

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Valerie Means  
Matthew Schuerger  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Application of Hayward  
Solar LLC for a Certificate of Need and Site  
Permit under the Alternative Permitting  
Process for the up to 150 MW Hayward Solar  
Project in Freeborn County

ISSUE DATE: November 30, 2022

DOCKET NO. IP-7053/CN-21-112

DOCKET NO. IP-7053/GS-21-113

ORDER GRANTING CERTIFICATE OF  
NEED AND ISSUING SITE PERMIT

**PROCEDURAL HISTORY**

On June 29, 2021, the Commission issued an order in these dockets accepting the certificate of need and site permit applications as complete and referring the matter to the Office of Administrative Hearings for summary proceedings, including holding a public hearing and asking an administrative law judge to issue a report with findings, conclusions, and a recommendation.

On June 6, 2022, Administrative Law Judge James R. Mortenson issued his Findings, Conclusions, and Recommendations (ALJ's Report) in this matter.

On June 17, 2022, Hayward Solar LLC (Hayward Solar) and the Energy, Environmental Review and Analysis staff of the Department of Commerce (the EERA) each filed exceptions to the ALJ's Report, primarily to update and clarify proposed permit conditions.

On July 29, 2022, Hayward Solar filed an amended decommissioning plan.

On August 22, 2022, the EERA filed comments in support of Hayward's amended decommissioning plan.

On October 27, 2022, the matter came before the Commission.

**FINDINGS AND CONCLUSIONS**

**I. The Project**

Hayward Solar proposed a solar-energy capacity project of up to 150 megawatts (MW) in Hayward Township, Freeborn County, Minnesota. Project facilities would include photovoltaic

solar panels/arrays, tracking racks, inverters, collection lines, access roads, and related facilities as necessary. Although the generating capacity of the system is 156.6 MW, Hayward Solar stated that the total energy generated and transmitted onto the grid would be limited to 150 MW.

Hayward Solar stated that the project is needed to provide energy and capacity to wholesale customers, including utilities in Minnesota and the region, to meet a projected need for additional renewable energy. The applicant's interconnection request is in queue with the Midcontinent Independent System Operator (MISO). The applicant anticipates executing a Generator Interconnection Agreement with MISO prior to construction that would provide outlet capacity to accommodate the energy generated. The project is scheduled to be constructed and operational in 2023.

## **II. Environmental Review**

The Commission authorized review of the certificate of need and site permit applications under the alternative permitting process governed by Minn. Stat. § 216E.04 and Minn. R 7850.2800.<sup>1</sup>

As part of the alternative review process, the EERA prepares an environmental assessment that contains information on the human and environmental impacts of the proposed project and that addresses mitigation measures for the sites considered. The environmental assessment is developed after the EERA issues a scoping decision identifying issues to be addressed, including any alternative sites for to be evaluated.<sup>2</sup>

The environmental assessment in this case addresses the issues identified in the scoping decision and includes an evaluation of the applicant's proposed site and possible mitigation measures. The Commission concurs with the ALJ and the parties that the environmental assessment and the record created in this matter address the issues identified in the scoping decision and satisfies applicable statutory and rule requirements.

## **III. Certificate of Need**

Based on the record and the ALJ's Report, the Commission concurs that Hayward Solar has met the requirements for a certificate of need. The Commission will therefore grant a certificate of need for the project, finding that:

- the factors set forth in Minn. R. 7849.0120(A), have been met and the probable result of denying the application would likely be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states;
- the factors set forth in Minn. R. 7849.0120(B), have been met and a more reasonable and prudent alternative to the Project has not been demonstrated by a preponderance of the evidence in the record;

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<sup>1</sup> Minn. R. 7849.1900 authorizes joint review of both a certificate of need and permit application. Joint review includes combined environmental review, in lieu of a separate environmental report required for a certificate of need application under Minn. R. 7849.1200.

<sup>2</sup> Minn. Stat. § 216E.04, subd. 4 and Minn. R. 7850.3700.

- the factors set forth in Minn. R. 7849.0120(C), have been met and the preponderance of the evidence in the record demonstrates that the Project will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health; and
- the factors set forth in Minn. R. 7849.0120(D), have been met and the record does not demonstrate that the design, construction, or operation of the proposed facility, or a suitable modification of the proposed facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

#### **IV. Site Permit**

The ALJ recommended that the Commission issue a site permit for the proposed project, along with permit conditions, finding that Hayward Solar has met all applicable permitting requirements.

In response to the ALJ's Report, Hayward Solar recommended several factual clarifications, as well as two modifications to permit conditions that reflect consensus between the applicant and the EERA.

These recommendations include modifications to Finding 212 and Conclusion 12 regarding the applicant's initial decommission plan. The proposed changes reflect subsequent agreement between the parties on updated language governing the applicant's plan and process for decommissioning the facility and restoring the site. Hayward Solar recommended modifications to section 9.1 of the site permit to effectuate these changes.

Additionally, Hayward Solar recommended clarifications to Finding 220 and Conclusion 16, governing the independent monitor who will be involved in monitoring the project during its construction phase.

Hayward Solar also recommended minor clarifications to the language in Finding 223 and Conclusion 19 governing project lighting. There were no objections to the clarifying language.

The Commission concurs with the ALJ that Hayward has satisfied all applicable permitting requirements and will therefore adopt the ALJ's Report with the modifications proposed by Hayward Solar, including changes to permit section 9.1, as set forth in the ordering paragraphs below. The Commission will also issue a site permit for the project, as attached.

#### **ORDER**

1. The Commission hereby finds that the Environmental Assessment and the record created in this matter address the issues identified in the scoping decision.
2. The Commission hereby grants a certificate of need for the 150-megawatt Hayward Solar project in Freeborn County, Minnesota.

3. The Commission hereby adopts the ALJ's Report with the modifications proposed by Hayward Solar in its June 17, 2022, exceptions, including changes to section 9.1 of the permit, as set forth below.
4. Section 9.1 of the permit is hereby modified to read as follows:

#### 9.1 Decommissioning Plan

The Permittee shall comply with the provisions of the most recently filed and accepted decommissioning plan. The initial version of the decommissioning plan was submitted for this project as part of the May 5, 2021, site permit application. The Permittee shall file an updated decommissioning plan, incorporating comments and information from the permit issuance process and any updates associated with final construction plans, with the Commission at least fourteen 14 days prior to the pre-construction meeting. The decommissioning plan shall be updated every five years following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other project components. The plan may also include anticipated costs for the replacement of panels or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located.

The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the project at the appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

The decommissioning plan must include:

- a site map identifying major components of the project.
- a discussion of the use of generation output
- permits necessary for decommissioning the project.
- an updated evaluation of the value of used solar panels.
- an estimate of both the net and gross decommissioning cost values
- a requirement that the plan must be updated with any change of project ownership.
- a proposed financial surety mechanism for decommissioning the project no later than the tenth year of operation. The proposed surety shall provide for the full decommissioning costs prior to the expiration of any power purchase agreement.
- the anticipated beneficiary of the surety.

- a recycling, reuse and reclamation plan that describes how the project materials will be reused, recycled, or repurposed, to the extent reasonably practicable.
5. The Commission hereby issues a site permit as attached.
  6. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



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**STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION**

**SITE PERMIT FOR A  
SOLAR ENERGY GENERATING SYSTEM**

**IN  
FREEBORN COUNTY**

**ISSUED TO  
HAYWARD SOLAR LLC**

**PUC DOCKET NO. IP-7053/GS-21-113**

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

**HAYWARD SOLAR LLC**

The Permittee is authorized by this site permit to construct and operate an up to 150-megawatt solar energy generating system and associated facilities in Freeborn County. The solar energy generating system and associated facilities shall be built and operated within the site identified in this permit and as portrayed in the official site maps, and in compliance with the conditions specified in this permit.

This site permit shall expire 30 years from the date of this approval.

Approved and adopted this 30th day of November, 2022

BY ORDER OF THE COMMISSION

A handwritten signature in black ink, appearing to read 'Will Seuffert', with a long horizontal flourish extending to the right.

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Will Seuffert,  
Executive Secretary

## CONTENTS

1	SITE PERMIT .....	1
1.1	Preemption .....	1
2	PROJECT DESCRIPTION.....	1
2.1	Associated Facilities .....	1
2.2	Project Location .....	2
3	DESIGNATED SITE.....	2
4	GENERAL CONDITIONS.....	2
4.1	Permit Distribution .....	2
4.2	Access to Property .....	3
4.3	Construction and Operation Practices.....	3
4.3.1	Field Representative.....	3
4.3.2	Site Manager .....	3
4.3.3	Employee Training and Education of Permit Terms and Conditions .....	4
4.3.4	Public Services and Public Utilities .....	4
4.3.5	Temporary Workspace .....	4
4.3.6	Noise.....	5
4.3.7	Aesthetics .....	5
4.3.8	Topsoil Protection .....	5
4.3.9	Soil Compaction.....	5
4.3.10	Soil Erosion and Sediment Control.....	5
4.3.11	Public Lands.....	6
4.3.12	Wetlands and Water Resources .....	6
4.3.13	Native Prairie.....	7
4.3.14	Vegetation Removal .....	7
4.3.15	Beneficial Habitat .....	7
4.3.16	Application of Pesticides .....	8
4.3.17	Invasive Species.....	8
4.3.18	Noxious Weeds.....	8
4.3.19	Roads .....	8
4.3.20	Archaeological and Historic Resources .....	9
4.3.21	Interference.....	9
4.3.22	Restoration.....	10
4.3.23	Cleanup.....	10
4.3.24	Pollution and Hazardous Wastes .....	10

	4.3.25 Damages .....	10
	4.3.26 Public Safety .....	10
	4.3.27 Site Identification .....	11
4.4	Feeder Lines .....	11
4.5	Other Requirements .....	11
	4.5.1 Safety Codes and Design Requirements .....	11
	4.5.2 Other Permits and Regulations .....	11
5	SPECIAL CONDITIONS.....	12
	5.1 Vegetation Management Plan .....	12
	5.2 Agricultural Impact Mitigation Plan .....	13
	5.3 Independent Monitor.....	13
	5.4 Noise Coordination.....	13
	5.5 Snowmobile Trails .....	13
	5.6 Wildlife-Friendly Erosion Control .....	14
	5.7 Project Lighting at O&M Building and Project Substation .....	14
6	DELAY IN CONSTRUCTION.....	14
7	COMPLAINT PROCEDURES.....	14
8	COMPLIANCE REQUIREMENTS .....	14
	8.1 Pre-Construction Meeting .....	14
	8.2 Pre-Operation Meeting.....	15
	8.3 Site Plan.....	15
	8.4 Status Reports.....	15
	8.5 Labor Statistic Reporting.....	16
	8.6 In-Service Date .....	16
	8.7 As-Built's .....	16
	8.8 GPS Data.....	16
	8.9 Project Energy Production .....	16
	8.10 Emergency Response .....	17
	8.11 Extraordinary Events.....	17
	8.12 Wildlife Injuries and Fatalities .....	18
9	DECOMMISSIONING AND RESTORATION .....	18
	9.1 Decommissioning Plan .....	18
	9.2 Site Restoration.....	19
	9.3 Abandoned Solar Installations .....	19
10	COMMISSION AUTHORITY AFTER PERMIT ISSUANCE .....	20
	10.1 Final Boundaries.....	20
	10.2 Expansion of Site Boundaries.....	20



10.3	Periodic Review.....	20
10.4	Modification of Conditions .....	20
10.5	More Stringent Rules .....	21
10.6	Right of Entry .....	21
11	PERMIT AMENDMENT .....	21
12	TRANSFER OF PERMIT .....	21
13	REVOCATION OR SUSPENSION OF THE PERMIT .....	22
14	EXPIRATION DATE .....	22

## **ATTACHMENTS**

Attachment 1 – Complaint Handling Procedures for Permitted Energy Facilities

Attachment 2 – Compliance Filing Procedure for Permitted Energy Facilities

Attachment 3 – Site Maps

## **1 SITE PERMIT**

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Hayward Solar LLC (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes Hayward Solar LLC (Hayward Solar) to construct and operate an up to 150 MW solar energy generating system and associated facilities in Freeborn County and as identified in the attached site maps, hereby incorporated into this document (Hayward Solar Project or Project).

### **1.1 Preemption**

Pursuant to Minn. Stat. § 216E.10, this permit shall be the sole site approval required for the location, construction, and operation of the solar energy generating system and this permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

## **2 PROJECT DESCRIPTION**

Hayward Solar LLC, a wholly owned indirect subsidiary of CD Clean Energy and Infrastructure VII JV, LLC has proposed an up to 150 megawatt (MW) alternating current nameplate capacity solar energy conversion facility and associated facilities in Hayward Township in Freeborn County. Project facilities, including a transmission line, will occupy approximately 1,273 acres.

### **2.1 Associated Facilities**

The project will utilize photovoltaic solar panels with a total equivalent generating capacity of 156.6MW. In addition to the solar panels/arrays, the Project will include the following components: tracking racks, inverters, collection lines, a Project Substation, transformers, electrical wiring, stormwater collection ponds, supervisory control and data acquisition systems switchgear, metering equipment, overhead 161-kilovolt (kV) Project Gen-Tie Line, operations and maintenance building, security fencing and gates, access roads, up to 120 weather stations, temporary laydown yards/staging areas, and ancillary equipment or buildings as necessary. A 34.5 kV collector system will be stepped up to the interconnection voltage of 161 kV by a transformer at the Project Substation and transmitted to the new Southern Minnesota Municipal Power agency Switchyard via an approximately 650-foot overhead Gen-Tie Line.

## **2.2 Project Location**

The project is located in the following:

<b>County</b>	<b>Township Name</b>	<b>Township</b>	<b>Range</b>	<b>Sections</b>
Freeborn	Hayward	102N	20W	1, 2, 3, 11, 12, 13, 14, 15

## **3 DESIGNATED SITE**

The site designated by the Commission for the Hayward Solar Project is the site depicted on the site maps attached to this permit. The site is generally described as follows: approximately 1,273 acres within the 1,972-acre Project Area.

The layout represents the approximate location of photovoltaic tracker rows and associated facilities within the project boundary and identifies a layout that seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated in the permitting process. The project boundary serves to provide the Permittee with the flexibility to make minor adjustments to the layout to accommodate requests by landowners, local government units, federal and state agency requirements, and unforeseen conditions encountered during the detailed engineering and design process. Any modification to the location of a photovoltaic tracker row or other associated facility depicted in the preliminary layout shall be done in such a manner to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 8.3.

## **4 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.

### **4.1 Permit Distribution**

Within 30 days of permit issuance, the Permittee shall send a copy of the permit and the complaint procedures to any regional development commission, county auditor and environmental office, 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. An affected landowner is any landowner or designee that is within or adjacent to the permitted site.

#### **4.2 Access to Property**

The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

#### **4.3 Construction and Operation Practices**

The Permittee shall comply with the construction practices, operation and maintenance practices, and material specifications described in the May 5, 2021, *Application for a Large Electric Generating Facility*, as modified by the October 15, 2021, *Hayward Solar Application Amendment*, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

##### **4.3.1 Field Representative**

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

##### **4.3.2 Site Manager**

The Permittee shall designate a site manager responsible for overseeing compliance with the conditions of this permit during the commercial operation and decommissioning phases of the project. This person shall be accessible by telephone or other means during normal business hours for the life of this permit.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the site manager 14 days prior to commercial operation of the facility. The Permittee shall provide the site manager's contact information to affected landowners, residents, local government units and other interested persons 14 days prior to commercial operation of the facility. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, local government units and other interested persons.

#### **4.3.3 Employee Training and Education of Permit Terms and Conditions**

The Permittee shall inform and educate all employees, contractors, and other persons involved in the construction and ongoing operation of the solar energy generating system of the terms and conditions of this permit.

#### **4.3.4 Public Services and Public Utilities**

During construction, the Permittee shall minimize any disruption to public services and public utilities. To the extent disruptions to public services or public utilities occur these will be temporary, and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to determine the most appropriate mitigation measures if not already considered as part of this permit.

The Permittee shall cooperate with county and city road authorities to develop appropriate signage and traffic management during construction.

#### **4.3.5 Temporary Workspace**

Temporary workspace and equipment staging areas shall be selected to limit the removal and impacts to vegetation. Temporary workspace shall not be sited in wetlands or native prairie as defined in sections 4.3.12 and 4.3.13. Temporary workspace shall be sited to comply with standards for development of the shorelands of public waters as defined in Section 4.3.12. Temporary easements outside of the authorized site boundary will be obtained from affected landowners through rental agreements and are not provided for in this permit.

#### **4.3.6 Noise**

The Permittee shall comply with noise standards established under Minn. R. 7030.0100 to 7030.0080, at all times at all appropriate locations during operation of the facility. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable to ensure nighttime noise level standards will not be exceeded.

#### **4.3.7 Aesthetics**

The Permittee shall consider input pertaining to visual impacts from landowners and land management agencies. Care shall be used to preserve the natural landscape, minimize tree removal, and prevent any unnecessary destruction of the natural surroundings in the vicinity of the project during construction and operation.

#### **4.3.8 Topsoil Protection**

The Permittee shall implement measures to protect and segregate topsoil from subsoil on all lands unless otherwise negotiated with the affected landowner.

#### **4.3.9 Soil Compaction**

The Permittee shall implement measures to minimize soil compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.

#### **4.3.10 Soil Erosion and Sediment Control**

The Permittee shall implement erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program. If construction of the facility disturbs more than one acre of land or is sited in an area designated by the MPCA as having potential for impacts to water resources, the Permittee shall obtain a National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit from the MPCA that provides for the development of a Stormwater Pollution Prevention Plan (SWPPP) that describes methods to control erosion and runoff.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats,

stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions.

#### **4.3.11 Public Lands**

In no case shall photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. Photovoltaic tracker rows and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

#### **4.3.12 Wetlands and Water Resources**

Photovoltaic tracker rows and associated facilities, including access roads, underground cable and transformers shall not be placed in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. Photovoltaic tracker rows and associated facilities including foundations, access roads, underground cable, and transformers, shall be located in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts, to the extent feasible. When construction during winter is not possible, wooden, or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and managed in accordance with all applicable wetland permits. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions in accordance with the requirements of applicable state and federal

permits or laws and landowner agreements. All requirements of the USACE, DNR, and local units of government shall be met.

#### **4.3.13 Native Prairie**

Solar panels and associated facilities including foundations, access roads, collector and feeder lines, underground cable, and transformers shall not be placed in native prairie, as defined in Minn. Stat. § 84.02, subd. 5, unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundaries. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 8.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, the DNR, and the Commission.

#### **4.3.14 Vegetation Removal**

The Permittee shall disturb or clear vegetation on the site only to the extent necessary to assure suitable access for construction, and for safe operation and maintenance of the project. The Permittee shall minimize the number of trees removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and other vegetation, to the extent that such actions do not violate sound engineering principles or interfere with the operation of the facility.

#### **4.3.15 Beneficial Habitat**

The Permittee shall implement site restoration and management practices that provide for native perennial vegetation and foraging habitat beneficial to gamebirds, songbirds, and pollinators; and that improve soil water retention and reduce storm water runoff and erosion. To ensure continued management and recognition of beneficial habitat, the Permittee is encouraged to meet the standards for Minnesota's Habitat Friendly Solar Program by submitting project plans, seed mixes, a completed project planning assessment form, and any



other applicable documentation used to meet the standard to the Board of Water and Soil Resources (BWSR). All documents required by BWSR for meeting Habitat Friendly Solar Certification and maintenance of that Certification should also be filed with the Commission.

#### **4.3.16            Application of Pesticides**

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture (MDA), DNR, and the U.S. Environmental Protection Agency (EPA). Selective foliage or basal application shall be used when practicable. All pesticides 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 pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. The Permittee shall provide notice of pesticide application to affected landowners and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

#### **4.3.17            Invasive Species**

The Permittee shall employ best management practices to avoid the potential introduction and spread of invasive species on lands disturbed by project construction activities. The Permittee shall develop an Invasive Species Prevention Plan to prevent the introduction and spread of invasive species on lands disturbed by project construction activities and file with the Commission 30 days prior to the pre-construction meeting.

#### **4.3.18            Noxious Weeds**

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

#### **4.3.19            Roads**

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city, or township roads that will be used during the construction phase of the project.

Where practical, existing roadways shall be used for all activities associated with construction of the facility. Oversize or overweight loads associated with the facility shall not be hauled across public roads without required permits and approvals.

The Permittee shall locate all perimeter fencing and vegetative screening in a manner that does not interfere with routine road maintenance activities and allows for continued safe travel on public roads.

The Permittee shall construct the least number of site access roads it can. Access roads shall not be constructed across streams and drainage ways without the required permits and approvals. Access roads shall be constructed in accordance with all necessary township, county or state road requirements and permits.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

#### **4.3.20 Archaeological and Historic Resources**

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the facility. In the event that a resource is encountered, the Permittee shall consult with the State Historic Preservation Office (SHPO) and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with the SHPO and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

#### **4.3.21 Interference**

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the project, the Permittee shall take whatever action is feasible to restore or provide reception

equivalent to reception levels in the immediate area just prior to the construction of the project.

#### **4.3.22 Restoration**

The Permittee shall restore the areas affected by construction of the solar facility to the condition that existed immediately before construction began to the extent possible. The time period to complete restoration may be no longer than 12 months after the completion of construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance, and inspection of the project. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

#### **4.3.23 Cleanup**

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

#### **4.3.24 Pollution and Hazardous Wastes**

All appropriate precautions to protect against pollution of the environment shall be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and operation of the facility.

#### **4.3.25 Damages**

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

#### **4.3.26 Public Safety**

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning

signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

#### **4.3.27 Site Identification**

The solar site shall be marked with a visible identification number and or street address.

#### **4.4 Feeder Lines**

A hybrid electrical collection system of aboveground and belowground conductors must be utilized to balance direct and indirect aesthetic impacts, electrical interference potential, bird collisions and electrocution, and soil impacts.

Feeder lines that carry power from an internal project interconnection point to the project substation or interconnection point on the electrical grid may be overhead or underground. Overhead and underground feeder lines that parallel public roads shall be placed within the public right-of-way or on private land immediately adjacent to the road. The Permittee shall obtain approval from the private landowner or government unit responsible for the affected right-of-way.

Feeder line locations shall be located in such a manner as to minimize interference with agricultural operations including, but not limited to, existing drainage patterns, drain tile, future tiling plans, and ditches. Safety shields shall be placed on all guy wires associated with overhead feeder lines. The Permittee shall submit the engineering drawings of all collector and feeder lines with the site plan pursuant to Section 8.3.

#### **4.5 Other Requirements**

##### **4.5.1 Safety Codes and Design Requirements**

The solar energy generating system and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards, the National Electric Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements. The Permittee shall report to the Commission on compliance with these standards upon request.

##### **4.5.2 Other Permits and Regulations**

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of those permits unless those permits conflict with or are preempted by federal or state permits and regulations. A list of the permits known to be required is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

## **5 SPECIAL CONDITIONS**

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

### **5.1 Vegetation Management Plan**

The Permittee shall develop a vegetation management plan using best management practices established by the DNR and BWSR. The vegetation management plan shall be prepared in coordination with the Department of Commerce, DNR, BWSR, and MPCA. The vegetation management plan and documentation of the coordination efforts between the Permittee and the coordinating agencies shall be filed at least 14 days prior to the pre-construction meeting. The Permittee shall provide all affected landowners with a copy of the plan.

The vegetation management plan must include the following:

- Management objectives addressing short term (Year 0-5, seeding and establishment) and long term (Year 5 through the life of the permit) goals.
- A description of planned restoration and vegetation management activities, including how the site will be prepared, timing of activities, how seeding will occur (broadcast, drilling, etc.), and the types of seed mixes to be used.
- A description of how the site will be monitored and evaluated to meet management goals.
- A description of the management tools used to maintain vegetation (e.g., mowing, spot spraying, hand removal, fire, grazing, etc.), including the timing and frequency of maintenance activities.
- Identification of the third-party (e.g., consultant, contractor, site manager, etc.) responsible for restoration, monitoring, and long-term vegetation management of the site.

- Identification of on-site noxious weeds and invasive species (native and non-native) and the monitoring and management practices to be utilized.
- A site plan showing how the site will be revegetated and that identifies the corresponding seed mixes. Best management practices should be followed concerning seed mixes, seeding rates, and cover crops.

## **5.2 Agricultural Impact Mitigation Plan**

The Permittee shall develop an agricultural impact mitigation plan (AIMP) in coordination with the MDA. The AIMP shall be filed at least 14 days prior to the pre-construction meeting. The Permittee shall provide all affected landowners with a copy of the plan.

## **5.3 Independent Monitor**

Prior to construction, and in consultation with Department of Commerce, Energy Environmental Review and Analysis (EERA) staff and the Minnesota Department of Agriculture (MDA), the Permittee shall identify one independent, third-party monitor for the construction phase and develop a scope of work for the monitor. The scope of work must be developed in coordination with and approved by EERA staff and the MDA. All costs for the monitor will be borne by the Permittee.

The Permittee shall file an approved scope of work for the monitor with the Commission 30 days prior to commencing construction. The Permittee shall file the name, address, email, phone number, and emergency phone number of the third-party monitor 14 days prior to commencing construction.

## **5.4 Noise Coordination**

The Permittee shall coordinate with local residents, including the KOA campground north of I-90, regarding potential noise impacts prior to the installation of any foundation posts. The Permittee shall take reasonable measures to minimize the noise impacts associated with installation of the posts.

## **5.5 Snowmobile Trails**

The Permittee shall coordinate with local snowmobile trail associations to reroute Freeborn County Trail 133 and any associated snowmobile trails impacted by the project.

## **5.6 Wildlife-Friendly Erosion Control**

The permittee shall use only “bio-netting” or “natural netting” types of wildlife-friendly erosion control and mulch products without any synthetic (plastic) fiber additives.

## **5.7 Project Lighting at O&M Building and Project Substation**

The Permittee must use shielded and downward facing lighting and LED lighting that minimizes blue hue at the project substation and the operations and maintenance building. Downward facing lighting must be clearly visible on the plan and profile submitted for the project.

## **6 DELAY IN CONSTRUCTION**

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

## **7 COMPLAINT PROCEDURES**

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

## **8 COMPLIANCE REQUIREMENTS**

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

### **8.1 Pre-Construction Meeting**

Prior to the start of any construction, the Permittee shall participate in a pre-construction meeting with the Department of Commerce and Commission staff to review pre-construction filing requirements, scheduling, and to coordinate monitoring of construction and site restoration activities. Within 14 days following the pre-construction meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees. The Permittee shall indicate in the filing the construction start date.

## **8.2 Pre-Operation Meeting**

At least 14 days prior to commercial operation of the facility, the Permittee shall participate in a pre-operation meeting with the Department of Commerce and Commission staff to coordinate field monitoring of operation activities for the project. Within 14 days following the pre-operation meeting, the Permittee shall file with the Commission, a summary of the topics reviewed and discussed and a list of attendees.

## **8.3 Site Plan**

At least 30 days prior to the pre-construction meeting, the Permittee shall provide the Commission, the Department of Commerce, and Freeborn County Environmental Services with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of photovoltaic panels and other structures to be constructed including all electrical equipment, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

## **8.4 Status Reports**

The Permittee shall report to the Commission on progress during site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the submittal of the site plan for the project and continue until completion of restoration. Reports



shall describe construction activities and progress, and activities undertaken in compliance with this permit. Reports shall include text and photographs.

#### **8.5 Labor Statistic Reporting**

The Permittee shall file quarterly reports with the Commission within 45 days of the end of the quarter regarding construction workers that participated in the construction of the project. The reports shall (a) detail the Permittee's efforts and the site contractor's efforts to hire Minnesota workers, and (b) provide an account of: (i) the gross number of hours worked by or full-time equivalent workers who are Minnesota residents, as defined in Minn. Stat. § 290.01, subd. 7; (ii) the gross number of hours worked by or full-time equivalent workers who are residents of other states but maintain a permanent residence within 150 miles of the project; and (iii) the total gross hours worked or total full-time equivalent workers. Permittee shall work with its contractor to determine the suitable reporting metric. The report may not include personally identifiable data.

#### **8.6 In-Service Date**

At least three days before the facility is to be placed into service, the Permittee shall notify the Commission of the date on which the facility will be placed into service and the date on which construction was completed.

#### **8.7 As-Builts**

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

#### **8.8 GPS Data**

Within 90 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible map files, GPS coordinates, associated database of characteristics) for all structures associated with the solar energy generating system.

#### **8.9 Project Energy Production**

The Permittee shall, by February 1st following each complete or partial year of project operation, file a report with the Commission on the monthly energy production of the facility including:

- (a) the installed nameplate capacity of the permitted facility;
- (b) the total daily energy generated by the facility in MW hours;
- (c) the total monthly energy generated by the facility in MW hours;
- (d) the monthly capacity factor of the facility;
- (e) yearly energy production and capacity factor for the facility;
- (f) the average monthly and average annual solar strength gradient measured in kWh/m<sup>2</sup>/Day observed at the facility;
- (g) the operational status of the facility and any major outages, major repairs, or performance improvements occurring in the previous year; and
- (h) any other information reasonably requested by the Commission.

This information shall be considered public and must be filed electronically.

#### **8.10 Emergency Response**

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 14 days prior to the pre-construction meeting and a revised plan, if any, at least 14 days prior to the pre-operation meeting. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

#### **8.11 Extraordinary Events**

Within 24 hours of discovery of an occurrence, the Permittee shall notify the Commission of any extraordinary event. Extraordinary events include but shall not be limited to: fires, solar panel collapse, acts of sabotage, collector or feeder line failure, and injured worker or private person. The Permittee shall, within 30 days of the occurrence, file a report with the Commission describing the cause of the occurrence and the steps taken to avoid future occurrences.

#### **8.12 Wildlife Injuries and Fatalities**

The Permittee shall report any wildlife injuries and fatalities to the Commission quarterly.

### **9 DECOMMISSIONING AND RESTORATION**

#### **9.1 Decommissioning Plan**

The Permittee shall comply with the provisions of the most recently filed and accepted decommissioning plan. The initial version of the decommissioning plan was submitted for this project as part of the May 5, 2021, site permit application. The Permittee shall file an updated decommissioning plan, incorporating comments and information from the permit issuance process and any updates associated with final construction plans, with the Commission at least fourteen 14 days prior to the pre-construction meeting. The decommissioning plan shall be updated every five years following the commercial operation date.

The decommissioning plan shall provide information identifying all surety and financial securities established for decommissioning and site restoration. The decommissioning plan shall provide an itemized breakdown of costs of decommissioning all project components, which shall include labor and equipment. The plan shall identify cost estimates for the removal of solar panels, racks, underground collection cables, access roads, transformers, substations, and other project components. The plan may also include anticipated costs for the replacement of panels or repowering the project by upgrading equipment.

The Permittee shall also submit the decommissioning plan to the local unit of government having direct zoning authority over the area in which the project is located. The Permittee shall ensure that it carries out its obligations to provide for the resources necessary to fulfill its requirements to properly decommission the project at the

appropriate time. The Commission may at any time request the Permittee to file a report with the Commission describing how the Permittee is fulfilling this obligation.

- a site map identifying major components of the project.
- a discussion of the use of generation output
- permits necessary for decommissioning the project.
- an updated evaluation of the value of used solar panels.
- an estimate of both the net and gross decommissioning cost values
- a requirement that the plan must be updated with any change of project ownership.
- a proposed financial surety mechanism for decommissioning the project no later than the tenth year of operation. The proposed surety shall provide for the full decommissioning costs prior to the expiration of any power purchase agreement.
- the anticipated beneficiary of the surety.
- a recycling, reuse and reclamation plan that describes how the project materials will be reused, recycled, or repurposed, to the extent reasonably practicable.

## **9.2 Site Restoration**

Upon expiration of this permit or upon termination of operation of the project, the Permittee shall have the obligation to dismantle and remove from the site all solar panels, mounting steel posts and beams, inverters, transformers, overhead and underground cables and lines, foundations, buildings, and ancillary equipment. To the extent feasible, the Permittee shall restore and reclaim the site to pre-project conditions. Landowners may require the site be returned to agricultural production or may retain restored prairie vegetation, or other land uses as agreed to between the landowner and the Permittee. All access roads shall be removed unless written approval is given by the affected landowner requesting that one or more roads, or portions thereof, be retained. All such agreements between the Permittee and the affected landowner shall be submitted to the Commission prior to completion of restoration activities. The site shall be restored in accordance with the requirements of this condition within 18 months of termination.

## **9.3 Abandoned Solar Installations**

The Permittee shall advise the Commission of any solar facilities that are abandoned prior to termination of operation of the project. The project, or any equipment within the project, shall

be considered abandoned after one year without energy production and the land restored pursuant to Section 9.2 unless a plan is submitted to and approved by the Commission outlining the steps and schedule for returning the project, or any equipment within the project, to service.

## **10 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE**

### **10.1 Final Boundaries**

After completion of construction the Commission shall determine the need to adjust the final site boundaries required for the project. This permit may be modified, after notice and opportunity for hearing, to represent the actual site boundary required by the Permittee to operate the project authorized by this permit.

### **10.2 Expansion of Site Boundaries**

No expansion of the site boundary described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

### **10.3 Periodic Review**

The Commission shall initiate a review of this permit and the applicable conditions at least once every five years. The purpose of the periodic review is to allow the Commission, the Permittee, and other interested persons an opportunity to consider modifications in the conditions of this permit. No modification may be made except in accordance with applicable statutes and rules.

### **10.4 Modification of Conditions**

After notice and opportunity for hearing this permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the project; or
- (c) existence of other grounds established by rule.

## **10.5 More Stringent Rules**

The issuance of this permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

## **10.6 Right of Entry**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and at all times in compliance with the Permittee's site safety standards:

- (a) To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.
- (b) To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- (c) To sample and monitor upon the facilities easement of the property.
- (d) To examine and copy any documents pertaining to compliance with the conditions of this Permit.

## **11 PERMIT AMENDMENT**

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

## **12 TRANSFER OF PERMIT**

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description

of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

### **13      REVOCATION OR SUSPENSION OF THE PERMIT**

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

### **14      EXPIRATION DATE**

This permit shall expire 30 years after the date this permit was approved and adopted.

**ATTACHMENT 1**

Complaint Handling Procedures for Permitted Energy Facilities



**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLAINT HANDLING PROCEDURES FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site or route preparation, construction, cleanup, restoration, operation, and maintenance.

**B. Scope**

This document describes complaint reporting procedures and frequency.

**C. Applicability**

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

**D. Definitions**

**Complaint:** A verbal or written statement presented to the permittee by a person expressing dissatisfaction or concern regarding site or route preparation, cleanup or restoration, or other permit conditions. Complaints do not include requests, inquiries, questions, or general comments.

**Substantial Complaint:** A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

**Unresolved Complaint:** A complaint which, despite the good faith efforts of the permittee and a person, remains unresolved or unsatisfactorily resolved to one or both of the parties.

**Person:** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private; however organized.

## **E. Complaint Documentation and Processing**

1. The permittee shall designate a representative responsible for filing complaints to the Commission's eDocket system. This person's name, phone number and email address shall accompany all complaint submittals. The name and contact information for the representative shall be kept current in eDockets.
2. A person presenting the complaint should, to the extent possible, include the following information in their communications:
  - a. name, address, phone number, and email address;
  - b. initial date of the complaint;
  - c. tract, parcel number, or address of the complaint;
  - d. a summary of the complaint; and
  - e. whether the complaint relates to a permit violation, a construction practice issue, or other type of complaint.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
  - a. docket number and project name;
  - b. name of complainant, address, phone number and email address;
  - c. precise description of property or parcel number;
  - d. name of permittee representative receiving complaint and date of receipt;
  - e. nature of complaint and the applicable permit condition(s);
  - f. summary of activities undertaken to resolve the complaint; and
  - g. a statement on the final disposition of the complaint.

## **F. Reporting Requirements**

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit, unless otherwise required below. The permittee shall report all complaints to the Commission according to the following schedule:

**Immediate Reports:** All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Public Advisor at 1-800-657-3782 (voice messages are acceptable) or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us). For e-mail reporting, the email

subject line should read “PUC EFP Complaint” and include the appropriate project docket number.

**Monthly Reports:** During project construction, restoration, and operation, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Will Seuffert, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>. If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

If a project has submitted twelve consecutive months of complaint reports with no complaints, monthly reports can terminate by a letter to eDockets notifying the Commission of such action. If a substantial complaint is received (by the company or the Commission) following termination of the monthly complaint report, as noted above, the monthly reporting should commence for a period of one year following the most recent complaint or upon resolution of all pending complaints.

If a permittee is found to be in violation of this section, the Commission may reinstate monthly complaint reporting for the remaining permit term or enact some other commensurate requirement via notification by the Executive Secretary or some other action as decided by the Commission.

#### **G. Complaints Received by the Commission**

Complaints received directly by the Commission from aggrieved persons regarding the permit or issues related to site or route preparation, construction, cleanup, restoration, or operation and maintenance will be promptly sent to the permittee.

The permittee shall notify the Commission when the issue has been resolved. The permittee will add the complaint to the monthly reports of all complaints. If the permittee is unable to find resolution, the Commission will use the process outlined in the Unresolved Complaints Section to process the issue.

#### **H. Commission Process for Unresolved Complaints**

Complaints raising substantial and unresolved permit issues will be investigated by the Commission. Staff will notify the permittee and appropriate persons if it determines that the

complaint is a substantial complaint. With respect to such complaints, the permittee and complainant shall be required to submit a written summary of the complaint and its current position on the issues to the Commission. Staff will set a deadline for comments. As necessary, the complaint will be presented to the Commission for consideration.

**I. Permittee Contacts for Complaints and Complaint Reporting**

Complaints may be filed by mail or email to the permittee's designated complaint representative, or to the Commission's Public Advisor at 1-800-657-3782 or [publicadvisor.puc@state.mn.us](mailto:publicadvisor.puc@state.mn.us). The name and contact information for the permittee's designated complaint representative shall be kept current in the Commission's eDocket system.

**ATTACHMENT 2**

**Compliance Filing Procedures for Permitted Energy Facilities**

**MINNESOTA PUBLIC UTILITIES COMMISSION  
COMPLIANCE FILING PROCEDURE FOR  
PERMITTED ENERGY FACILITIES**

**A. Purpose**

To establish a uniform and timely method of submitting information required by Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all known compliance filings required by permit.

**C. Definitions**

**Compliance Filing:** A filing of information to the Commission, where the information is required by a Commission site or route permit.

**D. Responsibilities**

1. The permittee shall file all compliance filings with Will Seuffert, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at:  
<https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
  - a. Date
  - b. Name of submitter/permittee
  - c. Type of permit (site or route)
  - d. Project location
  - e. Project docket number
  - f. Permit section under which the filing is made
  - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Will Seuffert, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

## PERMIT COMPLIANCE FILINGS<sup>1</sup>

PERMITTEE: Hayward Solar LLC  
 PERMIT TYPE: Solar Site Permit  
 PROJECT LOCATION: Hayward Township, Freeborn County  
 PUC DOCKET NUMBER: IP-7053/GS-21-113

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.1	Permit Distribution	Within 30 days of permit issuance
2	4.3.1	Field Representative	14 days prior to commencing construction
3	4.3.2	Site Manager	14 days prior to commercial operation
4	4.3.13	Prairie Protection and Management Plan	30 days prior to Site Plan filing
5	4.3.15	Beneficial Habitat	As required by BWSR
6	4.3.17	Invasive Species	14 days prior to pre-construction meeting
7	4.3.22	Site Restoration	60 days after completion of all restoration activities
8	5.1	Vegetation Management Plan	14 days prior to pre-construction meeting
9	5.2	Agricultural Impact Mitigation Plan	14 days prior to pre-construction meeting

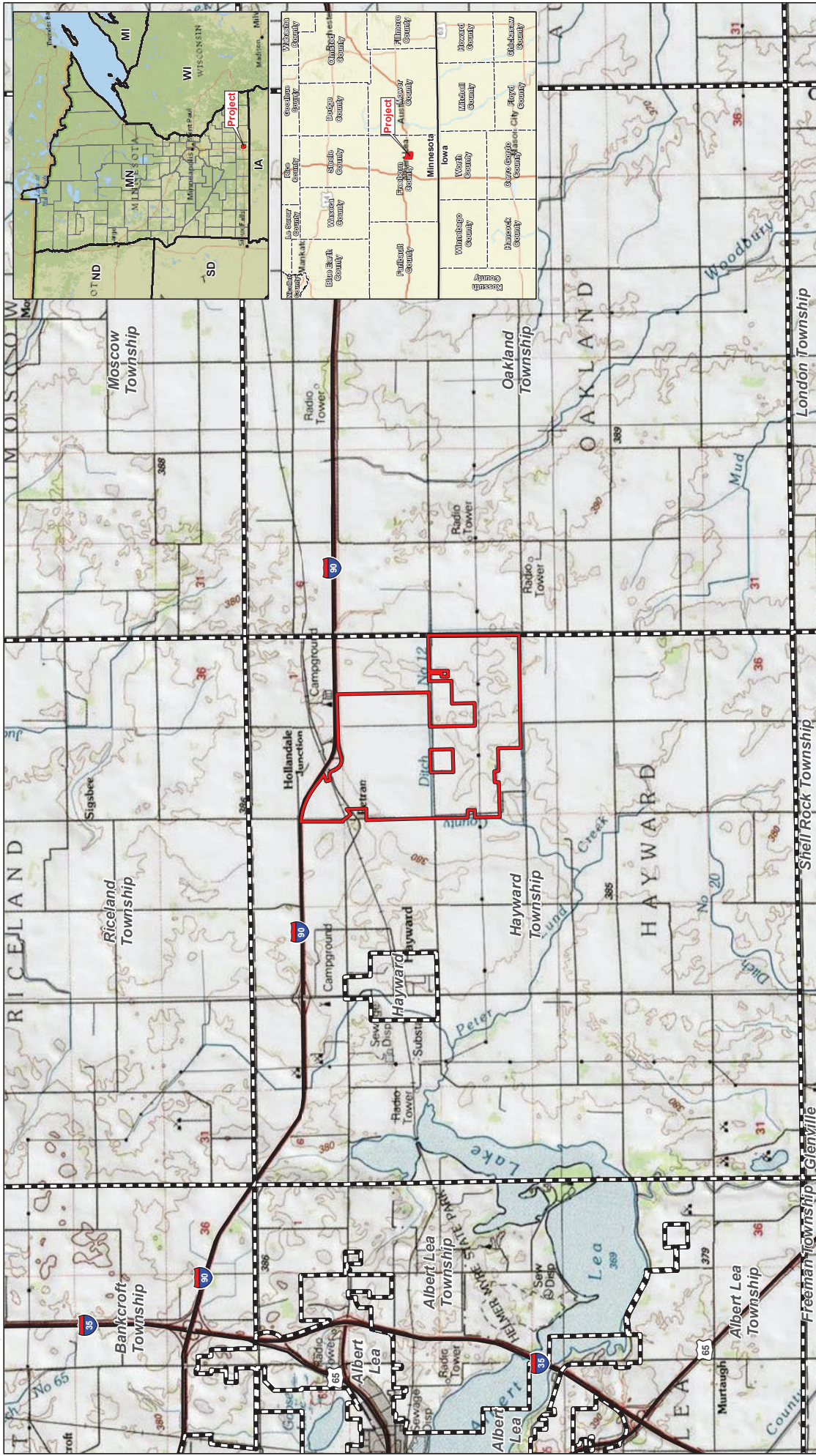
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<sup>1</sup> This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.



Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.3	Independent Monitor	14 days prior to commencing construction
11	8.1	Pre-construction Meeting Summary	14 days after pre-construction meeting
12	8.2	Pre-operation Meeting Summary	14 days after pre-operation meeting
13	8.3	Site Plan	30 days prior to pre-construction meeting
14	8.5	Labor Statistic Report	45 days of the end of each quarter during construction
15	8.6	In-Service and Construction Completion Dates	3 days prior to in-service date
16	8.7	As-Builts	90 days after construction completion
17	8.8	GPS Data	90 days after construction completion
18	8.9	Project Energy production	February 1 <sup>st</sup> annually during project operation
19	8.10	Emergency Response Plan	14 days prior to pre-construction meeting and updates 14 days prior to pre-operation meeting
20	8.11	Extraordinary Events	30 days of occurrence
21	9.1	Decommissioning Plan	14 days prior to pre-construction meeting

**ATTACHMENT 3**  
Site Maps



Map Source(s): Westwood (2021), ESRI, WGS  
USA Topo, National Geographic, & World Street  
USA Topo, National Geographic, & World Street  
(2019).

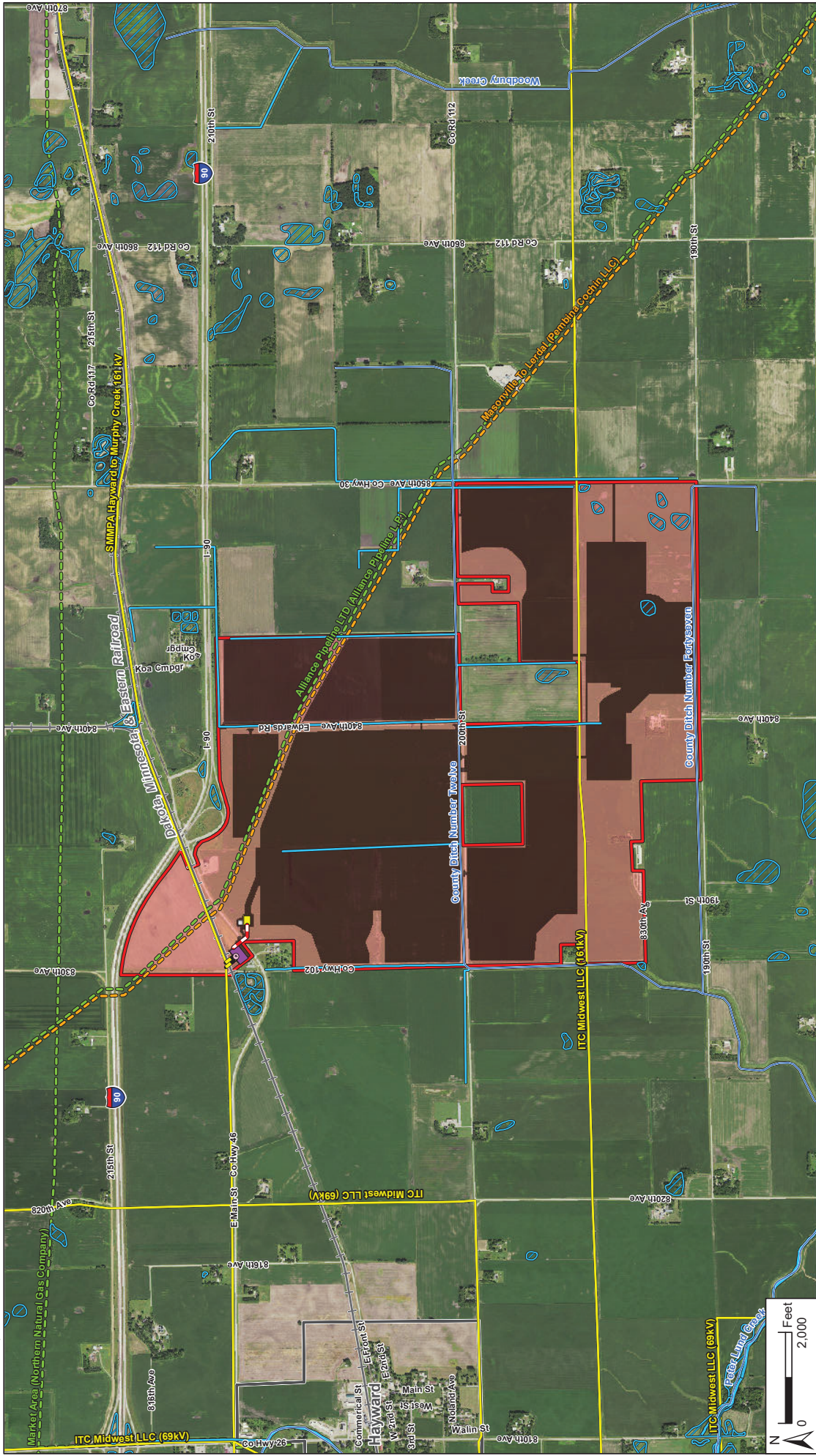
**Westwood**  
Tel: (888) 837-5160 westwoodps.com  
Westwood Professional Services, Inc.

- Legend**
- Project Area
  - Municipal Boundary
  - Major Road



**Hayward Solar Project**  
Freeborn County, Minnesota  
Project Location &  
USGS Topography  
Annotated FIGURE 1 (October, 2021)





# Hayward Solar Project

Freeborn County, Minnesota

## Land Rights & Preliminary Development Area

Amended FIGURE 2 (October, 2021)

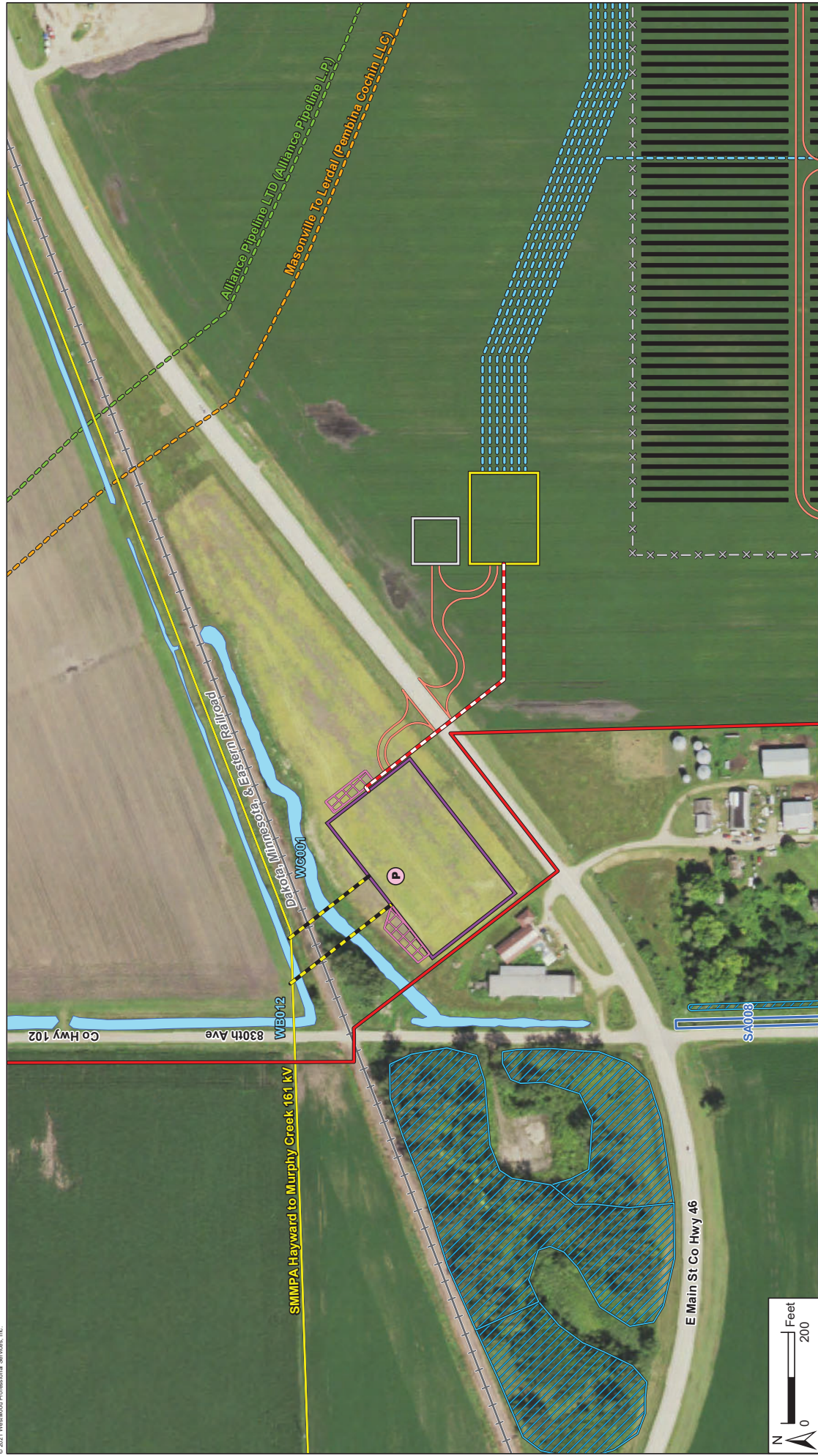
- ### Legend
- |  |                                      |  |                               |  |                               |
|--|--------------------------------------|--|-------------------------------|--|-------------------------------|
|  | Project Area                         |  | Amended Proposed Substation   |  | Named NHD Flowline            |
|  | Current Site Control Area            |  | Amended SMMPA Switchyard      |  | Existing Transmission Line    |
|  | Amended Preliminary Development Area |  | Amended Proposed O&M Building |  | Existing Natural Gas Pipeline |
|  | Municipal Boundary                   |  |                               |  | Existing Crude Oil Pipeline   |
|  |                                      |  |                               |  | Amended Project Gen-Tie Line  |
|  |                                      |  |                               |  | Amended POI                   |
|  |                                      |  |                               |  | NWI Wetland                   |
|  |                                      |  |                               |  | Railroad                      |

Map Document: N:\0020599\00\GIS\SPM\Figures\Figure2\Figure2\_SPM\_Fig2\_LandRights&PreliminaryDevelopmentArea\_210923.mxd 8/23/2021 8:44:13 PM indw@wp.com

Scale: 1 inch = 2,000 feet

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www.westwoodps.com





Map Source(s): Westwood (2021); Minnesota  
NAD 83 Imagery (2019); Census Bureau (2019);  
USGS NHD Dataset (2019); U.S. Fish and  
Wildlife Service (2019); Minnesota DNR  
Wetlands (2021). Existing pipeline routes are  
approximate.

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Westwood Professional Services, Inc.

### Legend

- Project Area
- Proposed Project
- Solar Array Layout
- Proposed Project Line
- Proposed Project Fence Boundary
- Proposed Project Underground Collection Line
- Proposed Project Access Road
- Proposed Project SMMPA Line Tap
- Proposed Project SMMPA Line
- Proposed Project Gen-Tie Line
- Proposed Project Underground Collection Line
- Proposed Project Substation
- Proposed Project Switchyard
- Proposed Project O&M Building
- Proposed Project Inverter
- Amended Proposed Project Substation
- Amended Proposed Project Switchyard
- Amended Proposed Project O&M Building
- Amended Proposed Project Inverter
- Amended POI
- Amended Proposed Project Water Basin
- Named NHD Flowline
- Named Wetland
- Existing Transmission Line
- Existing Natural Gas Pipeline
- Existing Crude Oil Pipeline
- Railroad
- Field Delineated Wetland (2021)
- Field Delineated Waterway (2021)

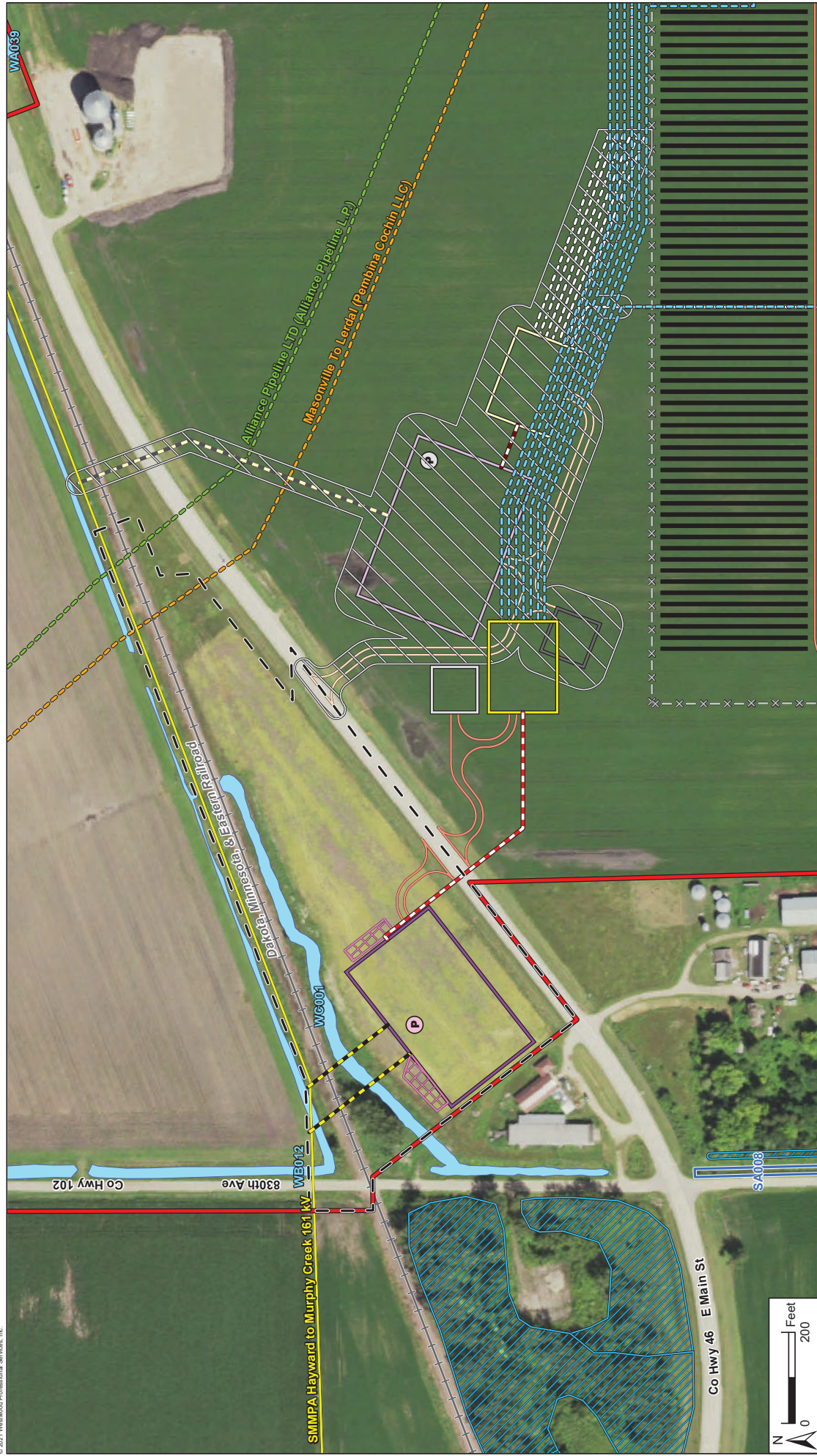
## Hayward Solar Project

Freeborn County, Minnesota

## Project Interconnection Facilities

Amended FIGURE 3 (October, 2021)





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- Legend**
- Amendment Project Area
  - Amendment Area Added to Initial SPA Project Area
  - Replaced Project Area
  - Proposed Project Area
  - Proposed Project Solar Array Layout
  - Initial SPA Project Area
  - Initial SPA Project Gen-Tie Line
  - Initial SPA Project Access Road
  - Initial SPA Project Underground Collection Line
  - Amended Project Area
  - Amended Project Gen-Tie Line
  - Amended Project Access Road
  - Amended Project Underground Collection Line
  - Initial SPA Project Area
  - Initial SPA Project Gen-Tie Line
  - Initial SPA Project Access Road
  - Initial SPA Project Underground Collection Line
  - Amended Project Area
  - Amended Project Gen-Tie Line
  - Amended Project Access Road
  - Amended Project Underground Collection Line

- Initial SPA POI
- Initial SPA Proposed Project Substation
- Initial SPA SMMPA Switchyard
- Initial SPA Proposed Project O&M Building
- Amended POI
- Amended Proposed Project Substation
- Amended SMMPA Switchyard
- Amended Proposed Project O&M Building
- Proposed Project
- Proposed Project Boundary
- Proposed Project Water Basin
- Proposed Project Flowline
- Proposed Project NWI Wetland
- Existing Transmission Line
- Existing Natural Gas Pipeline
- Existing Crude Oil Pipeline
- Railroad
- Field Delineated Wetland (2021)
- Field Delineated Waterway (2021)

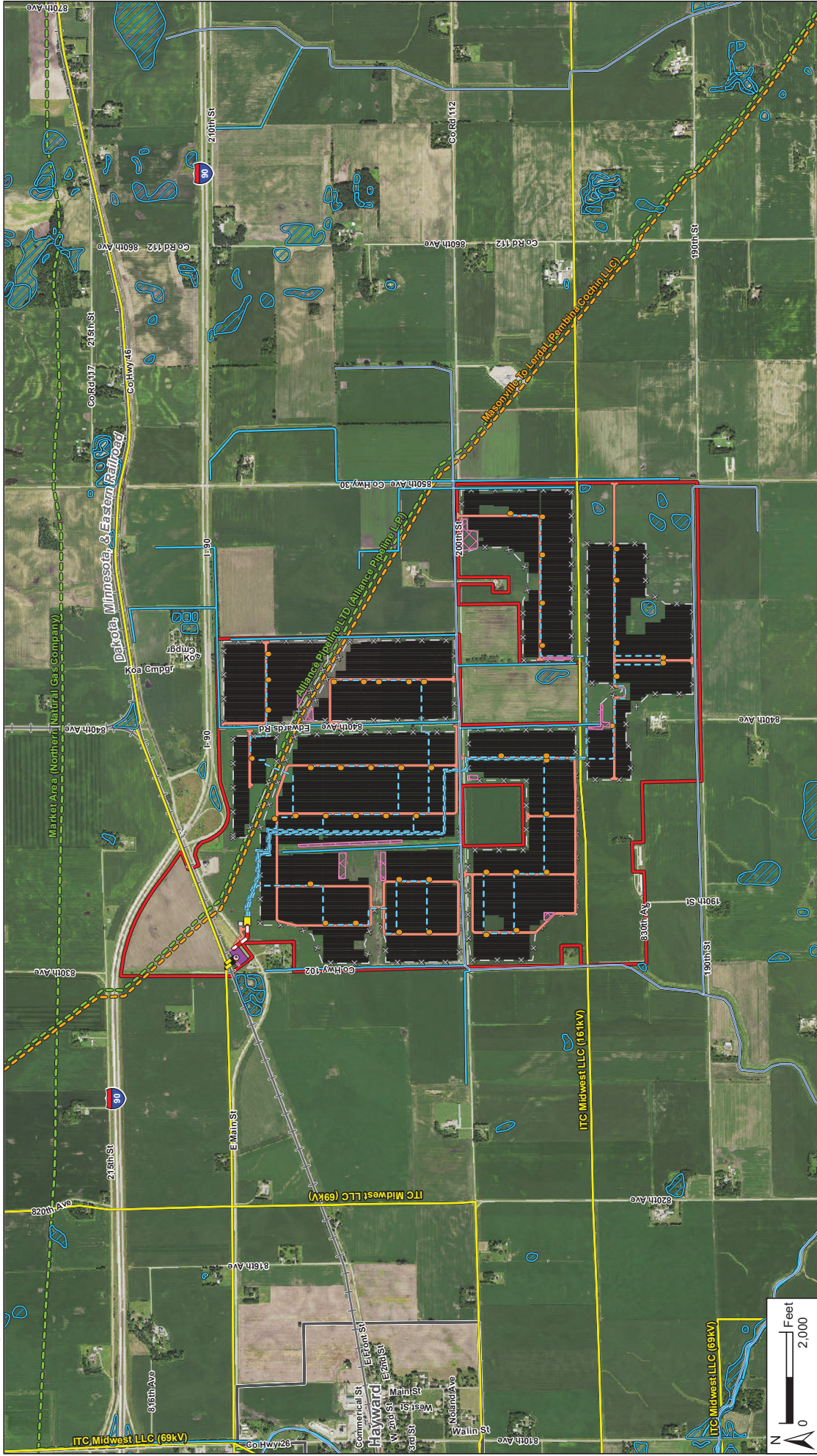
# Hayward Solar Project

Freeborn County, Minnesota

## Previous & Current Project Interconnection Facilities

New FIGURE 3a (October, 2021)





**Legend**

- Project Area
- Proposed Project Solar Array Layout
- Proposed Project Fence Boundary
- Municipal Boundary
- Amended Proposed Project Access Road
- Amended Proposed Project Collection Line
- Proposed Project Inverter
- Amended Proposed Project Substation
- Amended SMMPA Switchyard
- Amended Proposed Project O&M Building
- Amended POI
- Amended SMMPA Line Tap
- Amended Project Gen-Tie Line
- Amended Proposed Project Water Basin
- Named NHD Flowline
- NWI Wetland
- Existing Transmission Line
- Existing Natural Gas Pipeline
- Existing Crude Oil Pipeline
- Railroad

# Hayward Solar Project

Freeborn County, Minnesota

## Preliminary Facility Design

Amended FIGURE 4 (October, 2021)

## **CERTIFICATE OF SERVICE**

I, Chrishna Beard, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission**

**ORDER GRANTING CERTIFICATE OF NEED AND ISSUING SITE PERMIT**

Docket Number . **IP-7053/CN-21-112, IP-7053/GS-21-113**

Dated this 30th day of November, 2022

/s/ Chrishna Beard



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
A	Branam	abranam@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-112_Official List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-112_Official List
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000  Minneapolis, Minnesota 55402-1125	Electronic Service	No	OFF_SL_21-112_Official List
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_21-112_Official List
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_21-112_Official List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-112_Official List
Jacqueline	Foley	jfoley@arevonenergy.com	Arevon Energy	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-112_Official List
Kyle	Gerking	kgerking@tenaska.com	Tenaska, Inc.	14302 Fnb Pkwy  Omaha, NE 68154	Electronic Service	No	OFF_SL_21-112_Official List
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-112_Official List
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	200 South Sixth St Ste 400  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-112_Official List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500  St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-112_Official List
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd  Saint Paul, MN 55155	Electronic Service	No	OFF_SL_21-112_Official List
Chris	Matthews	cmatthews@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-112_Official List
James	Mortenson	james.mortenson@state.mn.us	Office of Administrative Hearings	PO BOX 64620  St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_21-112_Official List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-112_Official List
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N  Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_21-112_Official List
Michael	Roth	MRoth@tenaska.com	Tenaska, Inc.	14302 Fnb Pkwy  Omaha, NE 68154	Electronic Service	No	OFF_SL_21-112_Official List
Joe	Sedarski	joe.sedarski@westwoodps.com	Westwood	12701 Whiewater Dr Ste 300  Minnetonka, MN 55343	Electronic Service	No	OFF_SL_21-112_Official List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-112_Official List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190  Richfield, MN 55423	Electronic Service	Yes	OFF_SL_21-112_Official List
Sean	Sosa	ssosa@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-112_Official List
Suzanne	Todnem	suzanne.todnem@state.mn.us	Office of Administrative Hearings	600 Robert Street North PO Box 64620 St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_21-112_Official List
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Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_21-112_Official List

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A	Branam	abranam@arevonenergy.com	Arevon	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-113_Official List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-113_Official List
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Jacqueline	Foley	jfoley@arevonenergy.com	Arevon Energy	8800 N Gainey Center Dr Ste 250  Scottsdale, AZ 85258	Electronic Service	No	OFF_SL_21-113_Official List
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