

Memo

To: Commissioner Kalk

From: Jerry Lein, Public Utility Analyst 

Date: February 26, 2016

**Re: FPL Energy Oliver Wind, LLC, 230kV Transmission Line
Case No. PU-06-312**

On January 28, 2016, a work session was held to discuss Tree and Shrub mitigation issues. One of the outcomes of the work session was that Staff should make recommendations to the appropriate Commissioner regarding next steps for cases where the Company has made good faith efforts to grow trees but have not had success. This case provides an example of a case where the Company has made good faith efforts to grow trees but have not been successful.

Recommendation: Issue final refund and close case.

Background:

In 2007, Oliver County Wind constructed a 542 foot long, 230 kV transmission line and associated substation for the Oliver II Wind Energy Center. A Tree and Shrub Replacement Plan was submitted by the Company in 2011 which was subsequently approved by the Commission. The plan called for the plantings to take place at the Minnkota Plant. In 2014, the Company reported a survival rate of 77%. However, the Company had replanted trees and shrubs in 2012. Based on the Commission's interpretation of the requirements, the Company needed to monitor for one additional year in order to document a survival rate of 75% after three years.

In December 2015, the Company submitted an additional report prepared by Wenck. Wenck stated that the Company did plant additional trees in 2013 and 2014 but no documentation was found. The survival rate was documented at 46%. The Minnkota Plant manager stated that they have been replanting every year but have been having issues with young geese nipping the saplings and deer browse.

It appears that the Company has made a good faith effort to replace the trees but without some means to stop the deer and geese from interfering, there is no hope of complete success.

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Public Service Commission Staff

Jerry Lein