



December 27, 2017

Shanelle Montana
Red Pine Wind Project, LLC
EDF Renewable Energy
10 Second Street NE, Suite 400
Minneapolis, MN 55413

RE: Review of Compliance Documents
In the Matter of the Application of Minnesota Power for a Large Wind Energy Conversion System Site Permit for the Red Pine Wind Project in Lincoln County
Docket No. IP6646/WS-16-618

Dear Ms. Montana:

The Minnesota Public Utilities Commission is in receipt of Red Pine Wind Project, LLC's compliance documents that were filed on December 1, 12, 18 and 21, 2017, regarding the Pre-Operation Compliance Documents for the Red Pine Wind Project.

The following documents were submitted in accordance with the Red Pine Wind Project Large Wind Energy Conversion System (LWECS) Site Permit:

Permit Section	Description	e-Docket Number	Date Filed on e-Dockets
7.4	Noise Monitoring Protocol	201712-137876-01	December 1, 2017
11.1	Decommissioning Plan	201712-137847-01	December 1, 2017

10.10	Updated Emergency Response Plan	201712-137846-01	December 1, 2017
5.2.2	Site Manager	201712-138111-01	December 12, 2017
7.4	Final Noise Monitoring Protocol	201712-138269-01	December 18, 2017
10.2	Pre-Operation Meeting Minutes	201712-138327-02	December 21, 2017
10.3	Notification of Operations	201712-138327-01	December 21, 2017

Department of Commerce Energy Environmental Review and Analysis (EERA) staff has reviewed the filings noted above and provided comments to Red pine Wind Project, LLC on some of the required filings. EERA staff believes the filings submitted to date are consistent with the terms and conditions of the permit issued by the Commission in this docket, with the exception of the Noise Monitoring Protocol.

Noise Monitoring Protocol under Site Permit Section 7.4

EERA staff noted that, per section 7.4 of the Site Permit, the Noise Monitoring Protocol was to have been submitted at least 14 days prior to the pre-construction meeting. EERA staff further stated that “the Site Permit Compliance Filings section of the Site Permit provided conflicting information and that the Pre-Operational Compliance Meeting Table indicates that the Noise Study Protocol is due 14 days prior to the pre-operational meeting”. EERA staff acknowledged that the Noise Monitoring Protocol was not filed and reviewed in accordance with Site Permit Section 7.4 and that pre-construction compliance filing review is EERA’s responsibility. EERA further stated that the Permittee filed the Noise Monitoring Protocol greater than 14 days prior to the pre-operational meeting.

Commission staff has reviewed this matter and disagrees with EERA's recommendations for several reasons. First, a *Draft* Post-Construction Noise Study Protocol was first filed with the Commission on December 1, 2017. The *Final* Noise Study Protocol, which incorporated several changes to the draft document, was filed on December 18, 2017. A draft document is, by definition, understood to be subject to additional changes. The date of filing of the Final Noise Study Protocol is used for determination of compliance with this section of the permit. This filing was made one day before the pre-operation meeting.

Commission staff also notes that the Compliance Filing Procedures Document (Site Permit, Attachment B) plainly states: ***"This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls"***. EERA staff incorrectly relied upon the Attachment to the Site Permit in evaluating compliance with this requirement, instead of Site Permit Section 7.4 itself.

Pre-Operation Compliance Meeting under Site Permit Section 10.2

EERA staff noted that Site Permit section 10.2 requires that the pre-operation meeting be conducted at least 14 days prior to the Project beginning operation, and based on the meeting date of December 19, 2017 the Project would be eligible to begin operation on January 2, 2018. The Permittee has indicated they would like to begin Project operation on December 28, 2017, as indicated in their Notification of Operation filing.ⁱ EERA staff acknowledged that beginning operations on December 28, 2017 would not meet the 14-day requirement of Site Permit section 10.2. However, EERA staff supported a Project operation start date of December 29, 2017 provided the Commission determines that it is appropriate to allow the operation start date to be less than the 14 days after the pre-operation meeting as set forth in Site Permit section 10.2. EERA staff recommended that the Commission issue a letter to Red Pine Wind Project, LLC acknowledging the completion of the pre-operation compliance review and identifying when the Permittee is authorized to begin operation.

Staff notes that the purpose of the Pre-Operation Meeting required in Section 10.2 of the LWECS Site Permit is "to coordinate field monitoring of operation activities for the project" and does not contemplate that further compliance review is required at that time.

Because final compliance documents continued to be filed as late as December 21, 2017, a December 28, 2107 operational date is not authorized by the Commission. Additionally, neither EERA nor Commission staff have the authority to unilaterally modify permit conditions. Any changes to the permit must be done via the Commission's Permit Amendment Process

described in Minnesota Rule 7854.1300.

Based on the review of submissions filed in this matter, Commission staff has advised, and I agree, that Red Pine Wind Project, LLC's compliance filings are in general agreement with the terms and conditions of the pre-operation compliance review of the Commission's June 27, 2017 LWECS Site Permit for this project effective December 21, 2017. Because of this, the Commission must advise you that commercial operation of the Project is not permitted until January 4, 2018.

If you have any questions regarding this letter, please direct them to Bret Eknes of the Commission staff at 651-201-2236 or bret.eknes@state.mn.us.

Sincerely,

Daniel P. Wolf
Executive Secretary

ⁱ Notification of Operation, E-Dockets Filing Number [201712-138422-01](#), December 26, 2017.