratory avian or bat species;
  - (c) one or more dead or injured state threatened, endangered, or species of special concern;
- or

- (d) one or more dead or injured federally listed species; or-
- (e) one or more bald eagles.

### **6.8 Project Energy Production and 6.9 Wind Resource Use -- Reporting Requirements**

The permit requires Pleasant Valley Wind to report to the Commission on the Project's Energy Production [6.8] and Wind Resource Use [6.9]. EFP staff is suggesting some minor changes to language in the existing permit to clarify filing time, information and data requirements, clarification on project size, and the treatment of filed data.

#### **6.8 PROJECT ENERGY PRODUCTION**

The Permittee shall ~~submit a report no later than~~ by February 1<sup>st</sup> following each complete or partial year of Project operation submit file a report to with the Commission including:  
~~The report shall include:~~

- (a) The ~~rated nameplate~~ installed nameplate capacity of the permitted Project;
- (b) The total monthly energy generated by the Project in MW hours;
- (c) The monthly capacity factor of the Project;
- (d) Yearly energy production and capacity factor for the Project;
- (e) The operational status of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (f) Any other information reasonably requested by the Commission.

This information shall be considered public and must be submitted electronically.

#### **6.9 WIND RESOURCE USE**

The Permittee shall, by February 1st following each complete or partial calendar year of operation, file with ~~upon the request of the Commission, report to the Commission on the monthly energy production of the Project and the average monthly and average annual wind speed collected at one permanent meteorological tower selected by the Commission~~ during the preceding year or partial year of operation.

~~The provisions of Section 11.7 shall apply to the Commission's review of data provided pursuant to this section.~~ This information shall be considered public and must be filed electronically.

The project energy production numbers and wind resource use information now being requested is much less detailed than what was requested prior to 2010. This topic was discussed in greater detail in the EFP staff Comments and Recommendations recently filed in the Paynesville Wind docket (10-49).<sup>8</sup>

Given the general nature of the reporting requirements, coupled with the fact that similar language has been included in site permits since February 2010 and because of a public interest in wind energy production, the amended permit language is reasonable.

The proposed permit language requires the Permittee to file wind resource data annually at the same time as the energy production data. Because the wind resource data requested is high level summary data (average annual and monthly wind speeds collected at one met tower within the Project area), EFP staff believes the requested data also should be considered public for all projects.

#### **8.4 Notification to the Commission**

The Commission added this new permit condition language to the site permit issued by the Commission to CWS Wind Farm, LLC on May 1, 2012. See Docket IP-6871/WS-11-863. For consistency purposes, EFP has included this permit requirement in the proposed amended site permit.

#### 8.4 NOTIFICATION TO THE COMMISSION

At least three (3) day before the Project is to commence commercial operation, the Permittee shall ~~notify the Commission of~~ file the date on which the Project will commence commercial operation and the date on which construction was completed.

#### **Attachment 2**

The Commission modified the language in Attachment 2 of the site permit issued by the Commission to CWS Wind Farm, LLC on May 1, 2012. See Docket IP-6871/WS-11-863. For consistency purposes, EFP has included this Commission modified language in Attachment 2 of the proposed amended site permit. See proposed language in EFP proposed amended site permit.

### **EFP STAFF RECOMMENDATIONS**

1. Prior to making a decision Pleasant Valley Wind will provide the following updated natural resource information prior to making a final decision on issuing an amended permit:
  - a. updated information on the possible presence of state-or federally-listed species, such as bald eagles or loggerhead shrike,
  - b. a updated summary of any biological and natural resource inventories or studies it has conducted since the permit was issued, and

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<sup>8</sup> See edockets, Document ID [201211-80592-01](#), p. 11-13.

- c. an indication of whether it believes that the impacts to wildlife and rare and unique natural resource are substantially the same as when the permit was issued.
2. Pleasant Valley Wind, DNR and EFP staff shall meet to review and discuss the July 2011 Wildlife Baseline Studies and report back to the Commission on the need for any additional post-construction monitoring.