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June 21, 2013

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

In the Matter of the Application of Stoneray Power Partners, LLC for a Large Wind Energy Conversation System Site Permit for the 105 MW Stoneray Wind Project in Pipestone and Murray Counties (PUC Docket No. IP-6646/WS-13-216)

Re: Comments and Recommendation on Application Completeness

Dear Dr. Haar:

Attached are the review and comments of the Minnesota Department of Commerce Energy Facility Permitting staff in the above matter.

Stoneray Power Partners, LLC has submitted an application pursuant to Minnesota Rule 7854.0400 for a Site Permit for a 105 Megawatt wind project in Pipestone and Murray Counties.

This filing was made on June 11, 2013, by:

Melissa Peterson
Senior Development Manager
EDF Renewable Energy
10 Second Street NE, Ste. 400
Minneapolis, Minnesota 55413

EFP staff is available to answer any questions the Commission may have.

Sincerely,

A handwritten signature in black ink, appearing to read "David Birkholz", is written in a cursive style.

David Birkholz, EFP Staff

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

DOCKET No. IP-6646/WS-13-216

Date: June 21, 2013

EFP Staff: David E. Birkholz651-296-2878

In the Matter of the Application of Stoneray Power Partners, LLC for a Large Wind Energy Conversation System Site Permit for the 105 MW Stoneray Wind Project in Pipestone and Murray Counties

Issue(s) Addressed: These comments address whether the Application should be accepted as providing complete information per Minnesota Rule 7854.0500 sufficient to begin the Site Permit review process.

Additional documents and information can be found on the EFP website <http://mn.gov/commerce/energyfacilities/Docket.html?Id=33153> or on eDockets <https://www.edockets.state.mn.us/EFiling/search.jsp> (Year "13" and Number "216").

This document can be made available in alternative formats; i.e. large print or audio tape by calling (651) 296-0391.

INTRODUCTION AND BACKGROUND

Stoneray Power Partners, LLC (Applicant) filed an Application¹ with the Public Utilities Commission (Commission) for a Large Wind Energy Conversion System (LWECS) Site Permit on June 1, 2013, to build the Stoneray Wind Farm (Project) in Pipestone and Murray counties. The Applicant had previously filed an application² for a Certificate of Need for the Project on April 29, 2013.

¹ "Site Permit Application for an LWECS," (SPA) Stoneray Power Partners, LLC, June 11, 2013

² "Application for Certificate of Need," Stoneray Power Partners, LLC, eDockets [20134-86239-01](#), April 29, 2013

Stoneray Power Partners, LLC is a wholly-owned subsidiary of EDF Renewable Energy (EDF), which was formerly enXco Development Corporation. enXco had developed several projects in Minnesota, including the Chanarambie Project³ in Murray County, adjacent the planned Stoneray Project. Additionally, enXco was formerly granted a permit on June 16, 2005, for a 105 MW Stoneray Project⁴ in the area. However, EDF has abandoned that project in favor of pursuing the new Stoneray Project and a new permit.

Project Location

The Project is located near the city of Woodstock.⁵ Portions of the Project are located in Rock and Burke townships in Pipestone County and in Chanarambie and Cameron townships in Murray County. The proposed Project is located in a portion of the state that has seen extensive development of LWECS over the past 15 years.

Project Description

The Project Boundary encompasses approximately 29,500 acres, of which approximately 14,500 acres are under site control.

The Project for which a permit is being requested includes:

1. A wind turbine layout consisting of up to 62 turbines, depending on turbine specifications; the application describes the possible use of General Electric 1.7 MW, Vestas 2.0 MW, Siemens 2.3 MW or Siemens 3.2 MW wind turbines; and
2. Associated facilities, including gravel access roads, an electrical collection system, temporary and permanent meteorological towers, a step-up substation, and possibly an O&M building.

The Project does not require an associated transmission system, as the Project will connect to the existing Chanarambie Substation.

The Applicant's goal is to commence construction of the Project in December 2013, and achieve commercial operation by December 2014.

REGULATORY PROCESS AND PROCEDURE

A site permit from the Commission is required to construct an LWECS, which is any combination of wind turbines and associated facilities with the capacity to generate five megawatts or more of electricity. This requirement became law in 1995. The Minnesota Wind Siting Act is found at Minnesota Statutes Chapter 216F. The rules to implement the permitting requirements for LWECS are in Minn. Rule 7854.

Application Acceptance

Application acceptance is guided by Minnesota Rule 7854.0600. The Commission may elect to accept, conditionally accept, or reject the Application.

³ See EQB Docket 01-19-LWECS-ENXCO at <http://mn.gov/commerce/energyfacilities/>

⁴ See EQB Docket 05-90-LWECS-STONERAY at <http://mn.gov/commerce/energyfacilities/>

⁵ See SPA at Appendix A-Figure 1

If the Commission conditionally accepts or rejects an application, the Commission must advise the Applicant of the deficiencies in the application and the manner in which the deficiencies can be addressed.

Within 15 days of LWECS site permit application acceptance, the Applicant is required to provide notice of application acceptance. In addition to publishing this notice in a newspaper of general circulation in each county, the notice is distributed to the county board, each city council and each township board in each county where the LWECS is proposed to be located. This notice is also posted on eDockets and on the Department of Commerce Energy Facility Permitting (EFP) website. In practice this notice has been developed by the Applicant with assistance from EFP staff to ensure that the notice meets the requirements and intent of Minnesota Rule 7854.0600.

As a part of the notice requirements of Minnesota Rule 7854.0600, the Applicant must provide a copy of the accepted Application to each landowner within the site. The Applicant is also required to distribute the accepted application to the Minnesota Historical Society, the regional development commission(s) within which the LWECS is proposed to be located, the auditor of each county, and the clerk of each city and township in which the LWECS is proposed to be located. The auditors and clerks are to retain the application and make it available for public inspection on request. In practice, the Applicant also provides a copy of the application to anyone requesting a copy. The Applicant is responsible for maintaining the application distribution list.

In earlier projects under review, EFP staff had also distributed copies of the application accompanied by a cover memorandum requesting comments on the application and the project to technical representatives from state agencies (e.g., Pollution Control Agency, Department of Natural Resources, Department of Transportation, Board of Water and Soil Resources, Department of Agriculture, and Department of Health) that may have permitting or review authority over the project.

Preliminary Determination on Draft Site Permit

Minnesota Rule 7854.0800 states, “Within 45 days after acceptance of the application by the commission, the commission shall make a preliminary determination whether a permit may be issued or should be denied. If the preliminary determination is to issue a permit, the commission shall prepare a draft site permit for the project. The draft site permit must identify the permittee, the proposed LWECS, and proposed permit conditions.”

Issuing a draft site permit does not confer an authority to construct an LWECS. The Commission may change, amend or modify the draft site permit in any respect before final issuance or may deny the site permit at a later date.

EFP ANALYSIS AND COMMENTS

The Application has been reviewed by EFP staff pursuant to the requirements of Minnesota Rule 7854 (Wind Siting Rules). The Application provides the information required by Minnesota Rule 7854.0500 in a format that all members of the public can access.

The Applicant developed the Application with the assistance of the EFP guidance document⁶ for LWECS permits. This guidance for site permitting provides applicants and preparers of LWECS applications with information on how to prepare a complete site permit application, including information on the permitting process, pre-application consultation, and how to submit an application. While this document is a useful tool for new developers, it is also helpful to developers with experience in Minnesota, like EDF, to review current policies, guidelines and expectations as to necessary study standards.

The Applicant submitted a draft Application for review in March 2013. EFP reviewed the document and then met with the Applicant and their consultants in April 2013, to discuss the content and completeness of their submission. The Applicant edited and supplemented the Application following that meeting before making their official filing in June 2013. Generally, EFP finds the updated Application addresses the issues of discussion at the April meeting.

The one area of deficiency remaining from the earlier document, in our opinion, is the discussion of a decommissioning plan. While a final plan is generally required by the Site Permit to be provided at the Pre-Operation Meeting, the Applicant is also expected to provide certain information at the beginning of the process in the Application. Minnesota Rule 7854.0500:

Subp. 13. Decommissioning and restoration. *The applicant shall include the following information regarding decommissioning of the project and restoring the site:*

- A. the anticipated life of the project;*
- B. the estimated decommissioning costs in current dollars;*
- C. the method and schedule for updating the costs of decommissioning and restoration;*
- D. the method of ensuring that funds will be available for decommissioning and restoration;*
and
- E. the anticipated manner in which the project will be decommissioned and the site restored.*

EFP finds this section⁷ of the Application particularly scant on detail, especially for parts B to D.

Overall, the Application includes the contents anticipated by rule. The Applicant has also performed a thorough job of developing the site characteristics (Tier 2) and has already conducted surveys (Tier 3) in cooperation with the Minnesota Department of Natural Resources and the U.S. Fish and Wildlife Service and included those reports in the Application appendices.

The Application does not include an Avian and Bat Protection Plan. The Applicant states, "Development and implementation of a Bird and Bat Conservation Strategy (BBCS) plan would be completed before operation of the Project, including additional review of the Project BBCS by the USFWS. A BBCS will be used in place of an Avian and Bat Protection Plan (ABPP)."⁸ EFP notes that an ABPP is not currently anticipated at the application stage. However, EFP also notes that its understanding of the Commission's intention is that the plan would be developed and available at the Draft Site Permit stage, not "before operation."

⁶ "Application Guidance for Site Permitting of Large Wind Energy Conversion Systems (LWECS) in Minnesota," EFP, August 5, 2010

⁷ See SPA at Section 10.10

⁸ *Id.* at 8.19

Project Maps

EFP discussed maps to include in the Application with the Applicant at the April 2013, meeting. One point of discussion was the necessity of including environmental maps that included turbine layouts for each of the turbines still under consideration. There are four turbines under consideration (see above), and EFP appreciates that the Applicant has presented four different versions of maps where appropriate. EFP's concern is that the maps are difficult to differentiate, as the different layouts are described as "Proposed Turbine Array v [10-13]. This could potentially be solved by providing a key sheet to Appendix A. However, in paper or electronic versions, individual maps may be separated from the whole set. EFP would prefer the Applicant resubmit these maps with designations of the turbine, e.g., "Proposed GE 1.7 Turbine Array."

EFP noted in earlier discussions with the Applicant that "Figure 9. Project Area and Natural Features" was difficult to read with the aerials as background. Unfortunately, the correction in the filed Application was to not use a background. EFP finds this difficult to read for physical reference and would prefer the Applicant resubmit these four maps with a "Topo" background. Since these maps are a subset of the maps mentioned above, this additional change should not present a particular hardship to Applicants.

EFP appreciates that the Applicant has included maps in an 11 x 17 (z-fold) format.

EFP Conclusions and Recommendation

EFP concludes that the Application is complete, except for the considerations mentioned above. EFP staff is requesting that the Commission direct the applicant to honor requests for additional information as necessary to facilitate the review process.

EFP recommends the Commission conditionally accept the Application, to be considered complete upon receipt of additional information on a Decommissioning Plan and when updated maps as described above have been efiled and mailed to recipients of hard copy Applications.