

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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IN RE:

GRAND JUNCTION SOLAR, LLC

DOCKET NO. GCU-2022-0001

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**ORDER GRANTING REQUEST FOR WAIVERS AND  
ISSUING CERTIFICATE OF PUBLIC CONVENIENCE, USE AND NECESSITY  
UNDER IOWA CODE CHAPTER 476A**

**BACKGROUND**

On May 10, 2022, Grand Junction Solar, LLC (Grand Junction Solar), a wholly owned subsidiary of National Grid Renewables Development, LLC, (National Grid Renewables) filed a request in Docket No. GCU-2022-0001 for a public informational meeting to be held at the Grand Junction Community Center in Grand Junction, Iowa, concerning a proposed solar project and associated battery energy storage system (BESS) to be located in Greene County, Iowa. The informational meeting was held on June 27, 2022.

On July 29, 2022, Grand Junction Solar filed an application (Application) with the Board for a certificate of public convenience, use and necessity pursuant to Iowa Code chapter 476A for a proposed 100 megawatt (MW) solar project and associated BESS with a capacity up to 50 MW. With its Application, Grand Junction Solar also requested the Board waive certain provisions of Iowa Code §§ 476A.4 and 476A.5 and Board rules at 199 Iowa Administrative Code (IAC) 24.6, 24.8, and 24.9, which relate to a hearing requirement and associated requirements regarding the procedural schedule. In the

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Application, however, Grand Junction Solar acknowledged it had not yet served the waiver requests on adjoining property owners as required by 199 IAC 24.15.

On August 18, 2022, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, filed a response to the Application. In its response, OCA asserted that it would be premature for the Board to grant the waiver requests and instead, the Board should set a limited procedural schedule, consistent with past practice, to afford persons potentially impacted the opportunity to object or intervene. OCA further requested that the Board not rule on Grand Junction's waiver request until any procedural deadlines established had passed.

On August 12, 2022, Grand Junction Solar mailed notice of its waiver requests to all landowners of real property located within 1,000 feet of the proposed project boundary, and on August 23, 2022, Grand Junction Solar addressed the deficiency in its Application by filing an affidavit concerning the mailing, along with a copy of the actual notice.

On September 23, 2022, the Board issued an Order Accepting Application, Setting Limited Procedural Schedule and Intervention Deadline, and Requiring Additional Information. In that order, the Board indicated that the Application, as amended, was substantially complete in compliance with subrule 24.5(3). The Board set a limited procedural schedule with intervention requests, objections, and comments due by October 24, 2022, deferring consideration of the waiver requests until after the objection and comment period. The Board also required Grand Junction Solar to provide, within 15 days of the order, additional information to update statements in the Application.

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On October 7, 2022, Grand Junction Solar filed its response to the Board's September 23, 2022 order.

On October 21, 2022, OCA filed a motion seeking leave to extend the objection deadline to October 27, 2022, to permit additional time for OCA to engage in discovery and for Grand Junction Solar to respond to data requests.

On October 27, 2022, OCA filed a response, stating it does not object to Grand Junction Solar's Application or request for waivers. OCA also stated its view that the record now contains sufficient information for the Board to analyze the proposed project without conducting an evidentiary hearing.

On March 3, 2023, Board staff filed correspondence in the docket, seeking a status update from Grand Junction Solar concerning statements in its Application. Grand Junction Solar was requested to file in the docket a copy of its conditional use permit, or a status update on the new estimated time frame to complete the permitting process in Greene County.

On March 10, 2023, Grand Junction Solar filed its response, indicating it had filed its application for a conditional use permit from Greene County in February 2023, after completing all prerequisites set forth by the County's ordinance passed October 17, 2022. Grand Junction Solar indicated it anticipates receiving a conditional use permit from the County in April or May of 2023.

No requests to intervene or objections have been filed.

### **DESCRIPTION OF PROJECT**

Grand Junction Solar is a Delaware limited liability company authorized to do business in Iowa and a wholly owned subsidiary of National Grid Renewables, a North

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American renewable energy company based in Minneapolis, Minnesota, with satellite offices located in the regions where it develops, constructs, and operates renewable energy projects. The Application states National Grid Renewables has a portfolio of solar, wind, and energy storage projects located throughout the United States in various stages of development. National Grid Renewables is developing and currently maintains the right to construct, own, and operate Grand Junction Solar's proposed project. Following the permitting and development, or potentially following construction, Grand Junction Solar expects ownership may be transferred for construction and/or operations of the proposed facility. Grand Junction Solar further anticipates that it may sell the generating facility, likely to a public utility, which would then furnish the electricity the facility generates to its retail customers. (Application, pp. 6-7.) The Application indicates that "notification of the proposed transfer and any associated power purchase agreements will be provided to the Board to the extent required by law in light of the exact nature of the transaction." (Application, p. 7.)

Grand Junction Solar requests a generating certificate for a photovoltaic solar energy generating facility totaling up to 100 MW alternating current (AC) nameplate capacity and its associated structures and components, including photovoltaic panel arrays and racking systems; a 50 MW BESS; electrical collection lines; inverters; access roads; a project substation; a generation tie line; an operations and maintenance building; weather stations; fences; and temporary laydown yards. Grand Junction Solar states that the proposed project site consists of approximately 1,103 acres, with the majority of the land housing the solar arrays and associated electric generating equipment. Approximately four acres are designated for the BESS, two acres are

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designated for the project substation, and approximately a quarter acre is intended for the proposed operations and maintenance building.

Grand Junction Solar will use single-axis trackers that will rotate to shift the angle of the panels to track the movement of the sun. The panel arrays will convert energy from sunlight into electricity, and their energy source will be the sun. The BESS will store electricity produced by the solar panel arrays for distribution to the grid at less optimal solar production times. Grand Junction Solar estimates the project will include approximately 250,000 panels for the total power production capacity of up to 100 MW of AC power. Grand Junction Solar notes the soil beneath the panels will be stabilized via ground cover in the form of low-growing perennial vegetation. Grand Junction Solar notes that no FEMA-designated flood plains are located within the proposed project site and includes a map of the floodplain areas nearest to the project. See Application Exhibit D (Floodplain Map).

The panels will be connected to centrally located inverters that will convert the direct current (DC) power generated by the solar panels to AC power. Gathering lines will connect the inverters to the project substations, which will step up the voltage for interconnection to the transmission grid. Grand Junction Solar states its transmission tie line between its project substation and the interconnection substation is expected to be approximately 685 feet. Grand Junction Solar provides a description of materials that will be utilized and explains why the project will produce no air emissions, no water emissions, and no combustion byproducts. Grand Junction Solar states that because photovoltaic panels generate electricity without the use of fuel or water, and without generating waste, no sulfur dioxide emissions will result from electricity generation by the project. Accordingly, no transportation facilities will be needed to deliver raw

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materials to the facility for use in the production process, and no new transportation facilities will be required to remove production wastes from the project. Grand Junction Solar also states that the solar panels will be warranted by their manufacturer to perform at approximately 88% of installed capacity at year 25 of operations. Because of the low degradation rate, Grand Junction Solar indicates that the anticipated useful life of the project is 35 years, but its actual operational lifespan could be longer; however, the solar lease and easement agreements provide for a total operating period of up to 50 years in the event the panels remain sufficiently operational to extend the life of the project.

Subject to receipt of all necessary permits, agency approvals, and other development activities, Grand Junction Solar anticipates that construction involving significant site alteration is anticipated to begin during the third quarter of 2023, with a planned commercial operation date in the fourth quarter of 2024.

### **REQUEST FOR WAIVER**

In the Board's September 23, 2022 order, the Board deferred consideration of the waivers requested until after the expiration of the comment deadline and set, 30 days for petitions to intervene and other comments or objections, as well as a response period. No comments, requests for intervention, or objections were filed in the docket; therefore, the Board now considers the merits of the waivers requested.

In its Application, Grand Junction Solar requests the Board waive the procedural schedule and hearing provisions in Iowa Code §§ 476A.4 and 476A.5, as well as the following administrative rules:

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- **Rule 24.6:** Requires the issuance of a procedural schedule, including a hearing, once the Board accepts an application.
- **Rule 24.8:** Sets forth the hearing procedures.
- **Rule 24.9:** Provides the option for separate hearings on separate issues.

Grand Junction Solar contends that waiving the hearing requirement and associated procedural schedule will not adversely affect the public interest, explaining that the projects will not require the use of eminent domain because all required land rights have been acquired through voluntary easements; the public had an opportunity to attend the June 27, 2022 informational meeting; and preliminary details were presented at the Greene County Board of Supervisors meeting on May 12, 2021. Absent the waiver, Grand Junction Solar contends it would suffer undue hardship because construction of the projects could be delayed, which in turn may jeopardize potential commercial opportunities and the project's eligibility for federal investment tax credits.

Iowa Code § 476A.15 provides the Board with the authority to waive any of the requirements of Iowa Code chapter 476A "if it determines that the public interest will not be adversely affected . . .". Similarly, rule 24.15 provides that the Board may waive any provision of chapter 24 "if it determines that the public interest would not be adversely affected . . .". In determining whether the waiver would adversely affect the public interest, the Board may consider the purpose and type of facility, whether the facility is for the applicant's own needs, the facility's effect on existing transmission systems, and any other relevant factors. (*Id.*) Rule 24.15 also requires a request for waiver to comply with the Board's waiver rules in 199 IAC 1.3.

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*A. Public Interest.* With respect to the public interest, rule 24.15 provides several factors the Board may consider when determining whether the issuance of a waiver will adversely affect the public interest. The Board is to consider the purpose of the facility, the type of facility, how the produced energy is used, and the effects of the facility on the existing transmission system. Additionally, because the waiver concerns the hearing requirement, the Board must consider whether a hearing would assist in its consideration of whether to issue a generating certificate.

Iowa Code § 476A.6 provides that the Board shall issue a generating certificate if the Board finds the following elements: (1) the facility's services and operation are consistent with the legislative intent expressed in § 476.53 and the state's economic development policies, and will not be detrimental to the provision of adequate and reliable electric service; (2) the applicant is willing to construct, operate, and maintain the facility pursuant to the provisions that are included in the certificate and Iowa Code chapter 476A, subchapter I; and (3) the construction, operation, and maintenance of the facility will be consistent with reasonable land use and environmental policies. In determining whether the "consistent with reasonable land use and environmental policies" factor is met, the Board may consider whether any adverse impacts caused by the construction, operation, and maintenance of the facility are reduced to a reasonably acceptable level, whether the proposed site represents a reasonable choice, and whether the proposed facility complies with local zoning requirements. 199 IAC 24.10(2)(b). If these elements are established, a "certificate shall be issued to the applicant . . .". Iowa Code § 476A.6.

The Board has reviewed the information filed by Grand Junction Solar. Between the public comment opportunities available during the Greene County rezoning process



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and the informational meeting held in advance of the Application, there have been numerous opportunities for the public and interested persons to submit comments and objections regarding the proposed project. Eminent domain is not implicated and the affected landowners approved and consented to the use of their land for the proposed project.

Under Iowa Code § 476A.15 and 199 IAC 24.15, the Board finds that the public interest will not be adversely affected by waiving the procedural schedule and hearing requirements contained in §§ 476A.4 and 476A.5 and Board rules 24.6, 24.8, and 24.9. No comments or objections have been filed.

*B. Rule 1.3.* Next, the Board will consider Grand Junction Solar's waiver requests under the four criteria enumerated within rule 1.3. The first criterion requires Grand Junction Solar to establish that application of the rules would pose an undue hardship. Grand Junction Solar contends that holding a hearing would delay generating certificate approval, which in turn would delay construction and risk losing potential commercial opportunities and jeopardize eligibility for the full value of certain tax credits. The Board finds that these circumstances meet the undue hardship requirement given no party has objected to the waiver of the hearing and because Grand Junction Solar obtained all necessary easements. Loss of commercial opportunities and possible increased costs that would result from a hearing would pose an undue hardship.

Concerning the second element of rule 1.3, Grand Junction Solar contends that granting the waiver will not prejudice the substantial rights of any person. Grand Junction Solar states it engaged in substantial pre-application efforts to inform the public of the project, to inform landowners of their rights, and to provide opportunities for the public to obtain information about the project. An informational meeting was also held,

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and the Board provided an additional opportunity for interested persons to request intervention and file comments. No person has raised an issue that the project will affect their legal rights that would require a hearing. Given the number of opportunities that have been provided for interested persons to learn about and file comments or objections concerning the proposed project and fact that no comments have been filed raising a legal issue that requires a hearing, the Board finds that granting the waiver of the procedural schedule and hearing will not prejudice the substantial legal rights of other persons.

Third, the Board finds the provisions for which waivers are requested are not mandated by law. While Iowa Code §§ 476A.4 and 476A.5 require that a hearing be scheduled and occur prior to the issuance of a generating certificate, the Legislature also delegated express authority to the Board to waive these requirements. Iowa Code § 476A.15. The Board has found that the public interest will not be adversely affected by waiver of the scheduling and hearing requirements. This element of rule 1.3 has been met.

Finally, the Board must examine whether the substantially equal protection of public health, safety, and welfare may be afforded by means other than through a hearing. The Board has previously found that the reasons for holding a generating certificate hearing include providing the affected public and regulatory agencies an opportunity to submit information to the Board and allowing the facility to present information from which the Board may apply the § 476A.6 decision criteria.<sup>1</sup> Because

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<sup>1</sup> See *In re Holliday Creek Solar, LLC*, Docket No. GCU-2020-0001, “Order Granting Petition for Intervention, Request for Waivers, and Application for a Certificate of Public Convenience, Use and Necessity under Iowa Code chapter 476A,” p. 12 (Feb. 3, 2021).

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the Board has provided other opportunities for the public to present information for the Board's consideration, the Board finds that the substantially equal protection of public health, safety, and welfare will be afforded by means other than through a hearing.

Because the Board is waiving the hearing, a full procedural schedule is now unnecessary and the Board will waive that requirement. Therefore, the Board will grant Grand Junction Solar's request to waive Iowa Code §§ 476A.4 and 476A.5 and Board rules 24.6, 24.8, and 24.9.

### **APPLICATION FOR GENERATING CERTIFICATE**

In relevant part, § 476A.2(1) provides "a person shall not commence to construct a facility except as provided in section 476A.9 unless a certificate has been issued by the board." Grand Junction Solar requests the Board issue it a generating certificate to construct a proposed 100 MW solar project and associated BESS with a capacity up to 50 MW. According to § 476A.6, the Board shall issue a generating certificate if the Board finds all of the following, each of which will be discussed in turn:

- (1) The services and operations resulting from the construction of the facility are consistent with legislative intent as expressed in section 476.53 and the economic development policy of the state as expressed in Title I, subtitle 5, and will not be detrimental to the provision of adequate and reliable electric service.
- (2) The applicant is willing to construct, maintain, and operate the facility pursuant to the provisions of the certificate and this subchapter.
- (3) The construction, maintenance, and operation of the facility will be consistent with reasonable land use and environmental policies and consonant with reasonable utilization of air, land, and water resources, considering available technology and the economics of available alternatives.

#### **1. *Legislative Intent/Economic Development/Adequate and Reliable Service.***

For the reasons that follow, the Board finds that Grand Junction Solar's proposed solar generating project is consistent with multiple statutory provisions expressing

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legislative intent and policies of this state, including, but not limited to, Iowa Code §§ 476.41 and 476.53(1).

Iowa Code § 476.41 provides that “[i]t is the policy of this state to encourage the development of alternative energy production facilities . . . in order to conserve our finite and expensive energy resources and to provide for their most efficient use.”<sup>2</sup> Solar facilities fall within the definition of “alternative energy production facilities.” Iowa Code § 476.42(1)(a). Therefore, Grand Junction Solar’s proposed project is consistent with the expressed state policy objectives in § 476.41.

Through Iowa Code § 476.53(1), the Legislature expressed its intent “to attract the development of electric power generating and transmitting facilities within the state in sufficient quantity to ensure reliable electric service to Iowa consumers and provide economic benefits to the state.” This statutory provision also states that it is the Legislature’s intent for lower carbon-emitting electric generating facilities “to facilitate the transition to a carbon-constrained environment.” (*Id.*) Grand Junction Solar’s proposed project is consistent with both of these state policy goals. Grand Junction Solar forecasts that the proposed project will provide a significant financial benefit to the local economy and the local taxing governmental entities. Grand Junction Solar anticipates the project would provide employment for hundreds of temporary construction workers and four permanent positions to support the facility during operations, as well as additional employees on site as needed to perform service and maintenance work throughout the life of the proposed project. Grand Junction Solar expects the temporary workers will result in increased revenues for local businesses that will provide goods

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<sup>2</sup> See *Mathis v. Iowa Utilities Bd.*, 934 N.W.2d 423, 429 (Iowa 2019) (stating “it is the official policy of this state to encourage the development of new alternative energy facilities”).

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and services to the workforce. Over the expected 35-year operating life, Grand Junction Solar anticipates producing approximately \$4.1 million in local tax revenue to Greene County. (Application, p. 24.)

Finally, Grand Junction Solar states the proposed project will have no detrimental effect on the existing transmission system. Grand Junction Solar further states generated power will only be delivered to the transmission system (interconnection through the Karma substation) upon successful conclusion of the Midcontinent Independent System Operator, Inc., Generator Interconnection Queue study process and that it will pay for any necessary network upgrades. Grand Junction Solar indicates the proposed project has been assigned MISO Generator Interconnection Queue position J1313 (100 MW solar) as a part of the DPP-2019-West study cycle, completed Phase 3 of the MISO study process in October 2022, and the most recent study schedule indicates the Generator Interconnection Agreement for the solar generating component of the proposed project is expected by April 2023. Grand Junction Solar plans to initiate the Surplus Interconnection Service study process for the BESS portion of the project in 2023.

Because Grand Junction Solar's proposed project is consistent with legislative intent and the economic development policies of this state and will not be detrimental to the provision of electric service, the Board finds the first § 476A.6 decision criterion is established.

*2. Construction, Operation, and Maintenance.*

The second factor requires the Board to examine whether Grand Junction Solar will construct, maintain, and operate the facility pursuant to the provisions of the certificate and Iowa Code chapter 476A. In support of its Application, Grand Junction

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Solar submitted an affidavit from Nathan Franzen, Vice President of Grand Junction Solar and Vice President of National Grid Renewables, in which he states that Grand Junction Solar is “willing to construct, maintain, and operate the facility pursuant to the provisions of the certificate and Iowa Code” chapter 476A, subchapter I.” (See Application Exhibit P.) As a condition of the generating certificate, Grand Junction Solar will be required to comply with all provisions of the certificate and Iowa Code chapter 476A in the construction, maintenance, and operation of the facility. Therefore, the Board finds the second factor of § 476A.6 is established.

3. *Land Use and Environmental Policies.*

The final factor requires the Board to determine whether the “construction, maintenance, and operation of the facility will be consistent with reasonable land use and environmental policies and consonant with reasonable utilization of air, land, and water resources, considering available technology and the economics of available alternatives.” Iowa Code § 476A.6(3). In considering this factor, the Board also considers whether the adverse impacts of the proposed facility have been reduced to a reasonable level, whether the site represents a reasonable choice among available options, and whether the proposed facility complies with local zoning and other requirements. 199 IAC 24.10(2)(b). The Board finds this factor is established.

a. *Site Selection.*

Subparagraph 24.10(2)(b)(2) directs the Board to consider whether the proposed site selected “represents a reasonable choice among available alternatives.” Grand Junction Solar indicates National Grid Renewables began seeking land for the project in 2020 and the key siting criteria guiding its selection included land availability that would be compatible with existing uses; site topography; engineering and design parameters;

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proximity to existing transmission infrastructure, including existing substations and transmission lines suitable for interconnection; environmental compatibility; and community and landowner support. As a result of its continued review of the area, Grand Junction Solar concluded the proposed project area included significant tracts of cleared land, the terrain was suitably flat to allow for economical construction of a solar generating facility, the area was located in close proximity to existing transmission infrastructure, and initial outreach indicated community and landowner support.

Following selection of a potential area for the project site, data collection was undertaken to assess potential placement of the solar arrays and a number of factors were considered using more detailed siting criteria, including land use and zoning regulations, site topography and the land's structure and substance, the existing flora and fauna, community resources, the existing transportation infrastructure, and neighboring landowners' feedback. Grand Junction Solar indicates that it also considered the extent to which eminent domain could be reduced or avoided and notes it secured all the land rights needed to construct and interconnect the proposed project; therefore, eminent domain will not be required. The Board finds Grand Junction Solar's proposed site location is based on reasoned and rational grounds, and, consequently, constitutes a reasonable choice.

*b. Adverse Impacts and Decommissioning.*

Pursuant to subparagraph 24.10(2)(b)(1), the Board should consider whether "all adverse impacts attendant the construction, maintenance and operation of the facility have been reduced to a reasonably acceptable level." Grand Junction Solar asserts the proposed project will have no permanent or negative impacts, while having the potential to generate a number of positive impacts. First, with respect to potential impacts to

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surrounding residential properties, Grand Junction Solar notes that the project is temporary and not designed to be permanent. The project does not produce dust or emissions, and Grand Junction Solar anticipates the project will not produce any noise that will affect the surrounding residences. Grand Junction Solar states that due to the generally low profile of project components, visual impacts are anticipated to be minimal.

Grand Junction Solar further anticipates that the project will not negatively impact property values. As support for this point, Grand Junction Solar submitted a Real Estate Adjacent Property Value Impact Report (Report), prepared by CohnReznick LLP of Chicago in conformity with the Uniform Standards of Professional Appraisal Practice and the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. (See Application Exhibit L, Real Estate Adjacent Property Value Impact Report.) The authors of the Report opined that “the data indicates that solar facilities do not have a negative impact on adjacent property values.” (*Id.* at 3-4.) Grand Junction Solar also asserts the project will have no negative impact on the agricultural ground on which the project is located. During the life of the project, an amount of agricultural land will be taken out of production; however, Grand Junction Solar will implement a ground-cover strategy that will assist in restoring the land by using deep-rooted and nutrient-retaining plant species that will condition the soil. This strategy will reduce topsoil loss due to erosion, increase organic carbon levels, improve soil fertility through increased organic matter, and improve soil moisture and drought resistance. Grand Junction Solar states the project area may be available for grazing, a direct agricultural use, and pollinators, which may indirectly benefit neighboring agricultural uses that require pollination. Grand Junction Solar states that it will be



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responsible for decommissioning and restoring the project area to a reasonably similar condition to its pre-construction state.

Grand Junction Solar also states the proposed project is anticipated to have no significant adverse environmental impacts, including to state or federally listed plant or wildlife species, or high-quality natural vegetation communities. The Application included the assessments conducted by the U.S Fish and Wildlife Service (USFWS) and Iowa Department of Natural Resources (IDNR). (See Application Exhibit N, Habitat Assessment.) Grand Junction Solar indicates the IDNR Environmental Review noted no wildlife species of concern in the project area, thus no special measures are anticipated to be necessary. (*Id.* at 38.) The USFWS Information for Planning and Consultation (IPaC) Official Species List was issued on December 13, 2021, indicating one threatened wildlife species and one endangered wildlife species were noted during the IPaC review. (*Id.* at 18-26.) Finally, Grand Junction Solar states no United States Army Corps of Engineers jurisdiction wetlands were identified during the delineation survey, therefore no avoidance of wetland features is necessary for the proposed project.

Next, Grand Junction Solar contends the construction/roadway impacts will be minimal. Grand Junction Solar states that the majority of the project's construction traffic will be ordinary construction and delivery vehicles, including dump trucks for aggregate delivery and flatbed and enclosed tractor trailers for the delivery of equipment. Therefore, while Grand Junction Solar does not anticipate negative impacts to the roadways as a result of the construction, Grand Junction Solar intends to enter into a road use agreement with the Greene County Engineer, addressing matters such as current road condition assessment, driveway access permits, use of the roads during

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construction, necessary repairs to restore roads to their pre-construction condition once construction is complete and associated costs, and ongoing maintenance during operations.

Finally, Grand Junction Solar states that the operation and construction of the project will not have negative impacts on cultural resources and landmarks of historic, religious, archeological, scenic, or natural significance. Grand Junction Solar indicates a Phase 1 Archaeological Resource Investigation was completed for the site and the survey identified no previously recorded archaeological sites or architectural resources within the proposed project boundary. Grand Junction Solar further indicates the survey did not find any National Register of Historic Places (NRHP) eligible sites within the project boundary and the Iowa State Historic Preservation Office (SHPO) concurs that no sites within the project area are eligible for registration on the NRHP. Grand Junction Solar notes that one archaeological site and seven inventoried historic properties are located within one mile of the project boundaries, but no disturbance is expected given the distance. Further, prior to construction of the project, Grand Junction Solar states it will develop a Cultural Resources Unanticipated Discovery Plan.

In its Application, Grand Junction Solar stated that it expects to enter into a decommissioning agreement with Greene County to account for uncertainty in predicting the value of equipment reuse and salvage. Grand Junction Solar expects the intended financial guaranty shall be in one of the following forms: a letter of credit or surety bond with a financial institution, escrow funds, or any other form acceptable under all contractual obligations of the proposed project.

Based upon the information discussed above, the Board finds that Grand Junction Solar has demonstrated that any adverse impacts attendant to the

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construction, maintenance, and operation of the project has been reduced to a reasonably acceptable level.

*c. Local Zoning.*

Finally, 199 IAC 24.10(2)(b)(3) permits the Board to consider whether the proposed projects are compliant with local zoning requirements. Grand Junction Solar filed a matrix of the regulatory permits, licenses, zoning permissions and other evaluations required or potentially required for the project. (See Application Exhibit K.) Grand Junction Solar also noted that Greene County is the local zoning authority with jurisdiction over the project area, and that at the time of its Application, it had engaged with Greene County to identify the local zoning permissions necessary to construct and operate the proposed facility. During review of Grand Junction Solar's Application in this docket, the Greene County Board of Supervisors (BOS) enacted Ordinance 2022-05,<sup>3</sup> on October 17, 2022.<sup>4</sup> The ordinance is designed to "allow for the orderly development of utility scale solar and wind farm energy projects" and sets forth the standards and requirements that shall govern the design, development, and placement of utility-scale solar energy systems in Greene County. The ordinance provides that projects may obtain a conditional use permit subject to satisfaction of certain conditions prior to application and the terms set forth in the ordinance. The ordinance includes requirements to conduct a public open house, prescribes the manner and material to be covered by the meeting, and requires a report on the open house. The ordinance also

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<sup>3</sup> See Section 16, "Utility-Scale Solar Energy Systems" of Greene County, Iowa Ordinance 2022-05 (2022). Available at <https://www.co.greene.ia.us/files/documents/ZoningOrdinance1611032847101922PM.pdf>.

<sup>4</sup> See Meeting Minutes for the October 17, 2022 meeting of the Greene County Board of Supervisors. Available at <https://www.co.greene.ia.us/files/documents/BoardofSupervisorsMinutes10-17-22111906102422AM1614.pdf>.

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requires specific plans and agreements to be filed concurrent with an application for a conditional use permit, including the open house report; a site plan; plans concerning landscaping and site buffers, emergency response procedures, and decommissioning; and agreements concerning roadway use and repair and public drainage. Finally, the ordinance sets forth requirements relating to insurance and provisions addressing abandonment of the system.

In a status update filed on March 10, 2023, after completing all prerequisites set forth by the County's ordinance, Grand Junction Solar confirmed it had filed its application for a conditional use permit with Greene County in February 2023 and anticipates receiving a conditional use permit in April or May 2023.

Based on the above discussion and review of the information provided by Grand Junction Solar, the Board finds the proposed facility meets the third factor of Iowa Code § 476A.6, subject to conditions discussed below.

*d. Board Decision.* Upon the Board's issuance of a certificate to an applicant for a facility, Iowa Code § 476A.8 provides, "a regulatory agency, city or county shall not require any further approval, permit or license for the construction of the facility." The statute provides that the Board's certificate, once issued, overrides most other local or other agency regulations; however, the chapter as a whole contemplates the Board may also impose terms and conditions through the certificate. The Board considers it important that solar and battery facilities adhere to local zoning requirements. To address this determination, the Board will grant Grand Junction Solar's application for a certificate of public convenience, use and necessity, with the following conditions:

1. The Board will require Grand Junction Solar to obtain all necessary zoning approvals and other permits. Grand Junction Solar shall not begin construction until all necessary permits have been obtained and shall file a

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copy of all permits obtained in this docket. As this requirement is established herein by the Board, Grand Junction Solar may not rely on Iowa Code § 476A.8 to negate the requirement to obtain authorizations from other state, city, or county regulatory agencies.

2. The Board will require Grand Junction Solar to file status reports in the docket regarding its time frame to acquire applicable permits and construction progress. The first report shall include an update on the status of Grand Junction Solar's application to Greene County for a conditional use permit and any other permits pending. If construction of this project is not completed within two years from the date the generation certificate is issued, the certificate will expire, and Grand Junction Solar will need to submit a new application to the Board if it wants to continue to develop the project.
3. At the conclusion of operation of its project, Grand Junction Solar shall decommission its solar generating facility and associated battery energy storage system in conformance with its Decommissioning Plan and shall file notice with the Utilities Board of the completion of decommissioning.

Based on the information provided, the Board finds Grand Junction Solar presented sufficient information to establish the third element of Iowa Code § 476A.6. The construction, operation, and maintenance of the projects will be consistent with reasonable land use and environmental policies and consonant with the reasonable use of air, land, and water resources.

### **CONCLUSION**

Having found that the criteria in § 476A.6 are met, the Board will approve Grand Junction Solar's application and issue a certificate of public convenience, use and necessity, subject to the terms and conditions outlined in this order and set forth in the certificate. The certificate filed in this docket will be limited to the 100 MW solar facility and associated up to 50 MW battery energy storage system as proposed by Grand Junction Solar. Any increase to the total generation capacity or an additional storage facility will require Grand Junction Solar to file for an amendment to the certificate.

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Additionally, a transfer of the facility to another entity will require Board approval in accordance with Iowa Code § 476A.7(2).

### **ORDERING CLAUSES**

#### **IT IS THEREFORE ORDERED:**

1. The July 29, 2022 Request for Waiver filed by Grand Junction Solar, LLC, regarding portions of Iowa Code §§ 476A.4 and 476A.5 and 199 Iowa Administrative Code rules 24.6, 24.8, and 24.9, is granted.

2. A Certificate of Public Convenience, Use and Necessity for a Solar Generating Facility and associated Battery Energy Storage System for Docket No. GCU-2022-0001, attached to this order and incorporated herein, is issued to Grand Junction Solar, LLC, subject to the conditions set forth in Ordering Clauses 3, 4, and 5 and outlined in the Certificate.

3. Grand Junction Solar, LLC, shall acquire and maintain all necessary zoning and other permits as set forth in the attached Certificate of Public Convenience, Use and Necessity, and may not begin construction until it has obtained all necessary permits, including the conditional use permit required by Greene County Ordinance 2022-05. Grand Junction Solar, LLC, shall file a copy of all permits obtained with the Utilities Board in this docket within 10 days of receipt of such permits.

4. Within 10 days of the date of this order, Grand Junction Solar, LLC, shall file a status report in the docket with an update on the time frame to acquire applicable permits, including the conditional use permit from Greene County. Within 10 days of the beginning of construction, Grand Junction Solar, LLC, shall file notice of the commencement of construction and file an update every 180 days thereafter, until

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project completion, regarding construction progress. If construction of the project is not completed within two years of the date of issuance of the certificate, the certificate granted herein will expire and Grand Junction Solar, LLC, will be required to submit a new petition with the Utilities Board to complete its project.

5. At the conclusion of operation of its project, Grand Junction Solar, LLC, shall decommission its Solar Generating Facility and associated Battery Energy Storage System in conformance with its Decommissioning Plan and shall file notice with the Utilities Board of the completion of decommissioning.

**UTILITIES BOARD**

**Geri Huser** Date: 2023.04.21  
12:47:11 -05'00'

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**Richard Lozier** Date: 2023.04.21  
13:09:03 -05'00'

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ATTEST:

**Keetah Horras** 2023.04.21  
14:03:52 -05'00'

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**Joshua Byrnes** Date: 2023.04.21  
11:04:59 -05'00'

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Dated at Des Moines, Iowa, this 21st day of April, 2023.