

June 4, 2015

Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission
127 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Summary of Scoping Process for the Environmental Assessment
Marshall Solar Energy Project
Docket No. IP6941/GS-14-1052

Dear Mr. Wolf:

Attached are the comments and recommendations of the Minnesota Department of Commerce Energy Environmental Review and Analysis (EERA) staff in the following matter:

In the Matter of the Application of Marshall Solar, LLC for a Site Permit for the Marshall Solar Energy Project and Associated Facilities in Lyon County, Minnesota

The Application was filed on March 4, 2015 by:

Brandon Stankiewicz, Director – Development
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, FL 33408

EERA staff is providing the Commission with a summary of the scoping process for the environmental assessment (EA) that will be prepared for this project. Staff is available to answer any questions the Commission may have.

Sincerely,



Suzanne Steinhauer
Environmental Review Manager
Energy Environmental Review and Analysis
(651) 539-1843 | suzanne.steinhauer@state.mn.us

This page intentionally left blank



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS AND RECOMMENDATIONS OF THE MINNESOTA DEPARTMENT OF COMMERCE ENERGY ENVIRONMENTAL REVIEW AND ANALYSIS

DOCKET NO. IP6941/GS-14-1052

Date.....June 4, 2015
EERA Staff: Suzanne Steinhauer(651) 539-1843

In the Matter of the Application of Marshall Solar, LLC for a Site Permit for the Marshall Solar Electric Power Generating Plant in Lyon County, Minnesota

Issues Addressed: Summary of the scoping process for the Environmental Assessment including a summary of comments and potential alternatives.

Attachments:

Marshall Solar Response to Alternatives Proposed During Scoping Comment Period

Additional documents and information can be found on

<http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924> or on eDockets
<http://www.edockets.state.mn.us/EFilein/search.jsp> (14-1052).

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 539-1530.

Introduction and Background

On March 4, 2015, Marshall Solar, LLC (Marshall Solar or Applicant) submitted a site permit application under the alternative permitting process to the Commission for the proposed 62.25 MW Marshall Solar Project (Project).¹ Marshall Solar proposes to locate the Project on approximately 510 acres in Stanley Township in Lyon County, approximately four miles east of Marshall. The Project would deliver power to the Lyon County Substation, located adjacent to the proposed site.

The Commission released an Order on May 11, 2015, finding the site permit application to be complete and initiating the alternative review process.²

¹ Site Permit Application for Marshall Solar Energy Project, Marshall Solar, LLC, March 4, 2015, eDocket ID: [20153-107920-01](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-02](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-03](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-04](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-05](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-06](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-07](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924), [20153-107920-08](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924) ;

² Commission Order, eDocket Document ID: [20149-103265-01](http://mn.gov/commerce/energyfacilities/Docket.html?Id=33924)

Project Description and Purpose

Marshall Solar has applied to the Minnesota Public Utilities Commission (Commission) for a site permit to construct a 62.25 megawatt (MW) photovoltaic solar energy generating facility and associated facilities. The solar facility is proposed to be located on 510 acres of land approximately four miles east of Marshall, Minnesota in Stanley Township in Lyon County, Minnesota.

The primary components of the solar facility include photovoltaic modules mounted on south-facing fixed arrays, inverters and transformers, an electrical collection system and an on-site project substation. The associated facilities would connect to the existing Xcel Energy Lyon County Substation which is adjacent to the proposed site. As proposed by Marshall Solar, no off-site transmission lines are necessary to interconnect the project.

Marshall Solar proposed the Project in response to Xcel Energy's Solar Request for Proposals (RFP) to help fulfill the Minnesota Solar Energy Standard which requires the company to serve 1.5 percent of its retail load with solar energy by the end of 2020. As a result of the RFP, Xcel Energy negotiated Power Purchase Agreements (PPA) with three of the competing proposals for a total of 187 MW. In addition to the Project, PPAs were also negotiated with MN Solar, a 24.75 MW project located in Lyon County near Tracy and the North Star 100 MW Project located in Chisago County near North Branch. Xcel Energy's "Solar Portfolio" (see eDocket no. E002/M-14-162) was approved by the Commission in its order dated March 24, 2015. The Commission's March 24, 2015 Order also noted that the Project is exempt under Minn. Stat. § 216B.243, from the requirement to obtain a certificate of need.

Regulatory Process and Procedures - Scoping

Applications for site permits under the alternative permitting process are subject to environmental review, which is conducted by Department of Commerce (Department) Energy Environmental Review and Analysis (EERA) staff under Minn. Rule 7850.3700. The Department is responsible for administering the environmental review process, including developing a Scope and preparing an environmental review document. The Commission is responsible for selecting the sites and issuing a site permit.

Environmental review under the alternative permitting process includes public information/scoping meetings and the preparation of an environmental review document, the Environmental Assessment (EA) (Minn. R. 7850.3700). The EA is a written document that describes the human and environmental impacts of the project (and selected alternative sites) and methods to mitigate such impacts. The EA must be completed and made available prior to the public hearing.

An important component of the scoping process is to provide the public with an opportunity to participate in the development of the scope of the EA. An information and scoping meeting is held in the project area to provide members of the public with information about the proposed project and the process under which the project will be reviewed. Public comment on impacts and alternatives to the proposed project is solicited during the public meeting and, following the meeting, in a written comment period.

Once the comment period on the scope of the environmental review document expires, applicants are given an opportunity, per Minnesota Rule 7850.3700, subpart 2, item B, to respond to each request that an alternative be included in the environmental assessment.

Minn. Stat. § 216E.04, subd. 5, anticipates Commission input into the identification of sites, in addition to the applicant's proposed facility locations, for inclusion in the environmental review of a project.

Scoping Summary

On April 10, 2015, Commission staff sent notice of the place, date and times of the Public Information and Scoping meetings to those persons on the General List maintained by the Department, the agency technical representatives list and the project contact list.³ Notice of the public meetings was also published in the *Marshall Independent* on April 21, 2015.⁴

Commission staff and EERA staff jointly held two public information and scoping meetings in Marshall, Minnesota. The purpose of the meetings was to provide information to the public about the proposed project, to answer questions, and to allow the public an opportunity to suggest alternatives and impacts (i.e., scope) that should be considered during preparation of the environmental review document. The meetings were attended by approximately 80 people in total, and a total of 12 people spoke at the meetings. A court reporter was present at all of the meetings to document oral statements.⁵

Scoping Comments

A total of 14 written comments were received by the end of the scoping comment period on May 15, 2015.⁶ Scoping comments addressed a variety of topics including: use of prime farmland for a solar project; impacts of the proposed facilities on property values of nearby properties; costs and fees paid to local governments; human health impacts from the Project; incremental impacts from the number of large energy facilities in the project area; potential to expand the proposed project or locate additional solar projects in the area; impacts to wildlife; overall appearance of the solar installations and the potential for glare; noise during construction and operation of the facilities; impacts to communication systems (land lines and cell phones, ham radios); impacts to agriculture; vegetation for the project established after construction; impacts to surface and ground waters and stormwater runoff; impacts to installed drainage systems on adjacent lands; impacts to wetlands; and the health, environmental and social benefits of solar power.

The Minnesota Department of Transportation (MnDOT) clarified that MnDOT does not consider a solar generating project to be a public utility for transportation purposes and

³ Notice of Public Information/Scoping Meeting, eDocket Document ID [20154-109177-01](#), [20154-109177-02](#)

⁴ Affidavit of Publication, eDocket Document ID: [20156-111025-01](#)

⁵ Oral Comments Received During Scoping, eDocket Document I: [20155-110332-01](#), [20155-110332-02](#)

⁶ Public Scoping Comments Received by May 15, 2012, eDocket Document ID: [20155-110515-01](#), (Note – these comments include information previously entered into the record, but re-submitted during the public comment period); Public Comment, eDocket Document ID: [20155-110515-01](#); MnDOT Comment, eDocket Document ID: [20155-110412-01](#); Clean Energy Organizations EA Scoping Comments, eDocket Document ID: [20155-110436-02](#)

consequently would not allow Marshall Solar to place connecting lines along trunk highways, although electric lines are permitted to cross trunk highways. MnDOT also identified the need for the Project to receive access permits from the appropriate road permitting agency once access point(s) for the Project are determined.⁷

Proposed Alternatives

Marshall Solar and similar solar generating projects are unique in several ways that potentially limit the consideration of alternative sites:

1. Marshall Solar does not have the right of eminent domain and must reach agreement with a willing landowner;
2. Photovoltaic installations require an amount of land that is relatively large compared to thermal energy generation;
3. Marshall Solar has an agreement with Xcel Energy to interconnect to the grid at the Lyon County Substation.

Given the particular requirements of the Project, EERA staff tried to solicit information on potential alternative sites by providing guidance to commenters in the public notice:

"In proposing an alternative site, please bear in mind that Marshall Solar does not have the right of eminent domain, and that the landowner would need to be willing to sell or lease the site. In addition, alternative sites should be of similar size to the proposed site, relatively flat and open with unimpeded views of the sun."

Public comments identified a strong preference that the Project should be not located on land classified as prime farmland, but no specific alternative sites for the Project were proposed.

Although no specific alternative sites were proposed, members of the public did suggest general alternatives to be considered in the EA:

- Non-specified locations in Lincoln County;
- Non-specified locations in eastern South Dakota;
- Arid and sunny areas (presumably outside of Minnesota);
- Sites submitted in other bids submitted in response to Xcel Energy's Solar RFP;
- Non-specified empty building locations in the city of Marshall; and
- Hanging vertical panels from wind turbines.

Pursuant to MN Rule 7850.3700, subpart 2(B), EERA staff notified Marshall Solar of the general alternatives and provided Marshall Solar with an opportunity to respond. Marshall Solar's response to the proposed general alternatives (included as Attachment 1) concluded that the general alternatives proposed during the comment period are neither feasible or appropriate for inclusion in the EA.

⁷ MnDOT Scoping Comment, May 15, 2015, eDocket ID: [20155-110412-01](#).

EERA Staff Analysis and Comments

The scoping process for environmental review in Minnesota is designed to identify and analyze “only those potentially significant issues relevant to the proposed project” and alternatives to the project.⁸ With respect to route and site alternatives, the Department is charged with including those alternatives which will “assist in the [Commission’s] ultimate decision on the permit application.”⁹

In assessing which route and site alternatives proposed during the scoping process should be carried forward for evaluation in the environmental review document for a project, EERA staff considers five criteria:

- Were any alternatives submitted within the scoping period, i.e., prior to the end of the public comment period for scoping?
- Does the alternative contain the information required in Minnesota Rule 7850.3700, including “an explanation of why the site or route should be included in the [environmental review document]”? EFP staff interprets this text to require that a commenter not only identify the route and site alternatives – to be included in the scope of the environmental review document – but also identify the potential impacts of the proposed project the alternative is intended to address. The commenter need not provide extensive supporting data for their alternative, but must provide enough explanation such that the potential impact addressed by the site alternative is clear and understandable.
- Is the alternative outside of areas prohibited in Minnesota Rule 7850.4300, e.g., wilderness areas, state and national parks, scientific and natural areas?
- Does the alternative meet the applicant’s stated need for the project?
- Is the alternative feasible?

Finally, EERA staff analyzes the remaining alternatives to determine if evaluation in the EA would aid in the Commission’s decision on the permit application. This includes comparing the alternative to other alternatives that could avoid or mitigate the impacts described by the proposer of the alternative and determining if the alternative is likely to negatively impact any of the siting factors of Minnesota Rule 7850.4100 relative to the proposed site.

EERA staff has used the above criteria to analyze the site alternatives proposed during the scoping process. All of the proposed general alternatives were received prior to the close of the scoping period and none of the proposed general alternatives are located in an area that is prohibited by Minnesota Rule 7850.4300. The proposed alternatives appear intended to avoid the use of prime farmland for solar generation.

As discussed above, no specific site alternatives were identified during scoping. Given the lack of specific alternative sites proposed for evaluation, EERA staff tried to identify alternatives or analysis techniques that might assist the Commission in its evaluation of the Project. With respect to the general alternatives identified during the scoping comment period EERA staff provides the following assessment:

⁸ Minnesota Rule 4410.2100, Subp. 1.

⁹ Minnesota Rule 7850.3700, Subp. 2.

Lincoln County

One commenter suggested that the Project be located in Lincoln County, but did not identify a specific location. In developing alternative routes or route segments to transmission lines, EERA staff often works with commenters to identify and map potential routes that avoid or minimize anticipated impacts to be evaluated in comparison to the proposed route in an environmental review document. With the Marshall Solar project, EERA staff does not believe it is appropriate to identify specific alternative sites for several reasons:

- Unlike transmission routes which would potentially limit the use a strip of property for the landowner, a solar facility would potentially remove up to 500 acres from the existing land use for several decades. Without the identification of a willing landowner, showing such an area on a map is likely to understandably alarm some landowners.
- As Marshall Solar does not have the power of eminent domain, EERA staff does not believe that analysis of an alternative site where there is no indication of a willing landowner will assist the Commission in determining the best site for the proposed facility.

South Dakota and Unspecified “Sunny Arid Areas”

As with the proposed suggestion to site the Project in Lincoln County, the suggestion that the Project be located in eastern South Dakota and “Sunny Arid Areas,” presumably outside of Minnesota, do not provide sufficient information to identify specific alternative sites. Further, EERA staff does not believe that an evaluation of non-specific locations in areas outside of the Commission’s jurisdiction would provide the Commission with information that would assist the Commission’s ultimate decision on the permit application.

Other Bids Submitted in Response to Xcel Energy Solar RFP

EERA staff does not have information on the location of the other sites submitted in response to the Xcel Energy Solar RFP. Additionally, as these other locations were not selected by Xcel Energy or the Commission as alternatives to the Project, EERA staff does not believe that these alternative locations meet the Applicant’s stated need for the Project.

Empty Building Locations in Marshall

EERA staff does not believe that the comment to locate the Project on empty building locations in Marshall is either feasible or meets the applicant’s stated need for the Project. Given the growth and development patterns in Marshall, it is unlikely that there is a 500 acre site (a land area equivalent to approximately 120 Walmart Supercenters) located within the city that would be available to Marshall Solar. Developing a 62.25 MW project at dispersed building sites in the city of Marshall would likely result in multiple interconnections at the distribution level, which does not match Marshall Solar’s stated need for the Project.

PV Panels Mounted on Wind Turbines

EERA staff does not believe that mounting vertical solar panels on wind turbines would be a feasible alternative to the Project. Firstly, EERA staff is not confident that Turbine towers are designed to support the addition of panels. Secondly, if towers were able to support the addition of PV panels, each tower could only provide a limited amount of space to support panels and, given the limited number of turbines located at any single facility, this alternative would require that Marshall Solar reach agreement with multiple wind developers and seek grid interconnection at multiple locations. In addition to the impracticability of developing a 62.25 MW PV project in this way, the resulting project would be a very different project than that proposed by Marshall Solar in this proceeding.

Commenters did identify a variety of issues that they wanted to see examined in the EA. However, with the exception of the proposed site's location on prime farmland, commenters did not identify issues with the proposed site that could be mitigated with a different site.

The rules governing the siting of power plants provide for up to 0.5 acres of prime farmland be used per MW in most areas unless there is no feasible and prudent alternative. Minnesota Rule 7550.4400, Subpart 4:

No large electric power generating plant site may be permitted where the developed portion of the plant site, excluding water storage reservoirs and cooling ponds, includes more than 0.5 acres of prime farmland per megawatt of net generating capacity, or where makeup water storage reservoir or cooling pond facilities include more than 0.5 acres of prime farmland per megawatt of net generating capacity, unless there is no feasible and prudent alternative. Economic considerations alone do not justify the use of more prime farmland. "Prime farmland" means those soils that meet the specifications of Code of Federal Regulations 1980, title 7, section 657.5, paragraph (a). These provisions do not apply to areas located within home rule charter or statutory cities; areas located within two miles of home rule charter or statutory cities of the first, second, and third class; or areas designated for orderly annexation under Minnesota Statutes, section [414.0325](#).

EERA believes that the record requires additional information in order for the Commission to determine whether there is a feasible and prudent alternative to locating the Project on prime farmland. In order to better develop the record on the availability of feasible and prudent alternatives to siting the facility on prime farmland, EERA plans to analyze the area located within five miles of the Lyon County Substation in the EA. An analysis of the approximately 78.5 square mile comparison area would not result in identification of specific alternative sites for consideration in this proceeding, but EERA believes that this analysis will help to provide the Commission with the necessary information to develop findings that satisfy the intent of Minnesota Statutes 216E.04.

EERA staff plans to recommend the Deputy Commissioner of the Department that the EA scoping decision include only the site proposed by Marshall Solar in its Site Permit Application. For purposes of determining whether there is a feasible and prudent alternative to siting the Project on prime farmland, the EA would include a review of a comparison area located within five miles of Lyon County Substation.

Attachment A

Marshall Solar Response to Alternatives Proposed During Scoping Comment Period

Inadvertently Omitted from DOC EERA staff Comments filed June 4, 2015 (eDocket

Document ID: [20156-111164-01](#))

May 29, 2015

Via Electronic Mail

Suzanne Steinhauer
Environmental Review Manager
Energy Environmental Review and Analysis
Minnesota Department of Commerce
85 7th Place East, Suite 500
Saint Paul, MN 55101

Re: **Response of Marshall Solar, LLC**

In the Matter of the Application of Marshall Solar, LLC for a Site Permit for the Marshall Solar Energy Project and Associated Facilities in Lyon County, Minnesota

Docket No. IP-6941/GS-14-1052

Dear Ms. Steinhauer:

Pursuant to Minn. R. 7850.3700 Subp. 2, Marshall Solar, LLC hereby submits its brief Response to comments submitted during the environmental assessment scoping process suggesting alternative sites for the Marshall Solar Energy Project.

Thank you for your attention to this matter.

Sincerely,

STINSON LEONARD STREET LLP

Brian M. Meloy

Brian M. Meloy

BMM/cw
Attachments

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application)
of Marshall Solar, LLC for a)
Site Permit for the Marshall) **Docket No. IP-6941/GS-14-1052**
Solar Energy Project and)
Associated Facilities)
in Lyon County, Minnesota)

RESPONSE OF MARSHALL SOLAR, LLC

Pursuant to Minn. R. 7850.3700 Subp. 2, Marshall Solar, LLC hereby submits its brief Response to comments submitted during the Environmental Assessment (“EA”) scoping process that could be considered to offer proposed alternative sites to be included in the scope of the EA for the Marshall Solar Energy Project (“Project”). As discussed below, none of the suggested general alternatives are feasible or appropriate for evaluation in the EA.

**I.
BACKGROUND**

On April 10, 2015, the Minnesota Public Utilities Commission (“Commission”) and Department of Commerce (“Department”) issued a *Notice of Public Information and Environmental Assessment Scoping Meeting* (“Notice”) to be held on April 27 and 28, 2015 in Marshall, Minnesota. The public scoping meetings provided members of the public with an opportunity to comment on the scope of the EA that would evaluate the potential human and environmental impacts of the Project. During the comment period, interested persons could also propose that alternative sites be evaluated in the EA. With respect to alternatives, the April 10, 2015 Notice provided:

Are there specific alternative sites that should be addressed in the environmental assessment? In proposing an alternative site, please bear in mind that Marshall Solar

does not have the power of eminent domain, there must be a landowner willing to sell or lease a site that meets the project requirements. In addition, alternative sites should be of similar size to the proposed site, relatively flat and open with unimpeded views of the sun.

-- Department of Commerce staff will also review the ability of any proposed alternative to interconnect to the transmission/distribution system.^[1]

While no person proposed a specific alternative site for consideration, members of the public did suggest that general alternatives be considered. The general alternative sites included:

1. Sites not located on prime farmland;
2. Sites in Lincoln County;
3. Project sites submitted in other bids in response to Northern States Power Company's ("NSP") Solar RFP;
4. Empty building locations in the City of Marshall; and
5. Hanging vertical panels from wind turbines.

While Marshall Solar appreciates the public's comments, the "alternatives" suggested via the public scoping process (1) have not been developed with enough specificity to allow them to be appropriately evaluated in an EA; and (2) are not feasible alternatives to the Project as proposed.

I. RESPONSE

A. The Suggested Alternatives Lack the Necessary Specificity.

Through its discussions with neighboring landowners, Marshall Solar has taken proactive and concrete steps to address public concerns with the Project site by modifying the proposed footprint, equipment types, and fundamental design of the Project.² These changes resulted in a sizable

¹ In addition to the scoping meetings, members of the public were provided with an opportunity to provide written comments. The comment period ended May 15, 2015.

² Marshall Solar's efforts were acknowledged in public comments at the scoping meetings. *See e.g.*, Public Hearing Transcript at p. 13 (April 28, 2015) (Mr. Ron Weidauer stating that "[n]ow you see the outside line for the perimeter of the property they own. They backed it away from my kid's property.").

reduction in the acreage of the proposed Project and required Marshall Solar to deviate from its preferred site layout.

Nevertheless, Marshall Solar appreciates that some commenters suggested during the scoping process that the Project be located somewhere else. Commenters have generally suggested that the Project be located in a different county³ or configured such that the Project is converted to a rooftop project or a combined wind/solar project.⁴ None of these alternatives have been offered with sufficient specificity to determine if they are viable or reasonable alternatives to the Project, *i.e.*, that they meet the selection criteria set forth in Minn. Stat. § 216E.03, Subd. 7 and Minn. R. 7850.4100.⁵

Under Minn. R. 7850.3700 Subp. 2, a person proposing consideration of an alternative is to provide “an explanation of why the site ... should be included in the environmental assessment and all supporting information” At present, no alternative has been presented with enough detail that it would “assist in the commissioners’ ultimate decision” on Marshall Solar’s Application for a Site Permit as required by Minn. R. 7850.3700.

Finally, the suggestion that a viable alternative to the Project Site is any site where prime farmland is not impacted is overly broad. While Marshall Solar recognizes that impacts to prime farmland and any recommended mitigation will be evaluated in the EA,⁶ it is neither practical nor

³ See Public Hearing Transcript at pp. 17-18 (April 28, 2015) (Ms. Janelle Geurts testifying that “there are acres upon acres of land that would be available” 20 miles west of the project site and that pasture land in “Lincoln County” would be an alternative.).

⁴ See *e.g.*, Public Hearing Transcript at p. 22 (April 27, 2015) (Mr. Greg Boerboom testifying that “panels could be vertically fastened to the already existing wind tower poles, where power distribution lines are already in place.”).

⁵ See also, the Commission’s *Order Finding Application Substantially Complete, Authorizing Use Of Alternative Permitting Process, And Granting Variance* issued in Docket No. IP-6941/GS-14-1052 at p. 5 (May 11, 2015).

⁶ Marshall Solar recognizes that the prime farmland exclusion issue will be addressed on the merits in this proceeding and is prepared to demonstrate that it has satisfied the requirements of Minn. R. 7850.4400 or that the Rule should be varied or waived for good cause shown as permitted by Minn. R. 7829.3200.

appropriate to evaluate all possible sites that would not utilize prime farmland (presumably anywhere and everywhere in the state) as part of that process.⁷

B. The Suggested Alternatives Are Not Feasible.

Even if the proposed general alternatives were capable of being appropriately evaluated in an EA, as the Commission recognized in its April 10, 2015 Notice, unlike a public utility, Marshall Solar does not have eminent domain authority and thus does not have access to every other possible alternative site. In this case, the existing owner of the site entered into an arm's-length transaction and elected to allow Marshall Solar to use the land for the Project. In this respect, the landowner made a decision to take the farmland out of production; a decision that has no impact on the ability to farm, or the productivity of, the adjacent farmland.

In addition, the Project was selected both by NSP and the Commission from over 100 proposals to meet the state's statutory renewable energy mandate⁸ – a factor some commenters assert demonstrates the existence of alternatives, rather than recognition of the merits of this particular Project site. In selecting the Project, both NSP and the Commission determined that the Project was among the most cost-effective projects available for NSP to meet its solar energy obligations. Further, in approving the power purchase agreement (“PPA”) for the Project, the Commission stated:

The Commission finds that the three projects brought forward by Xcel represent a cost-effective, reasonable, and prudent approach for the Company to meet its obligations under the Solar Energy Standard. Xcel selected the projects as the most attractive proposals in a competitive-bidding process that drew 111 proposals for 2,100 MW of total capacity.⁹

⁷ A review of Figure 4.5 in Marshall Solar's Application for a Site Permit shows that it would be nearly impossible to avoid prime farmland in siting a large scale solar energy project in this geographic area of the state. The rationale for proposing development in this region of the state are discussed at length in the Site Permit Application at, *e.g.*, pp. 50-54.

⁸ Minn. Stat. § 216B.1691, Subd. 2f(a)-(c).

⁹ *In the Matter of Xcel Energy's Petition for Approval of a Solar Portfolio to Meet Initial Solar Energy Standard*, Docket No. E-002/M-14-162, Order Approving Solar Portfolio at p. 6 (March 24, 2015).

With the exception of the Project and two other projects, none of the other “project sites” were accepted by NSP or the Commission; nor are they feasible alternatives to this specific Project. Simply, Marshall Solar does not have access to the other sites proposed by other developers.

More importantly, Marshall Solar’s PPA with NSP is premised on the economics of the current site (*e.g.*, availability of transmission, existing land rights, environmental attributes, etc.) and is site specific. The selection of the present Project site was deliberate, and was made after considering numerous factors and other potential project locations, both locally and regionally. Alternative sites proposed by other developers (information on which is not publicly available) would not serve the purpose of the Project, which is to help NSP meet the renewable energy mandate set forth in Minn. Stat. § 216B.1691 in an efficient and cost effective manner.

II. CONCLUSION

For the foregoing reasons, Marshall Solar respectfully submits that there have not been any alternatives suggested during public scoping that will “assist in the commissioners’ ultimate decision” on Marshall Solar’s Application for a Site Permit as required by Minn. R. 7850.3700. Accordingly, the Commission should conclude that none of the suggested general alternatives are feasible or appropriate for evaluation in the EA.

Dated: May 29, 2015

Respectfully submitted,

/s/ Brian M. Meloy

Brian M. Meloy
Andrew Gibbons
STINSON LEONARD STREET
150 South Fifth Street, Suite 2300
Minneapolis, Minnesota 55402
Telephone: (612) 335-1500
Facsimile: (612) 335-1657
brian.meloy@stinsonleonard.com
andrew.gibbons@stinsonleonard.com