

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger  
Nancy Lange  
Dan Lipschultz  
John A. Tuma  
Betsy Wergin

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Combined Application of North Star Solar PV LLC for a Site Permit and Route Permit for the North Star Solar Electric Power Generating Plant and Associated 115 kV High Voltage Transmission Line in Chisago County, Minnesota

ISSUE DATE: April 27, 2015

DOCKET NO. IP-6943/GS-15-33

ORDER FINDING APPLICATION SUBSTANTIALLY COMPLETE, DIRECTING USE OF ALTERNATIVE PERMITTING PROCESS, AND GRANTING VARIANCE

**PROCEDURAL HISTORY**

On February 11, 2015, North Star Solar PV LLC (North Star) filed an application for both a site and a route permit to construct a 100 megawatt photovoltaic solar energy generating facility, and a 115 kilovolt (kV) transmission line, in Chisago County.

On March 4, 2015, the Department of Commerce Energy Environmental Review and Analysis staff (EERA) filed comments recommending that the Commission accept the application as substantially complete and use the alternative permitting process under Minn. Stat. § 216E.04.

On April 9, 2015, the application came before the Commission.

**FINDINGS AND CONCLUSIONS**

**I. Proposed Project**

North Star filed its application for a site and a route permit under Minn. Stat. Chapter 216E and Minn. R. Chapter 7850. North Star stated that the proposed solar facility meets the definition of a large electric power generating plant under Minn. Stat. § 216E.01, subd. 5, and that the proposed transmission line meets the definition of a high voltage transmission line under Minn. Stat. § 216E.01, subd. 4.

North Star stated that it seeks alternative review of its permit application under Minn. Stat. § 216E.04, which sets forth an alternative permitting process for eligible projects. Under the statute, eligible projects include large electric power generating plants powered by solar energy, as well as high voltage transmission lines between 100-200 kV.

North Star stated that the proposed project area would include approximately 1,112 acres of land in Chisago County, adjacent to the Xcel Energy Chisago Substation, and that it would ultimately be located on approximately 800 acres of land. North Star has proposed constructing a 115 kV transmission line to interconnect the proposed project to the substation that would require a new easement parallel to the existing transmission line corridor serving Xcel's substation. North Star intends to sell its solar generation to Xcel Energy under a power purchase agreement, subject to approval in a separate Commission proceeding.

North Star stated that the project's primary components include photovoltaic modules mounted on a linear axis tracking system, solar inverters, and a project substation. North Star stated that the solar arrays (or panels) will face due south and will have a range of tilt up to +/- 60 degrees east and west.

North Star also stated that it was in the process of finalizing an interconnection agreement with the Midcontinent Independent System Operator (MISO) and Xcel Energy and that using the MISO capacity accreditation method for non-wind variable generation, it estimates that the proposed project's accredited capacity will be approximately 68 percent.

## **II. Comments**

The EERA filed comments recommending that the Commission find the application substantially complete under Minn. R. 7850.1900. The EERA concluded that there do not appear to be any contested issues of material fact and recommended that review of the project be conducted using the alternative permitting process under Minn. Stat. § 216E.04.

## **III. Commission Action**

The Commission appreciates the comments of the EERA and concurs that the application is substantially complete as filed. The Commission will therefore accept the application as substantially complete and authorize use of the alternative permitting process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.

Minn. R. 7850.3700 governs environmental review of projects eligible for the alternative permitting process, including projects powered by solar energy.<sup>1</sup> The rule requires the Department to prepare an environmental assessment that evaluates the human and environmental impacts of the proposed project.<sup>2</sup> Further, the Department is required to hold a public scoping meeting to solicit public comments, and to provide a written public comment period of at least seven days after the close of the public scoping meeting.<sup>3</sup> Within 10 days after the close of the public comment period, the Department must determine the scope of the environmental assessment and issue a scoping decision.<sup>4</sup>

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<sup>1</sup> Minn. Stat. § 216E.04, subd. 2 (8).

<sup>2</sup> Minn. R. 7850.3700, subp. 1.

<sup>3</sup> Minn. R. 7850.3700, subp. 2.

<sup>4</sup> Minn. R. 7850.3700, subp. 3.

The Department will need an extension of the 10-day timeline established by the rule to determine the scope of the environmental assessment and issue a scoping decision.

Under Minn. R. 7829.3200, the Commission must vary its rules upon making the following findings:

- (1) enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- (2) granting the variance would not adversely affect the public interest; and
- (3) granting the variance would not conflict with standards imposed by law.

To ensure sufficient time for the Department to determine the scope of the environmental assessment and issue a scoping decision, the Commission will vary Minn. R. 7850.3700, subp. 3, to extend the 10-day timeline, finding that the conditions for a variance are met.

The Commission finds that enforcement of the rule would impose an excessive burden on those affected by the rule by limiting the amount of time available to the Department to determine the scope of the environmental assessment. Further, granting the variance would not adversely affect the public interest, and would, in fact, serve the public interest by providing the Department with sufficient time to determine the scope of the environmental assessment. Finally, granting the variance would not conflict with standards imposed by law.

The Commission will also request that the EERA present to the Commission comments on the scope of the environmental assessment for Commission input prior to the issuance of the final scoping decision.

Upon acceptance of an application for a site permit, the Commission is to designate a staff person to act as the public advisor on the project under Minn. R. 7850.3400. The public advisor is available to answer questions from the public about the permitting process. The Commission will designate Tracy Smetana of Commission staff to serve as the public advisor. Further, pursuant to Minn. R. 7829.3100, the Commission will delegate administrative authority to the Executive Secretary to establish or vary time periods set forth in Minn. R. Chapter 7829. The Commission will also direct North Star to place a printed and electronic copy of the application and any supplements in at least one government center or public library in each city where the proposed project is located.

### **ORDER**

1. The Commission hereby accepts the application as substantially complete and authorizes review under the alternative permitting process under Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.

2. The Commission designates Tracy Smetana of Commission staff to serve as the public advisor.
3. The Commission hereby grants a variance to Minn. R. 7850.3700, subp. 3, to vary the 10-day timeline for determining the scope of the environmental assessment.
4. The Commission requests that the EERA present to the Commission comments on the scope of the environmental assessment for Commission input prior to the issuance of the final scoping decision by the Department.
5. Pursuant to Minn. R. 7829.3100, the Commission hereby delegates administrative authority to the Executive Secretary to establish or vary time periods set forth in Minn. R. Chapter 7829.
6. The Commission directs North Star to place a printed and electronic copy of the application and any supplements in at least one government center or public library in each city where the proposed project is located.
7. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf  
Executive Secretary



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