

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
Matthew Schuerger
John A. Tuma

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

ISSUE DATE: April 6, 2016

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

ORDER DENYING
RECONSIDERATION

PROCEDURAL HISTORY

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

On February 16, 2016, the Commission issued an Order Granting Site and Route Permits with Conditions that granted a site permit and a route permit for the North Star Project.

On March 1, 2016, several landowners living along 367th Street, which is adjacent to the southern boundary of the project in Sunrise Township, Chisago County, filed a petition for reconsideration of the Commission's February 16 order.¹

On March 8, 2016, North Star filed a response to the landowners' petition.

On March 31, 2016, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Petition for Reconsideration

The Commission has reviewed the record and the arguments of the parties.

Based on this review, the Commission finds that the petition does not raise new issues, does not point to new and relevant evidence, does not expose errors or ambiguities in the February 16, 2016 order, and does not otherwise persuade the Commission that it should rethink the

¹ The landowners are Bob Zangs, Paul and Miesha Carpenter, Glen and Lori Anderson, Mark and Jill Bossard, Rick and Cheryl Ramburg, and Tina and Fred Carey.

decisions set forth in that order. The Commission concludes that those decisions are consistent with the facts, the law, and the public interest, and will therefore deny the request for reconsideration.

II. Modifications to Permit Provisions and Conditions

Under Minn. Stat. § 216B.25, the Commission may at any time, on its motion, and upon notice to the public utility and after an opportunity to be heard, alter or amend any order fixing rates, tolls, charges or schedules or any other order made by the Commission.

The siting of large solar facilities is a relatively new function for the Commission in Minnesota. The Commission recognizes that the provisions of siting solar permits may affect not only landowners within the project site boundary, but also those adjacent to the site boundary, such as the petitioning landowners in this matter.

To address, at least in part, the concerns raised by the petitioners in this matter, at the hearing the Commission discussed with North Star adding certain language and requirements to the permit and its conditions. North Star agreed to amend the permit language and permit conditions to:

- more fully apprise affected landowners (a landowner that is within the project site boundary or adjacent to the site boundary) of the terms of the permit, and the obligations of the Permittee under the permit;
- provide copies of the final Landscaping Plan and Vegetation Management Plan to all affected landowners;
- provide notice of herbicide application to affected landowners, and known beekeepers operating apiaries within three miles of the project site.

North Star also agreed to a new permit provision 10.6 Right of Entry. This is a standard provision in Commission routing and siting permits and was inadvertently excluded from the Site Permit. Finally, North Star also agreed to retain an independent third-party inspector or local unit of government with inspection authority to oversee the construction process and ensure that the project conforms to the site permit conditions and specifications in the permit.

The Commission will modify the North Star site and route permit language as included in Paragraph 2 of the Ordering Paragraphs.

ORDER

1. The petition for reconsideration is denied.
2. The permit shall be amended to modify the permit and its conditions as follows:

Affected Landowner Definition Inclusion

4.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and

operation of the solar energy generating system and associated facilities over the life of this permit. For purposes of this permit section and those that follow, an affected landowner is defined as a landowner that is within the project site boundary or adjacent to the site boundary.

Landscaping Plan and Vegetation Management Plan

4.1 Notification

Within 14 days of permit issuance, the Permittee shall send a copy of the permit to any regional development commission, county auditor, and city and township clerk in which any part of the site is located. Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site permit and complaint procedures less than five days prior to the start of construction on their property. Within 14 days of approval of the final Landscaping Plan and Vegetation Management Plan, the Permittee shall provide all affected landowners with copies of the plan(s). The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

Herbicide Use Modification

3.2.12 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. All herbicides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner or designee to obtain approval for the use of herbicide at least 14 days 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. The Permittee shall provide notice of herbicide application to affected landowners, and known beekeepers operating apiaries within ~~one~~ three miles of the project site, at least 14 days prior to such application.

Inclusion of a “Right of Entry” provision

10. 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. enter upon the site property for the purpose of obtaining information, examining records, and conducting surveys or investigations;

- B. bring such equipment upon the site property as is necessary to conduct such surveys and investigations;
- C. sample and monitor upon the site property; and examine and copy any documents pertaining to compliance with the conditions of this permit.

Inclusion of Independent Inspector

Independent Inspector

The Permittee shall retain an independent third-party inspector, which could include a local unit of government with the inspection authority. The selection of the inspector and scope of the inspection effort shall be approved by the DOC EERA and Commission's Executive Secretary. The inspector shall oversee the construction process and ensure that the project conforms to the site permit terms, conditions, and the specifications outlined in the record. The inspector shall file a report at 30-day intervals with the Commission addressing compliance during construction and the first 60 days of operation.

- 3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary

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