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November 9, 2012

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
127 7th 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-6830/WS-10-49

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 Paynesville Wind, LLC for a Site Permit for a 95-Megawatt Large Wind Energy Conversion System in Stearns County, Minnesota

The petition for approval to extend the in-service date and amend the site permit for the 95 MW Paynesville Wind Farm was filed on October 2, 2012, by:

Christina K. Brusven
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425

Energy Facility Permitting staff has prepared: (1) a proposed LWECS amended site permit. EFP staff may submit reply comments by November 26, 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
Attachmen



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET No. IP-6830/WS-10-49

EFP Staff: Larry B. Hartman

651-296-5089

In the Matter of the Application of Paynesville Wind, LLC for a Site Permit for a 95 MW Large Wind Energy Conversion System in Stearns County

Issues Addressed: Department of Commerce, Energy Facility Permitting (EFP) staff's comments on the Paynesville Wind, LLC's petition to extend the in-service date and amend their site permit for a 95 MW LWECS in Stearns County.

Document Attached:

1. EFP Proposed Amended Site Permit
-

INTRODUCTION AND BACKGROUND

On January 26, 2011, the Minnesota Public Utilities Commission (Commission) issued a site permit to Paynesville Wind, LLC to construct the 95 MW Paynesville Wind Farm in Stearns County.¹

Amendment Request

On October 2, 2012, the Commission received a petition from Paynesville Wind, LLC to amend its site permit by extending for two years both the time in which to obtain a Power Purchase

¹ Minnesota Public Utilities Commission Order, January 26, 2011, eDocket Document ID [20111-58910-01](#) and [20111-58910-02](#)

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Agreement (PPA) or some other enforceable mechanism for sale of the electricity and the deadline to begin construction.² Paynesville Wind states in its petition “that it does not propose any changes to the permit beyond extending the PPA and construction deadlines.”

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 two other permit amendment requests are pending.

Department of Commerce Energy Facility Permitting staff has no comment on the merits of Paynesville 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.

² Paynesville Wind, LLC *Petition for Approval to Extend the In-Service Date and Amend the Site Permit for the 95 MW Paynesville Wind Farm*, October 2, 2012. eDocket Document ID: [201210-79140-01](#)

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

Paynesville Wind in its petition proposes to extend by two years the period of time by which it must obtain a PPA and commence construction. Beyond the time extensions for obtaining a PPA and commencing construction, Paynesville Wind does not propose any other changes to the project or the site permit.

Environmental Impacts

EFP staff notes that the Permittee was pro-active and did take into consideration the avoidance of impacts to natural resource features in development of the turbine layout and associated facilities design maps for each of the three turbine models under consideration in the site permit issued by the Commission on January 26, 2011.

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

In addition, since the permit was issued, DNR has received information, primarily photos, from the public documenting the presence of a bald eagle within or near the project and the possible presence of trumpeter swans in seasonal wetlands. The DNR has provided Paynesville Wind with this information.

However, the petition filed by Paynesville Wind did not include a discussion of any possible new environmental impacts or updated wildlife and rare and unique natural resource information. The presence of bald eagles or the possible presence of trumpeter swans in seasonal wetlands was likewise not addressed in the petition. 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 suggested that the permittee should provide 1) updated information on the possible presence of state-or federally-listed species prior, such as bald eagles or trumpeter swans, 2) a 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.

COMPLIANCE WITH EXISTING SITE PERMIT TERMS AND CONDITIONS

Paynesville's petition seeks to bring it back into compliance with permit conditions 10.2 and 10.3. In addition, EFP staff notes that compliance with permit condition 5.2 is uncertain.

10.2 Power Purchase Agreement

Permit Condition 10.2 requires Paynesville 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.

Paynesville Wind asserts that it has been unable to obtain a PPA or other enforceable mechanism because of delays associated with uncertainty regarding extension of the federal energy production tax credit, coupled with MISO Group 5 studies, interconnection revisions at MISO and a strained equipment delivery schedule for a potential purchaser of the power. Paynesville Wind has indicated that it is committed the Project by having submitted the Project into the new definitive phase planning process at MISO and paid the required \$960,000 deposit, of which \$660,000 is non-refundable.³

10.3 Failure to Commence Construction

Permit Condition 10.3, states that:

"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.

5.2 Notice to Local Residents

Permit Condition 5.2. requires the permittee to provide a copy of the permit within 10 days of permit issuance to the auditor of each county within which the site is located, as well as representatives of each city and township within which the Project is located and to provide a copy of the permit to each affected landowner within the site within 30 days of permit issuance.

³ Id. at p. 3

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 Paynesville Wind's compliance filings to date and with the exception of the items as discussed above (10.2 and 10.3); Paynesville Wind appears to be current with compliance filing requirements, with the possible exception of permit condition 5.2, Notice to Local Residents.

While Paynesville Wind may have provided a copy of the Permit to local units of government and landowners, e-filed documentation confirming compliance with permit condition 5.2 has not been filed. If notice to local residents has taken place, Paynesville Wind needs to file documentation confirming that permit condition 5.2 has been met.

In the event that Paynesville Wind has not complied with permit condition 5.2, the record should reflect that this permit condition has not been satisfied. EFP staff has contacted representatives of Paynesville Wind to determine whether notice was provided, but had not received a reply as of November 8, 2012.

If Paynesville Wind is not in compliance with permit condition 5.2, EFP staff sees no value, and the potential for confusion, in sending a permit that is essentially invalid to potentially affected governments and landowners. Should the Commission choose to amend the permit and re-issue a site permit, Paynesville Wind is obligated to satisfy this requirement by mailing a copy of the amended permit to local units of governments and affected landowners and e-filing documentation demonstrating compliance with permit condition 5.2. Should the Commission refuse the request for permit amendment, the question of notice becomes moot.

CONSISTENCY WITH RECENTLY ISSUED SITE PERMITS

Since issuance of a site permit in January 2011 to Paynesville 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 Paynesville 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 is also proposing 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), the most significant 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 and possibly 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.~~

EFP staff has provided this proposed permit language to staff at the Minnesota Department of Natural Resources for its review. DNR staff has indicated that they support this language modification and believe the amended permit, if approved, should include the proposed change. EFP staff anticipates including this proposed amended permit language in future site permits.

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 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 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 a one-year monitoring requirement; whereas, a moderate risk site may require more than a 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 AVIAN AND BAT PROTECTION PLAN

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, 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. 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 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 15th 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 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 Paynesville 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 1st 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.

All state issued site permits for LWECs have included requirements for reporting on energy production and wind resource use. The first state issued site permit [October 31, 1995] contained the following language at section III.H.1 [Project Energy Production] and III.H.2 [Wind Resource Use]:

H. REPORTING

1. **PROJECT ENERGY PRODUCTION.** The Permittee shall, by July 15 of each year, report to the MEQB on the monthly energy production of the Project and the average monthly wind speed collected at one permanent meteorological tower selected by the MEQB chair during the preceding year or partial year of operation. The report shall include copies of any project production reports filed with the Midwest Area Power Pool (MAPP), the Federal Energy Regulatory Commission (FERC), or the MPUC or any other public regulatory agency. The Permittee shall describe the operational status and availability of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year.

2. **WIND RESOURCE USE.** After commercial operation, the Permittees shall provide the MEQB convenient review of the follow average hourly data for each hour of commercial operation in printed format or electronic format capable of computerized analysis as specified by the MEQB:

(a) The power output of each turbine;

(b) The wind speed and direction measured at all monitored heights at any temporary and permanent meteorological towers, connected to the SCADA system, owned or operated by the either permittee, in or within one mile of the project site boundary; and

(c) Temperature and any other meteorological parameters recorded at one permanent meteorological tower selected by the MEQB Chair.

After two years of commercial operation, the MEQB Chair may reduce or eliminate the requirements of this condition. The provisions of paragraph III.J.5 (now permit condition 11.7), shall apply to the MEQB's review of this data.

The site permit requirements for energy production and wind resource use reporting since February 2010 are much less stringent than the reporting requirements in place between 1995 and 2009.

By way of background, in the mid-1990's, large wind energy conversion systems in Minnesota were a new phenomenon, the technology was relatively unproven, but promising, turbines had no performance history and the unknowns were numerous. The two primary wind developers at that time were also vertically integrated entities operating in a very competitive, but immature market. There were many unanswered questions about a turbine's ability to perform in a cold weather climate outside of California and there was little history to rely on. More often than not, developers argued that their mythical turbine was better than their competitor's mythical turbine.

Because of these uncertainties, Minnesota's wind resource potential, and a legislative mandate for wind development (up to 825 MW), it was determined that the state should be provided with data to determine that: 1) turbines would meet performance expectations with regard to availability; 2) turbine performance aligned with calculated energy production expectations; and 3) developers were providing for efficient use of the wind resource. Therefore, extensive energy reporting and wind resource use information was included as a requirement to assess and monitor development of wind energy projects in Minnesota. Due to the extensive nature of the required information, it was also reasonable, at that time, to conclude that this detailed data could be treated as proprietary or trade secret information.

As the industry and the market for wind energy matured, turbine technology improvements, consistent turbine availability and performance characteristics have lessened the need for detailed energy production and wind resource use data. In late 2009, EFP staff worked with permittees to modify site permit conditions 6.8 and 6.9 to require energy reporting and wind resource use that is considerably less detailed than the requirements of earlier permits. Since detailed production data is no longer being required, it is not unreasonable to expect that the monthly data now being requested should be treated as public information, rather than proprietary or trade secret.

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

Based on statements by Commissioners in recent wind siting proceedings, there appears to be an interest that compiled data on wind resources is collected at an aggregate level. 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

If the Commission finds that Paynesville Wind's request to extend for two years the time for acquiring a power purchase agreement or some other enforceable mechanism for the sale of electricity to be generated by the Project (Condition 10.2) and the time allowed to commence construction (Condition 10.3) is reasonable, EFP staff recommends that the Commission:

1. Require Paynesville Wind to 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 trumpeter swans,
 - b. a summary of any biological and natural resource inventories or studies it has conducted since the permit was issued, and
 - 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. If, upon such filing, the Commission finds that the impacts to wildlife and rare and unique natural resource are substantially the same:
 - a. Issue the EFP Proposed Amended Site Permit and
 - b. Direct Paynesville Wind to submit a compliance filing documenting that the requirements of condition 5.2 [Notice to Local Residents] have been satisfied.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

**SITE PERMIT FOR A
LARGE WIND ENERGY CONVERSION SYSTEM**

IN STEARNS COUNTY

**ISSUED TO
PAYNESVILLE WIND, LLC**

PUC DOCKET NO. IP-6830/WS-10-49

In accordance with Minnesota Statutes section 216F.04 this site permit is hereby issued to:

Paynesville Wind, LLC

Paynesville Wind, LLC is authorized to construct and operate up to a 95 Megawatt Large Wind Energy Conversion System on the site identified in this site permit and in compliance with the conditions contained in this permit.

This permit shall expire thirty (30) years from the date of ~~this~~ approval of this amended permit approval.

Approved and adopted this _____ day of December 2012

BY ORDER OF THE COMMISSION

BURL W. HAAR
Executive Secretary

(S E A L)

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SITE PERMIT

This **SITE PERMIT** for a Large Wind Energy Conversion System (LWECS) authorizes Paynesville Wind, LLC (“Permittee”) to construct and operate the Paynesville Wind Farm (“Project”), up to a 95 Megawatt (MW) nameplate capacity LWECS and associated facilities in Stearns County, on a site of approximately 15,000 acres in accordance with the conditions contained in this permit.

SECTION 1 PROJECT DESCRIPTION

The up to 95 MW nameplate capacity LWECS authorized to be constructed in this permit will be developed and constructed by the Permittee. The Project will consist of up to 60 General Electric (GE) 1.6 MW wind turbine generators on either 262.5 foot (80 meter) or 328 foot (100 meter) towers with a rotor diameter of 270 feet (82.5 meters), up to 53 Vestas 1.8 MW wind turbine generators on either 262.5 foot (80 meter) or 328 foot (100 meter) towers with a rotor diameter of 295 feet (90 meters), or up to 42 Siemens 2.3 MW wind turbine generators on 262.5 foot (80 meter) towers with a rotor diameter of 331 feet (101 meters) having a combined nominal nameplate capacity of approximately 95 MW. Associated facilities will include pad mounted step-up transformers for each wind turbine, access roads, an electrical collection system, feeder or collector lines, a permanent meteorological tower, a Sonic Detection and Ranging unit or Light Detection Ranging unit, a project substation, and possibly a metering yard. Power will ultimately be delivered to the existing Paynesville Substation.

SECTION 2 DESIGNATED SITE

2.1 PROJECT BOUNDARY

The Project boundary is shown on the map at Attachment 1. The Project is located in Stearns County, in the townships of Paynesville (section 5), Zion (sections 4-9, 16-22, 29-32), Spring Hill (section 36), and Lake Henry (sections 1, 11-13, 22-27).

2.2 TURBINE LAYOUT

Three preliminary wind turbine and associated facility layouts are shown on maps at Attachments 1A, 1B, and 1C. Each preliminary layout represents the approximate location of wind turbines and associated facilities within the Project boundary and identifies a layout that minimizes the overall potential human and environmental impacts, which were evaluated in the permitting process. The final layout depicting the location of each wind turbine and associated facility shall be located within the Project boundary. The Project boundary serves to provide the Permittee with the flexibility to do minor adjustments to the preliminary layout to accommodate landowner requests, unforeseen conditions encountered during the detailed engineering and design process, and federal and state agency requirements. Any modification of the location of a wind turbine and associated facility depicted in a preliminary layout shall be done in such a manner as to have comparable overall human and environmental impacts and shall be

specifically identified in the site plan pursuant to Section 5.1. The Permittee shall submit the final site layout in the site plan pursuant to Section 5.1.

SECTION 3 APPLICATION COMPLIANCE

The Permittee shall comply with those practices set forth in its site permit application, dated January 29, 2010, and the record of this proceeding unless this amended permit establishes a different requirement in which case this amended permit shall prevail. Attachment 4 contains a summary of compliance filings required under this amended permit. , which is provided solely for the convenience of the Permittee. If this conflicts with Attachment 4, the conditions in this permit will control.

SECTION 4 SETBACKS AND SITE LAYOUT RESTRICTIONS

4.1 WIND ACCESS BUFFER

Wind turbine towers shall not be placed less than five (5) rotor diameters (RD) on the prevailing wind directions and three (3) RD on the non-prevailing wind directions from the perimeter of the property where the Permittee does not hold the wind rights, without the approval of the Commission. This section does not apply to public roads and trails.

4.2 RESIDENCES

Wind turbine towers shall not be located closer than 1,000 feet from a residence unless a waiver has been signed by the property owner(s) or the distance required to comply with the noise standards pursuant to Minnesota Rule 7030.0040 established by the Minnesota Pollution Control Agency (MPCA) PCA whichever is greater. In no case shall a wind turbine be located closer than 750 feet to a residence.

4.3 NOISE

The wind turbine towers shall be placed such that the Permittee shall comply with noise standards established as of the date of this permit by the MPCA at all times at all appropriate locations. The noise standards are found in Minnesota Rules chapter 7030. Turbine operation shall be modified or turbines shall be removed from service if necessary to comply with these noise standards. The Permittee or its contractor may install and operate turbines as close as the minimum setback required in this permit, but in all cases shall comply with MPCA noise standards. The Permittee shall be required to comply with this condition with respect to all homes or other receptors in place as of the time of construction, but not with respect to such receptors built after construction of the towers.

4.4 ROADS

Wind turbine and meteorological towers shall not be located closer than 250 feet from tip of the blade to the edge of the nearest public road right-of-way.

4.5 PUBLIC LANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be located in public lands, including Waterfowl Production Areas, Wildlife Management Areas, Scientific and Natural Areas or county parks, and wind turbine towers shall also comply with the setbacks of Section 4.1.

4.6 WETLANDS

Wind turbines and associated facilities including foundations, access roads, underground cable and transformers, shall not be placed in public waters wetlands, as defined in Minnesota Statutes section 103G.005, subdivision 15a, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act.

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 are 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.

4.8 SAND AND GRAVEL OPERATIONS

Wind turbines and all associated facilities, including foundations, access roads, underground cable and transformers, shall not be located within active sand and gravel operations, unless otherwise negotiated with the landowner with notice given to the owner of the sand and gravel operation.

4.9 WIND TURBINE TOWERS

Structures for wind turbines shall be self-supporting tubular towers. The towers may be up to 100 meters (328 feet) above grade measured at hub.

4.10 TURBINE SPACING

The turbine towers shall be constructed within the site boundary as shown in Attachment 1. The turbine towers shall be spaced no closer than three (3) RD in the non-prevailing wind directions and five (5) RD on the prevailing wind directions. If required during final micro-siting of the turbine towers to account for topographic conditions, up to 20 percent of the towers may be sited closer than the above spacing but the Permittee shall minimize the need to site the turbine towers closer.

4.11 METEOROLOGICAL TOWERS

Permanent towers for meteorological equipment shall be free standing. Permanent meteorological towers shall not be placed less than 250 feet from the edge of the nearest public road right-of-way and from the boundary of the Permittee's site control, or in compliance with the county ordinance regulating meteorological towers in the county the tower is built, whichever is more restrictive. Meteorological towers shall be placed on property the Permittee holds the wind or other development rights.

Meteorological towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the meteorological towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

4.12 AVIATION

The Permittee shall not place wind turbines or associated facilities in a location that could create an obstruction to navigable airspace of public and private airports (as defined in Minnesota Rule 8800.0100, subparts 24a and 24b) in Minnesota, adjacent states, or provinces. The Permittee shall apply the minimum obstruction clearance for private airports pursuant to Minnesota Rule 8800.1900, subpart 5. Setbacks or other limitations shall be followed in accordance with the Minnesota Department of Transportation (DOT), Department of Aviation, and the FAA. The Permittee shall notify owners of all known airports within six (6) miles of the Project prior to construction.

4.13 FOOTPRINT MINIMIZATION

The Permittee shall design and construct the LWECS so as to minimize the amount of land that is impacted by the LWECS. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, step-up transformers, and monitoring systems shall, to the greatest extent feasible, be mounted on the foundations used for turbine towers or inside the towers unless otherwise negotiated with the affected landowner(s).

4.14 COMMUNICATION CABLES

The Permittee shall place all supervisory control and data acquisition (SCADA) communication cables underground and within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner(s).

4.15 ELECTRICAL COLLECTOR AND FEEDER LINES

Collector and feeder lines comprise the electrical collection system. Collector lines that carry electrical power from each individual transformer associated with a wind turbine to an internal project interconnection point shall be buried underground. Collector lines shall be placed within or adjacent to the land necessary for turbine access roads unless otherwise negotiated with the affected landowner(s).

Feeder lines that carry power from an internal project interconnection point to the Project substation or interconnection point on the electrical grid may be overhead or underground. Feeder line locations shall be negotiated with the affected landowner(s).

Any overhead feeder lines that parallel public roads shall be placed within the public rights-of-way or on private land immediately adjacent to public roads. If overhead feeder lines are located within public rights-of-way, the Permittee shall obtain approval from the governmental unit responsible for the affected right-of-way.

Collector and feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited to, existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines in the site plan pursuant to Section 5.1.

The Permittee must fulfill, comply with, and satisfy all Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards applicable to this Project including, but not limited to, IEEE 776 [Recommended Practice for Inductive Coordination of Electric Supply and Communication Lines], IEEE 519 [Harmonic Specifications], IEEE 367 [Recommended Practice for Determining the Electric Power Station Ground Potential Rise and Induced Voltage from a Power Fault], and IEEE 820 [Standard Telephone Loop Performance Characteristics] provided the telephone service provider(s) have complied with any obligations imposed on it pursuant to these standards. Upon request by the Commission, the Permittee shall report to the Commission on compliance with these standards.

SECTION 5 ADMINISTRATIVE COMPLIANCE PROCEDURES

The following administrative compliance procedures ~~shall be executed in accordance with the Permit Compliance Filings at Attachments 3 and 4~~ require submissions to the Commission for Commission approval. Submissions to the Commission must be made by electronic filing (eFiling).

5.1 SITE PLAN

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission:

- (a) a site plan for all turbines, roads, electrical equipment, collector and feeder lines, and other associated facilities to be constructed;
- (b) engineering drawings for site preparation, construction of the facilities; and
- (c) a plan for restoration of the site due to construction.

The Permittee may submit a site plan and engineering drawings for only a portion of the Project if the Permittee intends to commence construction on certain parts of the Project before completing the site plan and engineering drawings for other parts of the Project. The Permittee shall document, through GIS mapping, compliance with the setbacks and site layout restrictions required by this permit, including compliance with the noise standards pursuant to Minnesota Rules chapter 7030. In the event that previously unidentified environmental conditions are discovered during construction that by law or pursuant to conditions outlined in this permit would preclude the use of that site as a turbine site, the Permittee shall have the right to move or relocate turbine site. The Permittee shall notify the Commission of any turbines that are to be relocated before the turbine is constructed on the new site and demonstrate compliance with the setbacks and site layout restrictions required by this permit.

5.2 NOTICE TO LOCAL RESIDENTS

Within ~~ten (10) working~~ fourteen (14) days of ~~approval of this~~ permit issuance, the Permittee shall send a printed copy of the permit to the office of the auditor of each county in which the site is located and to the clerk of each city and township within the site boundaries. ~~If As~~ applicable, the Permittee shall, within ~~ten (10) working~~ fourteen (14) days of permit ~~approval~~ issuance, send a printed copy of this permit to each regional development commission, local fire district, soil and water conservation district, watershed district, and watershed management district office with jurisdiction in the county where the site is located. Within thirty (30) days of approval of this amended permit, the Permittee shall send a copy of the permit to each landowner within the Project boundary. In no case shall the landowner receive this site permit and complaint procedure, developed pursuant to Section 5.8, less than five (5) days prior to the start of construction on their property.

5.3 NOTICE OF PERMIT CONDITIONS

Prior to the start of construction, the Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the Project of the terms and conditions of this permit.

5.4 FIELD REPRESENTATIVE

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting and continuously throughout construction, including site restoration, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during the construction phase of this Project. This person (or a designee) shall be accessible by telephone during normal working hours. This person's address, phone number, and emergency phone number shall be provided to the Commission, which may make the number available to local residents and officials and other interested persons. The Permittee may change the field representative by notification to the Commission by eFiling.

5.5 SITE MANAGER

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of this Project. The Permittee shall provide the Commission with the name, address, and phone number, and emergency phone number of the site manager fourteen (days) prior to placing any turbine into commercial operation. This information shall be maintained current by informing the Commission of any changes by eFiling, as they become effective.

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.

5.8 COMPLAINTS

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall ~~submit to file with~~ the Commission the company's procedures to be used to receive and respond to complaints. The Permittee shall report to the Commission all complaints received concerning any part of the Project in accordance with the procedures provided in Attachments 2 and 3 of this permit.

SECTION 6 SURVEYS AND REPORTING

6.1 BIOLOGICAL AND NATURAL RESOURCE INVENTORIES

The Permittee, in consultation with the Commission and DNR, shall design and conduct pre-construction desktop and field inventories of potentially impacted, ~~if any~~, native prairies, wetlands, and any other biologically sensitive areas within the site, and assess the presence of state threatened, endangered, or species of special concern or federally listed species. The results of ~~any surveys~~ these inventories shall be ~~submitted to the Commission and DNR~~ filed at least thirty (30) days prior to the pre-construction meeting to confirm compliance of conditions in this permit.

The Permittee shall ~~provide to the Commission~~ file any biological surveys or studies conducted on this Project, including those not required under this permit.

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.

6.3 ARCHAEOLOGICAL RESOURCES

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist. The Permittee shall carry out a Phase 1 or 1A Archaeology survey for all proposed turbine locations, access roads, junction boxes, and other areas of Project construction impact to determine whether additional archaeological work is necessary for any

part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to the Commission, the SHPO, and the State Archaeologist at least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issues in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist. The Permittee shall not excavate at such locations until so authorized by *the Commission in consultation with the SHPO and the State Archaeologist*.

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law enforcement authorities or the State Archaeologist. If any federal funding, permit, or license is involved or required, the Permittee shall notify the SHPO as soon as possible in the planning process to coordinate section 106 (36 C.F.R. part 800) review.

Prior to construction, construction workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If any archaeological sites are found during construction, the Permittee shall immediately stop work at the site and shall mark and preserve the site and notify the Commission, SHPO, and State Archaeologist about the discovery. The Commission and SHPO shall have three working days from the time the agency is notified to conduct an inspection of the site if either agency shall choose to do so. On the fourth day after notification, the Permittee may begin work on the site unless the SHPO has directed that work shall cease. In such event, work shall not continue until the SHPO determines that construction can proceed.

6.4 INTERFERENCE

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall submit to the Commission the results of an assessment of television and radio signal reception, microwave signal patterns, and telecommunications in the Project area. The assessment shall be designed to provide data that can be used in the future to determine whether the turbines and associated facilities are the cause of disruption or interference of television or radio reception, microwave patterns, or telecommunications in the event residents should complain about such disruption or interference after the turbines are placed in operation. The Permittee shall be responsible for alleviating any disruption or interference of these services caused by the turbines or any associated facilities.

The Permittee shall not operate the Project so as to cause microwave, television, radio, telecommunications, or navigation interference in violation of Federal Communications Commission regulations or other law. In the event the Project or its operations cause such interference, the Permittee shall take timely measures necessary to correct the problem.

6.5 WAKE LOSS STUDIES

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall ~~provide to the Commission file~~ the pre-construction micro-siting analysis leading to the final tower locations and an estimate of total Project wake losses. The Permittee shall ~~provide to the Commission file~~ any operational wake loss studies conducted on this Project.

6.6 NOISE

The Permittee shall ~~submit file~~ a proposal to the Commission at least ~~ten (10) working~~ fourteen (14) days prior to the pre-operation compliance meeting for the conduct of a post-construction noise study. Upon the approval of the Commission, the Permittee shall carry out the study. The study shall be designed to determine the operating LWECS noise levels at different frequencies and at various distances from the turbines at various wind directions and speeds. The Permittee shall ~~submit file~~ the study within eighteen (18) months after commercial operation.

6.7 AVIAN AND BAT PROTECTION ~~PLAN~~

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, 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 15th 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:

- (b) 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

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

- (g) The ~~rated nameplate~~ installed capacity of the permitted Project;
- (h) The total monthly energy generated by the Project in MW hours;
- (i) The monthly capacity factor of the Project;
- (j) Yearly energy production and capacity factor for the Project;
- (k) The operational status of the Project and any major outages, major repairs, or turbine performance improvements occurring in the previous year; and
- (l) 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.~~

6.10 EXTRAORDINARY EVENTS

Within twenty-four (24) hours of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, tower collapse, thrown blade, collector or feeder line failure, and injured LWECS worker or private person. The Permittee shall, within thirty (30) days of the occurrence, ~~submit file~~ a report ~~to~~ with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

SECTION 7 CONSTRUCTION AND OPERATION PRACTICES

7.1 SITE CLEARANCE

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation, and maintenance of the Project.

7.2 TOPSOIL PROTECTION

The Permittee shall implement measures to protect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner(s).

7.3 SOIL COMPACTION

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the Project's life and shall confine compaction to as small an area as practicable.

7.4 LIVESTOCK PROTECTION

The Permittee shall take precautions to protect livestock during all phases of the Project's life.

7.5 FENCES

The Permittee shall promptly replace or repair all fences and gates removed or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s). When the Permittee installs a gate where electric fences are present, the Permittee shall provide for continuity in the electric fence circuit.

7.6 DRAINAGE TILES

The Permittee shall take into account the location of drainage tiles during Project layout and construction. The Permittee shall promptly repair or replace all drainage tiles broken or damaged during all phases of the Project's life unless otherwise negotiated with the affected landowner(s).

7.7 EQUIPMENT STORAGE

The Permittee shall not locate temporary equipment staging areas on lands under its control unless negotiated with affected landowner(s). Temporary staging areas shall not be located in wetlands or native prairie as defined in Sections 4.6 and 4.7.

7.8 ROADS

7.8.1 PUBLIC ROADS

At least ~~ten (10)~~ working fourteen (14) prior to the pre-construction meeting, the Permittee shall identify all state, county, or township roads that will be used for the Project and shall notify the Commission and the state, county, or township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. Where practical, existing roadways shall be used for all activities associated with the Project. Where practical, all-weather roads shall be used to deliver cement, turbines, towers, assembled nacelles, and all other heavy components to and from the turbine sites.

The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, or township governmental body having jurisdiction over roads to be used for construction of the Project for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and Project components. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

7.8.2 TURBINE ACCESS ROADS

The Permittee shall construct the least number of turbine access roads it can. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with Class five gravel or similar material. Access roads shall not be constructed across streams and drainage ways without required permits and approvals from the DNR, USFWS, and/or USACE. When access roads are constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed. Access roads shall also be located and constructed in accordance with all necessary township, county, or state road requirements and permits.

7.8.3 PRIVATE ROADS

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner(s).

7.9 CLEANUP

The Permittee shall remove all waste and scrap that is the product of construction, operation, restoration, and maintenance from the site and properly dispose of it upon completion of each task. Personal litter, bottles, and paper deposited by site personnel shall be removed on a daily basis.

7.10 TREE REMOVAL

The Permittee shall minimize the removal of trees and the Permittee shall not remove groves of trees or shelter belts without notification to the Commission and the approval of the affected landowner(s).

7.11 SOIL EROSION AND SEDIMENT CONTROL

The Permittee shall develop a Soil Erosion and Sediment Control Plan and submit the Plan to the Commission at least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the PCA as part of the National Pollutant Discharge Elimination System (NPDES) permit application.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and drainage of roads and turbine pads; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary Project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained throughout the Project's life.

The Permittee shall develop an invasive species prevention plan to prevent the introduction of invasive species on lands disturbed by project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.

7.12 RESTORATION

The Permittee shall, as soon as practical following construction of each turbine, considering the weather and preferences of the affected landowner(s), restore the area affected by any Project activities to the condition that existed immediately before construction began, to the extent possible. The time period may be no longer than twelve (12) months after completion of construction of the turbine, unless otherwise negotiated with the affected landowner(s). Restoration shall be compatible with the safe operation, maintenance, and inspection of the Project.

7.13 HAZARDOUS WASTE

The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean-up, and disposal of hazardous wastes generated during any phase of the Project's life.

7.14 APPLICATION OF HERBICIDES

The Permittee shall restrict herbicide use to those herbicides and methods of application approved by the Minnesota Department of Agriculture and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of herbicide prior to any application on their property. The landowner may request that there be no application of herbicides on any part of the site within the landowner's property. All herbicides shall be applied in a safe and cautious manner so as to not damage property, including crops, orchards, tree farms, or gardens. The Permittee shall also, at least ~~ten (10) working~~ fourteen (14) days prior to the application, notify beekeepers with an active apiary within one mile of the proposed application site of the day the company intends to apply herbicide so that precautionary measures may be taken by the beekeeper.

7.15 PUBLIC SAFETY

The Permittee shall provide educational materials to landowners within the site boundary and, upon request, to interested persons about the Project and any restrictions or dangers associated with the Project. The Permittee shall also provide any necessary safety measures, such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minnesota Statutes section 216D.01, subdivision 11, to Gopher State One Call.

7.16 EMERGENCY RESPONSE

The Permittee shall prepare an emergency response plan (fire protection and medical emergency plan) in consultation with the emergency responders having jurisdiction over the area prior to Project construction. The Permittee shall submit a copy of the plan to the Commission at least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting and a revised plan, if any, at least ~~ten (10) working~~ fourteen (14) days prior to the pre-operation compliance meeting. The Permittee shall also register the Project with the local governments' emergency 911 services.

7.17 TOWER IDENTIFICATION

All turbine towers shall be marked with a visible identification number.

7.18 FEDERAL AVIATION ADMINISTRATION LIGHTING

Towers shall be marked as required by the FAA. There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment.

SECTION 8 FINAL CONSTRUCTION

8.1 AS-BUILT PLANS AND SPECIFICATIONS

Within sixty (60) days after completion of construction, the Permittee shall ~~submit to the Commission~~ file with the Commission a copy of the as-built plans and specifications. The Permittee must also ~~submit file~~ this data in a GIS compatible format so that the Commission can place it into the Minnesota Geospatial Information Office's geographic data clearinghouse located in the Department of Administration.

8.2 FINAL BOUNDARIES

After completion of construction, the Commission shall determine the need to adjust the final boundaries of the site required for this Project. If done, this permit may be modified, after notice and opportunity for public hearing, to represent the actual site required by the Permittee to operate the Project authorized by this permit.

8.3 EXPANSION OF SITE BOUNDARIES

No expansion of the site boundaries described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundaries of the site for the Project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

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.

SECTION 9 DECOMMISSIONING, RESTORATION, AND ABANDONMENT

9.1 DECOMMISSIONING PLAN

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-operation compliance meeting, the Permittee shall submit to the Commission a Decommissioning Plan documenting the manner in which the Permittee anticipates decommissioning the Project in accordance with the requirements of Minnesota Rules 7854.0500, subpart 13. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the Project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

9.2 SITE RESTORATION

Upon expiration of this permit, or upon earlier termination of operation of the Project, or any turbine within the Project, the Permittee shall have the obligation to dismantle and remove from the site all towers, turbine generators, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment to a depth of four feet. To the extent feasible, the Permittee shall restore and reclaim the site to its pre-project topography and topsoil quality. All access roads shall be removed unless written approval is given by the affected landowner(s) requesting that one or more roads, or portions thereof, be retained. Any agreement for removal to a lesser depth or no removal shall be recorded with the county and shall show the locations of all such foundations. All such agreements between the Permittee and the affected landowner(s) shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within eighteen (18) months after expiration.

9.3 ABANDONED TURBINES

The Permittee shall advise the Commission by a filing of any turbines that are abandoned prior to termination of operation of the Project. A Project, or any turbine within the Project, shall be considered abandoned after one (1) year without energy production and the land restored pursuant to Section 9.2 unless a plan is developed and submitted to the Commission filed outlining the steps and schedule for returning the Project, or any turbine within the Project, to service.

SECTION 10 AUTHORITY TO CONSTRUCT LWECS

10.1 WIND RIGHTS

At least ~~ten (10) working~~ fourteen (14) days prior to the pre-construction meeting, the Permittee shall demonstrate that it has obtained the wind rights and any other rights necessary to construct and operate the Project within the boundaries of the LWECS authorized by this permit.

Nothing in this permit shall be construed to preclude any other person from seeking a permit to construct a WECS in any area within the boundaries of the Project covered by this permit if the Permittee does not hold exclusive wind rights for such areas.

10.2 POWER PURCHASE AGREEMENT

In the event the Permittee does not have a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project at the time this permit is issued, the Permittee shall provide notice to the Commission when it obtains a commitment for purchase of the power. This permit does not authorize construction of the Project until the Permittee has obtained a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project. In the event the Permittee does not obtain a power purchase agreement or some other enforceable mechanism for sale of the electricity to be generated by the Project within two years of the issuance of this amended permit, the Permittee

must advise the Commission of the reason for not having such commitment. In such event, the Commission may determine whether this permit should be amended or revoked. No amendment or revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rule 7854.1300.

10.3 FAILURE TO COMMENCE CONSTRUCTION

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 amended permit, the Permittee must advise the Commission of the reason construction has not commenced. In such event, the Commission shall make a determination as to whether this permit should be amended or revoked. No revocation of this permit may be undertaken except in accordance with applicable statutes and rules, including Minnesota Rule 7854.1300.

10.4 PREEMPTION OF OTHER LAWS

Pursuant to Minnesota Statutes section 216F.07, this site permit shall be the only site approval required for the location of this Project, and this permit shall supersede and preempt all zoning, building, and land use rules, regulations, and ordinances adopted by regional, county, local, and special purpose governments. Nothing in this permit shall release the Permittee from any obligation imposed by law that is not superseded or preempted by law.

10.5 OTHER PERMITS

The Permittee shall be responsible for acquiring any other federal, state, or local permits or authorizations that may be required to construct and operate a LWECs within the authorized site. The Permittee shall submit a copy of such permits and authorizations to the Commission upon request.

10.5.1 COMPLIANCE WITH FEDERAL AND STATE AGENCY PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by Federal, State, or Tribal authorities including but not limited to the requirements of the PCA (Section 401 Water Quality Certification, National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) stormwater permit for construction activity, and other site specific discharge approvals), DNR (License to Cross Public Lands and Water, Public Water Works Permit, and state protected species consultation), SHPO (Section 106 Historic Consultation Act), FAA determinations, and DOT (Utility Access Permit, Highway Access Permit, Oversize and Overweight Permit, and Aeronautics Airspace Obstruction Permit).

10.5.2 COMPLIANCE WITH COUNTY, CITY, OR MUNICIPAL PERMITS

The Permittee shall comply with all terms and conditions of permits or licenses issued by the counties, cities, and municipalities affected by the Project that do not conflict with or are not preempted by federal or state permits and regulations.

SECTION 11
COMMISSION POST-ISSUANCE AUTHORITIES

11.1 PERIODIC REVIEW

The Commission shall initiate a review of this permit and the applicable conditions at least once every five (5) years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

11.2 MODIFICATION OF CONDITIONS

After notice and opportunity for hearing, this permit may be modified or amended for cause, including but not limited to the following:

- (a) Violation of any condition in this permit;
- (b) Endangerment of human health or the environment by operation of the Project; or
- (c) Existence of other grounds established by rule.

11.3 REVOCATION OR SUSPENSION OF PERMIT

The Commission may take action to suspend or revoke this permit upon the grounds that:

- (a) A false statement was knowingly made in the application or in accompanying statements or studies required of the Permittee, and a true statement would have warranted a change in the Commission's findings;
- (b) There has been a failure to comply with material conditions of this permit, or there has been a failure to maintain health and safety standards; or
- (c) There has been a material violation of a provision of an applicable statute, rule, or an order of the Commission.

In the event the Commission determines that it is appropriate to consider revocation or suspension of this permit, the Commission shall proceed in accordance with the requirements of Minnesota Rule 7854.1300 to determine the appropriate action. Upon a finding of any of the above, the Commission may require the Permittee to undertake corrective measures in lieu of having this permit suspended or revoked.

11.4 MORE STRINGENT RULES

The Commission's issuance of this site permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

11.5 TRANSFER OF PERMIT

The Permittee may not transfer this permit without the approval of the Commission. If the Permittee desires to transfer this permit, the holder shall advise the Commission in writing of such desire. The Permittee shall provide the Commission with such information about the transfer as the Commission requires to reach a decision. The Commission may impose additional conditions on any new Permittee as part of the approval of the transfer.

11.6 RIGHT OF ENTRY

Upon reasonable notice, presentation of credentials, and at all times in compliance with the Permittee's site safety standards, the Permittee shall allow representatives of the Commission to perform the following:

- (a) To enter upon the facilities easement of the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations;
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations;
- (c) To sample and monitor upon the facilities easement of the property; and
- (d) To examine and copy any documents pertaining to compliance with the conditions of this permit.

11.7 PROPRIETARY INFORMATION

Certain information ~~required requested~~ to be ~~submitted to the Commission filed~~ under this permit, ~~including certain energy production and wake loss data~~, may constitute trade secret information or other type of proprietary information under the Data Practices Act or other law ~~and is not to be made available by the Commission~~. The Permittee must satisfy requirements of applicable law to obtain the protection afforded by the law.

SECTION 12 EXPIRATION DATE

This permit shall expire thirty (30) years after the date this ~~amended~~ permit was approved and adopted.

SECTION 13 SPECIAL CONDITIONS

Special conditions shall take precedence over any of the other conditions of this Permit if there should be a conflict between the two.

13.1 APPLICATION OF STEARNS COUNTY STANDARDS

Stearns County adopted more stringent standards than those identified this permit that affect the following:

13.1.1 ELECTRICAL COLLECTOR AND FEEDER LINES

All feeder and collector lines shall be buried underground.

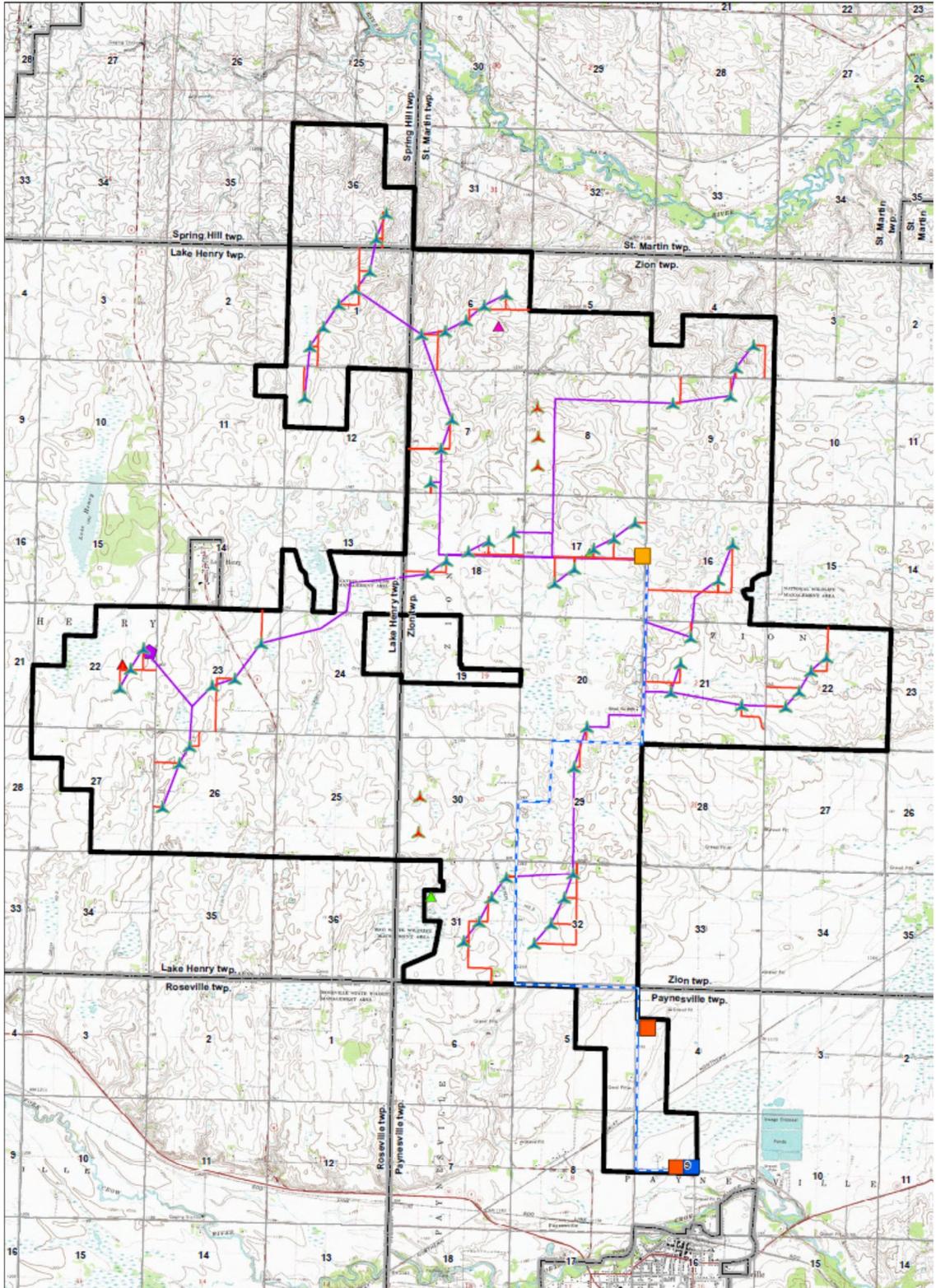
13.1.2 STEARNS COUNTY SHORELAND DISTRICTS

Wind turbine towers shall not be located in shoreland districts as designated by Stearns County at the time this amended permit is issued.

13.2 AVIAN AND BAT PROTECTION PLAN SPECIAL PROVISION

The Avian and Bat Protection Plan in Section 6.7 shall include survey plans and protocols to conduct post-construction avian and bat fatality surveys. The post-construction avian and bat fatality surveys shall be conducted for a minimum of one year based on results of pre-construction surveys conducted in the Project area. The results of the post-construction avian and bat surveys shall be ~~submitted to~~ filed with the Commission. Based on those results, the Commission may modify conditions in this amended permit pursuant to Section 11.2.

Attachment 1A GE Turbine Layout



PAYNESVILLE WIND FARM
GE XLE Draft Turbine Layout and Associated Facilities

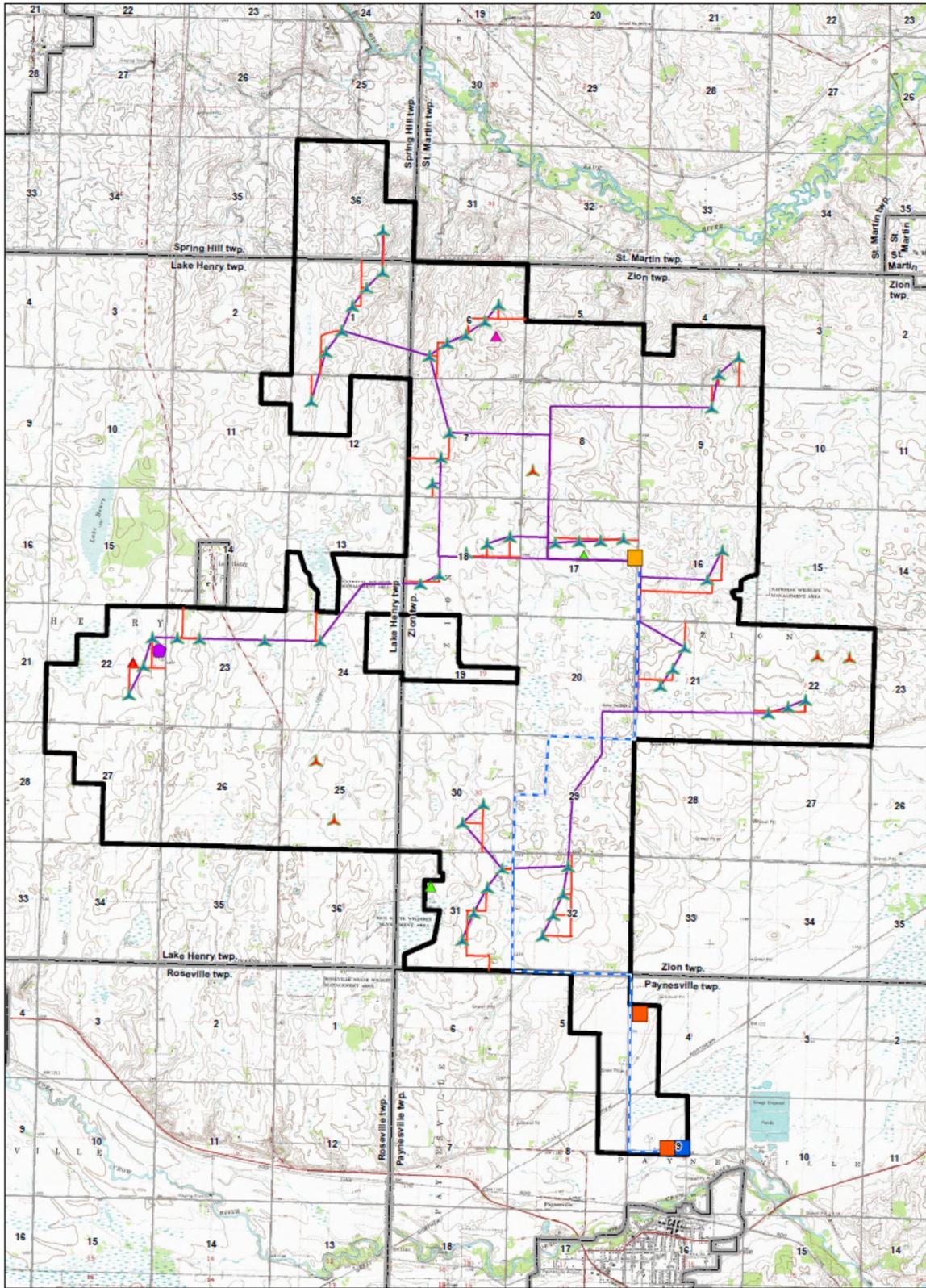
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| <ul style="list-style-type: none"> ▲ Draft Turbine Locations ▲ Draft Alternative Turbine — Draft Access Roads | <ul style="list-style-type: none"> — Draft Collector — 69kV Tap to Paynesville Sub (Draft) ■ Wind Farm Substation and Metering (Draft) | <ul style="list-style-type: none"> ■ Alternate Wind Farm Substation and Metering (Draft) ■ Paynesville Substation ▲ Temporary 60m Met Towers | <ul style="list-style-type: none"> ◆ Sodar Location ▲ 80m Met Tower ▲ Alternate Met Tower |
|--|---|--|---|

SOURCES:
 Geronimo Wind Energy
 US Fish and Wildlife Service
 Minnesota DNR
 USDA FSA

11/5/2010

Attachment 1B
Vestas Turbine Layout



PAYNESVILLE WIND FARM
Vestas V90 Draft Turbine Layout and Associated Facilities

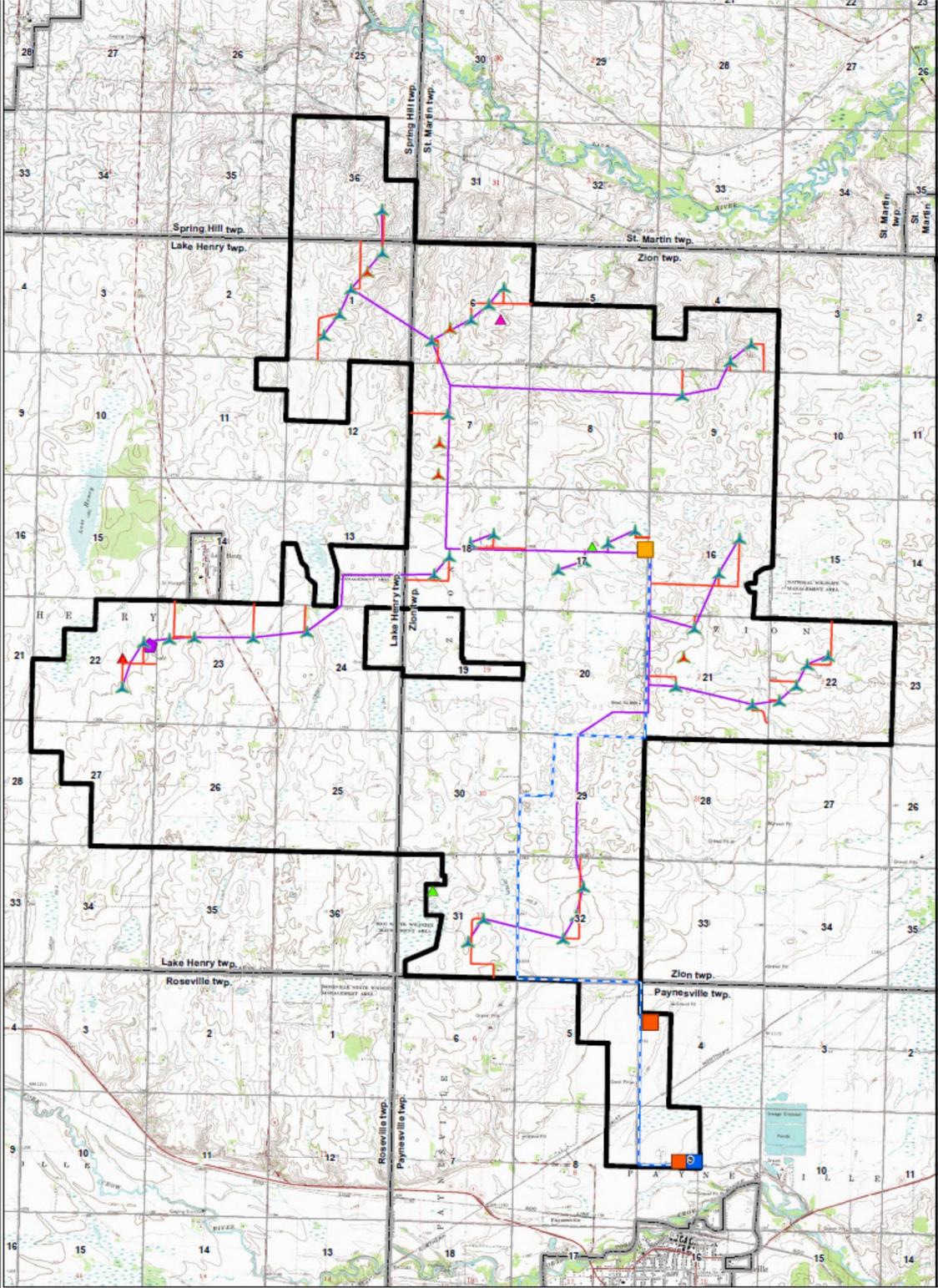
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|---|---|--|---|
| <ul style="list-style-type: none"> ▲ Draft Turbine Locations ▲ Draft Alternate Turbine — Draft Access Road | <ul style="list-style-type: none"> — Draft Collector — 69kV Tap to Paynesville Sub (Draft) ■ Wind Farm Substation and Metering (Draft) | <ul style="list-style-type: none"> ■ Alternate Wind Farm Substation and Metering (Draft) ■ Paynesville Substation ▲ Temporary 60m Met Towers | <ul style="list-style-type: none"> ◆ Sodar Location ▲ Met Towers (Proposed) ▲ 80m Met Tower ▲ Alternate Met Tower |
|---|---|--|---|

SOURCES:
 Geronimo Wind Energy
 US Fish and Wildlife Service
 Minnesota DNR
 UGDM PDA

11/5/2010

Attachment 1C
Siemens Turbine Layout



PAYNESVILLE WIND FARM
Siemens SWT Draft Turbine Layout and Associated Facilities

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Miles

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| <ul style="list-style-type: none"> ▲ Draft Turbine Locations ▲ Draft Alternate Turbine — Draft Access Roads | <ul style="list-style-type: none"> — Draft Collector — 69kV Tap to Paynesville Sub (Draft) ■ Wind Farm Substation and Metering (Draft) | <ul style="list-style-type: none"> ■ Alternate Wind Farm Substation and Metering (Draft) ■ Paynesville Substation ▲ Temporary 60m Met Towers | <ul style="list-style-type: none"> ◆ Sodar Location ▲ Met Towers (Proposed) ▲ 80m Met Tower ▲ Alternate Met Tower |
|--|---|--|--|

SOURCES:
 Geronimo Wind Energy
 UZ Fish and Wildlife Service
 Minnesota DNR
 USGS F2.4

11/5/2010

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES
FOR
LARGE WIND ENERGY CONVERSION SYSTEMS**

A. Purpose:

To establish a uniform and timely method of reporting complaints received by the Permittee concerning Permit conditions for site preparation, construction, cleanup and restoration, operation, and resolution of such complaints.

B. Scope:

This document describes Complaint reporting procedures and frequency.

C. Applicability:

The procedures shall be used for all complaints received by the Permittee and all complaints received by the Commission under Minn. Rule 7829.1500 or 7829.1700 relevant to this Permit.

D. Definitions:

Complaint: A verbal or written statement presented to the Permittee by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other LWECS and associated facilities site permit conditions. Complaints do not include requests, inquiries, questions, or general comments.

Substantial Complaint: A written Complaint alleging a violation of a specific Site Permit condition that, if substantiated, could result in Permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A Complaint which, despite the good faith efforts of the permittee and a person(s), remains to both or one of the parties unresolved or unsatisfactorily resolved.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing:

~~1. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:~~

- ~~a. Name of complainant, address, phone number, and e-mail address.~~
 - ~~b. Precise property description or parcel number.~~
 - ~~c. Name of Permittee representative receiving Complaint and date of receipt.~~
 - ~~d. Nature of Complaint and the applicable Site Permit condition(s).~~
 - ~~e. Activities undertaken to resolve the Complaint.~~
 - ~~f. Final disposition of the Complaint.~~
 - ~~2. The Permittee shall designate an individual to summarize Complaints to the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.~~
 - ~~3. A Person presenting the Complaint should to the extent possible, include the following information in their communications:~~
 - ~~a. Name, address, phone number, and e-mail address.~~
 - ~~b. Date~~
 - ~~c. Tract or parcel~~
 - ~~d. Whether the complaint relates to (1) a Site Permit matter, (2) a LWECS and associated facility issue, or (3) a compliance issue.~~
1. The Permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and e-mail address shall accompany all complaint submittals.
 2. A person presenting the Complaint should to the extent possible, include the following information in their communications:
 - a. Name of Complainant, address, phone number, and e-mail address;
 - b. Date of Complaint;
 - c. Tract or parcel number; and
 - d. Whether the complaint relates to (1) a Site Permit Matter, (2) an LWECS or associated facility issues, or (3) a compliance issue.
 3. The Permittee shall document all Complaints by maintaining a record of all applicable information concerning the Complaint, including the following:
 - a. Docket Number and Project Name;
 - b. Name of complainant, address, phone number and e-mail address;
 - c. Precise description or parcel number;
 - d. Name of Permittee representative receiving Complaint and date of receipt;
 - e. Nature of Complaint and the applicable Site Permit condition(s);
 - f. Activities undertaken to resolve the Complaint; and
 - g. Final disposition of the Complaint.

F. Reporting Requirements:

The Permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to ~~Wind Permit Compliance, 1-800-657-3794, or by e-mail to: DOC.energypermitcompliance@state.mn.us, or: the Commission's Consumer Affairs Office at 1-800-657-3782 or consumer.puc@state.mn.us.~~ Voice messages are acceptable.

Monthly Reports: By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be Filed to Dr. Burl W. Haar, Executive Secretary, Public Utilities Commission, using the Minnesota Department of Commerce eDocket system (see eFiling instructions attached to this permit).

If no Complaints were received during the preceding month, the permittee shall submit (eFile) a summary indicating that no complaints were received.

Permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit

G. Complaints Received by the Commission or ~~OES EFP:~~

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the ~~Permittee site manager and or the Permittee's representative.~~

H. Commission Process for Unresolved Complaints:

Initial Screening: Commission staff shall perform an initial evaluation of unresolved Complaints submitted to the Commission. Complaints raising substantial LWECS Site Permit issues shall be processed and resolved by the Commission. Staff shall notify Permittee and appropriate person(s) if it determines that the Complaint is a Substantial Complaint. With respect to such Complaints, each party shall submit a written summary of its position to the Commission no later than ten (10) days after receipt of the Staff notification. Staff shall present Briefing Papers to the Commission, which shall resolve the Complaint within twenty days of submission of the Briefing Papers.

I. Permittee Contacts for Complaints:

~~**Mailing Address:**~~ Complaints filed by mail shall be sent to the address below:

~~Paynesville Wind LLC c/o
Geronimo Wind Energy
Patrick Smith
7650 Edinborough Way, Suite 725
Edina, MN 55435~~

~~**Tel:** 952-988-9000~~

~~**Email:** Patrick@geronimowind.com~~

~~Permittee will eFile the Project's Complaint Contact information within 14 days of the Order granting a site permit and will include the Project's Complaint Contact information in the mailing to landowners and local governments.~~

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE
FOR PERMITTED ENERGY FACILITIES**

1. Purpose

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

2. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

3. Definitions

Compliance Filing – A sending (filing) of information to the Commission, where the information is required by a Commission site or route permit.

4. Responsibilities

- A) The permittee shall eFile all compliance filings with Dr. Burl Haar, Executive Secretary, Public Utilities Commission, through the Department of Commerce (DOC) eDocket system. The system is located on the DOC website:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the website. Permittees must register on the website to eFile documents.

- B) All filings must have a cover sheet that includes:

- 1) Date
- 2) Name of submitter / permittee
- 3) Type of Permit (Site or Route)
- 4) Project Location
- 5) Project Docket Number
- 6) Permit Section Under Which the Filing is Made
- 7) Short Description of the Filing

- C) Filings that are graphic intensive (e.g., maps, plan and profile) must, in addition to being eFiled, be submitted as paper copies and on CD. Copies and CDs should be sent to: 1) Dr. Burl W. Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN, 55101-2147, and 2) Department of Commerce, Energy Facility Permitting, 85 7th Place East, Suite 500, St. Paul, MN, 55101-2198. Additionally, the Commission may request a paper copy of any eFiled document.

PERMIT COMPLIANCE FILINGS⁴

PERMITTEE: Paynesville Wind, LLC
PERMIT TYPE: LWECS Site Permit
PROJECT LOCATION: Stearns County
COMMISSION DOCKET NUMBER: IP-6830/WS-10-49

PRE-CONSTRUCTION MEETING

| Filing Number | Permit Section | Description | Due Date | Notes |
|----------------------|-----------------------|---|--|---|
| 1 | 4.7 | Native Prairie Protection Plan | Ten-working 30 days prior to pre-construction meeting, if required | Develop in consultation with Commission and DNR |
| 2 | 5.1 | Site Plan | Ten-working 14 days prior to pre-construction meeting | |
| 3 | 5.4 | Field Representative | Ten-working 14 days prior to pre-construction meeting | |
| 4 | 5.8 | Complaint Reporting Procedures | Ten-working 14 days prior to pre-construction meeting and complaint submittals on the 15 th of each month or within 24 hours | |
| 5 | 6.1 | Biological & Natural Resource Inventories | Ten-working 30 days prior to pre-construction meeting | Results may trigger need for a Native Prairie Protection Plan |
| 6 | 6.2 | Shadow Flicker Analysis | Ten-working 14 days prior to pre-construction meeting | |
| 7 | 6.3 | Archaeological Resources | Ten-working 14 days prior to pre-construction meeting and as recommended by the State Historic Preservation Office | |

⁴ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. However, it is not a substitute for the permit; the language of the permit controls.

PERMIT COMPLIANCE FILINGS

PRE-CONSTRUCTION MEETING

| Filing Number | Condition | Description | Due Date | Notes |
|---------------|-----------|--|--|---|
| 8 | 6.4 | Interference | Ten working <u>14</u> days prior to pre-construction meeting | |
| 9 | 6.5 | Wake Loss | Ten working <u>14</u> days prior to pre-construction meeting and may be included with site plan or operation studies if performed | |
| 10 | 6.7 | Avian and Bat Protection Plan | Ten <u>30</u> days prior to pre-construction meeting | Develop in consultation with Commission and DNR |
| 11 | 7.8 | Roads | Ten working <u>14</u> days prior to pre-construction meeting | |
| 12 | 7.11 | Soil Erosion and Sediment Control Plan | Ten working <u>14</u> days prior to pre-construction meeting | |
| 13 | 7.16 | Emergency Response | Ten working <u>14</u> days prior to pre-construction meeting. Must register in 911 Program | |
| 14 | 10.1 | Wind Rights | Ten working <u>14</u> days prior to pre-construction meeting | |

PRE-OPERATION COMPLIANCE MEETING

| Filing Number | Permit Section | Description | Due Date | Notes |
|----------------------|-----------------------|----------------------------------|--|--------------|
| 15 | 5.7 | Pre-operation compliance meeting | Ten-working 14 days prior to commercial pre-operation. | |
| 16 | 6.6 | Noise Study Protocol | Ten-working 14 days prior to pre-operation meeting. | |
| 17 | 9.1 & 9.3 | Decommissioning Plan | Ten-working 14 days prior to commercial pre-operation <u>meeting</u> . | |

OTHER REQUIREMENTS

| Filing Number | Permit Section | Description | Due Date | Notes |
|----------------------|-----------------------|---|---|---|
| 18 | 5.2 | Notice to Landowners and Governmental Units | Within 10-working 14 days of permit approval <u>to local units of government and within 30 days to landowners.</u> | |
| 19 | 5.5 | Site Manager | Ten-working 14 days prior to prior to commercial operation. | <u>Update contact information as necessary.</u> |
| 20 | 6.6 | Noise Study Results | Within 18 months of Commercial Operation, if required. | |
| 21 | 6.7 | Avian and Bat Reporting Requirements | Quarterly Requirements | |
| | <u>6.7.1</u> | <u>Annual Audit Report of ABPP</u> | <u>By March 15th following each complete or partial year of operation</u> | |
| | <u>6.7.2</u> | <u>Quarterly Incident Reports</u> | <u>By 15th January, April, July, and October</u> | |
| | <u>6.7.3</u> | <u>Immediate Incident Repirt</u> | <u>Within 24 hours of discovery</u> | |
| 22 | 6.8 | Project Energy Production | Due 2/1 each year. or <u>quarterly</u> | |
| 23 | 6.9 | Wind Resource Use | <u>Upon request of the Commission February 1st following each partial or</u> | |

| | | | | |
|-----------|-------------|---|--|--|
| | | | <u>complete year of operation</u> | |
| 24 | 6.10 | Extraordinary Events | Within 24 hours and report on occurrence of event within 30 days | |
| 25 | 8.1 | As Built | Within 60 days of completion of construction | |
| | <u>8.4</u> | <u>Notification of Commercial Operation</u> | <u>At least 3 days prior to commencement of commercial operation</u> | |
| | <u>10.2</u> | <u>PPA or Enforceable Mechanism</u> | <u>Within two years of permit issuance.</u> | <u>If no PPA or other enforceable mechanism at time of permit issuance</u> |
| 26 | 10.3 | Failure to Start Construction | Within 2 years of permit issuance | |

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments and Recommendations**

Docket No. IP6830/WS-10-49

Dated this 13th of November, 2012

/s/Sharon Ferguson

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|-------------------------------|---------------------------------------|--|--------------------|-------------------|-----------------------|
| Donald | Adams | don.adams@co.stearns.mn.us | Stearns County | Administrative Center, Rm. 343 705 Courthouse Square St. Cloud, MN 56303 | Paper Service | No | OFF_SL_10-49_Official |
| Julia | Anderson | Julia.Anderson@ag.state.mn.us | Office of the Attorney General-DOC | 1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134 | Electronic Service | Yes | OFF_SL_10-49_Official |
| Christina | Brusven | cbrusven@fredlaw.com | Fredrikson & Byron, P.A. | 200 S 6th St Ste 4000 Minneapolis, MN 554021425 | Electronic Service | No | OFF_SL_10-49_Official |
| Becky | Coates | N/A | Professional Service Industries, Inc. | 2401 Pilot Knob Rd, Ste 138 Mendota Heights, MN 55120 | Paper Service | No | OFF_SL_10-49_Official |
| Michael | Deruyter | michael.deruyter@hdrinc.com | HDR Engineering, Inc. | 701 Xenia Ave S, Suite 600 Minneapolis, MN 55416 | Paper Service | No | OFF_SL_10-49_Official |
| Sharon | Ferguson | sharon.ferguson@state.mn.us | Department of Commerce | 85 7th Place E Ste 500 Saint Paul, MN 551012198 | Electronic Service | Yes | OFF_SL_10-49_Official |
| Burl W. | Haar | burl.haar@state.mn.us | Public Utilities Commission | Suite 350 121 7th Place East St. Paul, MN 551012147 | Electronic Service | Yes | OFF_SL_10-49_Official |
| John | Lindell | agorud.ecf@ag.state.mn.us | Office of the Attorney General-RUD | 1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130 | Electronic Service | Yes | OFF_SL_10-49_Official |
| Colleen | Mueller | N/A | | 22186 State Hwy 4 Paynesville, MN 56362 | Paper Service | No | OFF_SL_10-49_Official |
| Patrick | Smith | patrick@geronimowind.com | Geronimo Wind Energy, LLC | 7650 Edinborough Way, Ste 725 Edina, MN 55435 | Electronic Service | No | OFF_SL_10-49_Official |