

March 8, 2021

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. IP-7039/CN-20-646

Dear Mr. Seuffert:

Attached are the Comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

*Application of Louise Solar Project, LLC, for a Certificate of Need for the up to 50 MW
Louise Solar Project in Mower County, Minnesota.*

The petition was filed on behalf of Louise Solar Project, LLC on February 11, 2021 by:

Christina K. Brusven
Fredrickson and Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, Minnesota, 55402-1425

The Department recommends that the Minnesota Public Utilities Commission (Commission) determine that the Application is complete pending submittal of additional information.

Sincerely,

/s/ MICHAEL N. ZAJICEK
Rates Analyst

MNZ/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. IP-7039/CN-20-646

I. BACKGROUND

On August 5, 2020, Louise Solar Project, LLC (Louise or the Applicant) filed a *Request for Exemption from Certain Certificate of Need Application Content Requirements* (Petition).

On August 18, 2020, the Minnesota Public Utilities Commission (Commission) issued its *Notice of Comment Period on Certificate of Need Exemption Requests* (Notice).

On August 26, 2020, the Department of Commerce, Division of Energy Resources (Department) filed its Comments on the Exemption Petition, recommending approval of Louise's data exemption requests with conditions.

On August 27, 2020, Louise filed its Reply Comments, agreeing with the Department's recommendations.

On September 21, 2020 the Commission issued its Order (September 21 Order) adopting the Department's recommendations with respect to the Exemption Petition and granting the following exemptions:

1. The following exemptions are approved as proposed:
 - 7849.0240, subp. 2(B): Promotional Activities;
 - 7849.0250(B)(1), (2), (3) and (5): Description of Certain Alternatives;
 - 7849.0250(C)(1) to (6), (8), and (9): Availability of Alternatives to the Facility;
 - 7849.0250(C)(7): Effect of Project on Rates System-wide;
 - 7849.0290: Conservation Programs; and
 - 7849.0330: Alternatives Involving a LHVTL.

2. The following exemptions are approved conditioned upon [Louise] providing alternative data:
 - 7849.0250(B)(4): Description of Certain Alternatives;
 - 7849.0250(D): Map of the Applicant's System;
 - 7849.0270: Peak Demand and Annual Consumption Forecast;
 - 7849.0280: System Capacity;
 - 7849.0300: Consequences of Delay – System; and
 - 7849.0340: The Alternative of No Facility.

On February 11, 2021 Louise filed its *Application for Certificate of Need* (Application) for the proposed Louise Solar Project generating facility (Project).

On February 22, 2021, the Commission issued a *Notice of Comment Period on Certificate of Need Application Completeness* requesting comments on completeness by March 8, 2021.

II. DEPARTMENT ANALYSIS

Minnesota Statutes, section 216B.2421, subd. 2 (1) defines a large energy facility as “any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system.” Further, Minnesota Statutes, section 216B.243, subd. 2 states that “no large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the commission.” The Application indicates that Louise plans to construct the Project, a solar energy conversion facility of approximately 50 megawatts (MW) in Mower County, Minnesota. Therefore, a Certificate of Need (CN) is required.

A. COMPLETENESS REVIEW

Minnesota Rules, parts 7849.0240 to 7849.0340 contain the filing requirements for a CN application for a large electric generating facility. The Department reviewed the Application for completeness considering the rule requirements and exemptions granted by the Commission in its September 21 Order.

The Department concludes that Louise met the completion requirements with the following exceptions.

Minnesota Rules, part 7849.0250 (B) requires an applicant to provide a discussion of the availability of alternatives to the facility, including but not limited to:

- 1) purchased power;
- 2) increased efficiency of existing facilities, including transmission lines;
- 3) new transmission lines;
- 4) new generating facilities of a different size or using a different energy source; and
- 5) any reasonable combinations of the alternatives listed in sub items (1) to (4).

The Commission’s September 21 Order granted an exemption to Minnesota Rules, part 7849.0250 (B) 1, 2, 3, and 5 and partial exemption to Minnesota Rules, part 7849.0250 (B) 4. The Commission granted the Louise an exemption to Minnesota Rules, part 7849.0250 (B) 4 to the extent an alternative cannot address the need for renewable power.

As to (4) above, Louise provided information regarding other renewable fuel sources as required, but did not address options of a different size (larger and smaller). Therefore, the Department

recommends that the Commission condition its completeness finding upon Louise filing the missing information required by Minnesota Rules, part 7849.0250 (B) 4, as modified by the Commission's September 21 Order.

The Department notes that any additional alternative discussed would need to be considered in response to Minnesota Rules, parts 7849.0250 (C), 7849.0310 and 7849.0320, as those rule parts involve information on alternatives.

At the beginning of its Application, Louise provided a table indicating for each filing requirement whether an exemption was granted and/or the location within the Application where the relevant information can be found.¹ The Department reviewed this table and concludes that it is correct.

B. PROCESS REVIEW

During the completeness review process, the Department also makes a recommendation regarding the proper process to use for the proceeding. The Department does not anticipate significant disputes that would necessitate a contested case. Thus, the Department does not request that the Commission order a contested case proceeding at this time. Based on the information available, it appears that reliance on the Commission's normal process of formal comments and reply comments will be sufficient to develop the issues in this proceeding. That said, the Department would not object to a Commission-ordered contested case if parties claim significant contested material facts and/or raise controversial issues and would participate to the best of its ability.

III. SUMMARY AND RECOMMENDATIONS

The Department recommends that Louise address the missing information from Section 7849.0250 (B) 4 in reply comments, and any associated discussion pursuant to Sections 7849.0250 (C), 7849.0310 and 7849.0320. Once the missing information is filed, the Department anticipates recommending that the Commission find the Application to be complete.

The Department also recommends that the Commission evaluate the Application using the Commission's comment process.

/ja

¹ Pages 4-6 of the CN Application.

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. IP7039/CN-20-646

Dated this 8th day of March 2021

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_20-646_CN-20-646
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_20-646_CN-20-646
Bridget	Duffus	bduffus@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-646_CN-20-646
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_20-646_CN-20-646
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_20-646_CN-20-646
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_20-646_CN-20-646
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_20-646_CN-20-646
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_20-646_CN-20-646
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_20-646_CN-20-646
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 280, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_20-646_CN-20-646

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_20-646_CN-20-646
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_20-646_CN-20-646
Jacob	Salisbury	Jacob.Salisbury@edf-re.com	EDF Renewables	10 NE 2nd St Ste 400 Minneapolis, MN 55413	Electronic Service	No	OFF_SL_20-646_CN-20-646
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-646_CN-20-646
Adam	Sokolski	adam.sokolski@edf-re.com	EDF Renewable Energy	10 Second Street NE Ste 400 Minneapolis, MN 55410	Electronic Service	No	OFF_SL_20-646_CN-20-646
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_20-646_CN-20-646
David	Weetman	david.weetman@westwoodps.com	Westwood Professional Services	12701 Whitewater Dr Ste 300 Minnetonka, MN 55343	Electronic Service	No	OFF_SL_20-646_CN-20-646
Scott	Wentzell	scott.wentzell@edf-re.com	EDF Renewables	10 NE 2nd St Ste 400 Minneapolis, MN 55413	Electronic Service	No	OFF_SL_20-646_CN-20-646

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Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Susan	Medhaug	Susan.medhaug@state.mn.us	Department of Commerce	Suite 280, 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	SPL_SL_CN - CERTIFICATE OF NEEDS
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	SPL_SL_CN - CERTIFICATE OF NEEDS