

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Pleasant
Valley Wind LLC For a Certificate of
Need For the 300 MW Pleasant Valley
Project in Dodge and Mower Counties

Docket No. IP-6828/CN-09-937

**PETITION FOR CHANGES TO
CERTIFICATE OF NEED WITHOUT
RECERTIFICATION OR FURTHER
HEARING**

INTRODUCTION

On October 27, 2010, the Minnesota Public Utilities Commission (“Commission”) issued a Certificate of Need (“CON”) and Site Permit to Pleasant Valley Wind, LLC (“Pleasant Valley Wind”) for the 301 MW Pleasant Valley Wind Project located in Dodge and Mower Counties, Minnesota. Subsequently, the Commission amended the CON and Site Permit on February 19 and 20, 2013, respectively, to extend the in-service date for the Pleasant Valley Wind Project to allow for additional time to acquire an “enforceable mechanism for sale of the electricity to be generated by the Project.”¹ Pursuant to a purchase and sale agreement with Northern States Power company d/b/a Xcel Energy (“Xcel Energy”), Pleasant Valley Wind agreed to develop and sell a 200 MW project to Xcel Energy. As a result, the nameplate capacity for the Pleasant Valley Wind Project will no longer be up to 301 MW. Rather, the nameplate capacity of the Pleasant Valley Wind Project will now be 200 MW.

Pursuant to Minn. R. 7849.0400, changes to the size, type or timing of a proposed facility that do not conform to the provisions in Subp. 2(A) – (G) require an applicant to notify the Commission of the proposed change and the reasons for the change. The Commission is then required to evaluate reasons for the change within 45 days of the petition. The Commission is required to order further hearings “if and only if it determines that the change, if known at the time of the need decision on the facility, could reasonably have resulted in a different decision under the criteria specified in part 7849.0120.” Minn. R. 7849.0400, subp. 2(H). The proposal to reduce the nameplate capacity for the Pleasant Valley Wind Project by 101 MW does not fall within the nameplate capacity reduction specified in 7849.044, subp. 2(B), and thus Pleasant Valley Wind must comply with the requirements of Minn. R. 7849.0400, subp. 2(H). Accordingly, Pleasant Valley Wind files this Petition for Changes to the CON Without Recertification or Further Hearing, respectfully requesting that the Commission reduce the nameplate capacity in the CON for the Pleasant Valley Wind Project to 200 MW.

¹ Site Permit at §10.2.

REASONS FOR CHANGING THE NAMEPLATE CAPACITY

Under the Site Permit Pleasant Valley Wind must, among other requirements, “obtain a power purchase agreement or other enforceable mechanism for sale of the electricity to be generated by the Project.” As is indicated in the Petition for Modification or Amendment to the Site Permit filed contemporaneously with this filing in MPUC Docket No. IP-6828/WS-09-1197, Pleasant Valley Wind recently entered into a purchase and sale agreement for the Project.² In connection with securing that purchase and sale agreement, Pleasant Valley Wind agreed to provide the Project with a reduced nameplate capacity of 200 MW. As Pleasant Valley Wind will construct the Project to meet, but not exceed, the terms of that agreement, Pleasant Valley Wind thus requires a corresponding reduction in the nameplate capacity specified in the CON for the Project.

ADDITIONAL HEARINGS ON THE CHANGE ARE NOT WARRANTED

The Commission should not require recertification or additional hearings, as the proposed reduction in the nameplate capacity would not have reasonably resulted in the Commission reaching a different determination on the CON. Minn. R. 7849.0400, subp. 2(H) provides that the Commission shall order additional hearings on the proposed change only if it determines that if the change was known initially, the Commission could have reasonably reached a different decision under the criteria specified in the Minnesota Rules. As the nameplate capacity for the Project is being reduced (as well as the number of wind turbines and associated facilities), the potential for impacts from the Project is similarly reduced, but not the demonstrated need for the Project. Accordingly, the criteria in Minn. R. 7849.0120 would not have reasonably led the Commission to reach a different conclusion due to a smaller nameplate capacity for the Project.

The Commission’s conclusions with respect to the criteria in Minn. R. 7849.0120 are not changed by the reduction in the nameplate capacity of the Project. The criteria specified in Minn. R. 7849.0120 relate to the adequacy, reliability or efficiency of energy supply; alternatives to the Project; and the benefits of the Project to society, the balance of which are not impacted by a reduction in nameplate capacity. Significantly, the Commission previously found that the renewable energy from the Project at the original nameplate capacity will be needed by utilities to meet renewable energy objectives and that there is no better alternative to the Project. This conclusion is unchanged by the proposed reduction in the nameplate capacity of the Project, as there continue to be renewable energy standard milestones to be met, and the viability of the Project to fulfill that need has been demonstrated by the executed purchase and sale agreement and the subsequent approval of that agreement by the Commission.

² On July 16, 2013, Xcel Energy filed a petition for approval of 600 MW of wind generation, including 200 MW from the Pleasant Valley Wind Project. *In the Matter of the Petition of Xcel Energy for Approval of the Acquisition of 600 MW of Wind Generation*, MPUC Docket No. E-002/M-13-603 (July 16, 2013). The matter of the petition was heard and approved by the Commission on October 17, 2013.

Furthermore, the Project will continue to be compatible with protecting the natural environment and human health, as the Project will be in the same location and will comply with applicable setbacks and other requirements set forth in the Site Permit designed to protect the natural environment and human health. Thus, the reduction in nameplate capacity of the Project will not result in any impacts not already considered by the Commission and factored into its evaluation of the criteria in Minn. R. 7849.0120.

For these reasons, the Commission should conclude that a reduction in the nameplate capacity in the CON is permitted without recertification or further hearing.

CONCLUSION

For the reasons set forth above, Pleasant Valley Wind respectfully requests that the Commission change the nameplate capacity for the Pleasant Valley Wind Project specified in the CON to 200 MW without recertification of, or further hearing on, the Project.

Dated: November 22, 2013

Respectfully submitted,

/s/ *Brian M. Meloy*

Brian M. Meloy

Andrew J. Gibbons

LEONARD, STREET AND DEINARD

150 South Fifth Street, Suite 2300

Minneapolis, MN 55402

Telephone: (612) 335-1451

Fax: (612) 335-1657

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CERTIFICATE OF SERVICE

Catherine M. Wood, certifies that on **November 22, 2013** she served true and correct copies of the **PLEASANT VALLEY WIND, LLC'S PETITION FOR CHANGES TO CERTIFICATE OF NEED WITHOUT RECERTIFICATION OR FURTHER HEARING** upon the following parties via e-filing and/or U.S. Mail:

Person	E-mail Address	Company	Address	Method of Service
Burl W. Haar	burl.haar@state.mn.us	MN Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 55101-2147	Electronic Service
Sharon Ferguson	sharon.ferguson@state.mn.us	MN Department of Commerce	85 7th Place East Suite 500 St. Paul, MN 55101-2198	Electronic Service
Julia Anderson	Julia.anderson@state.mn.us	MN Office of the Attorney General	1400 BRM Tower 445 Minnesota Street St. Paul, MN 55101-2131	Electronic Service
John Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota Street St. Paul, MN 55101-2130	Electronic Service
Brian Meloy	brian.meloy@leonard.com	Leonard, Street and Deinard	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service
Jamie Schrenzel	Jamie.schrenzel@state.mn.us	MnDNR		Electronic Service
Paul Johnson		Renewable Energy Systems	12 South 6 th Street, Suite 930 Minneapolis, MN 55401	U.S. Mail
Peter Reinarts		Olmsted Wind Truth	11748 Hwy 30 SW Hayfield, MN 55940	U.S. Mail

/s/ Catherine M. Wood

Catherine M. Wood