

The Commission met on **Thursday, August 22, 2019** with Chair Sieben and Commissioners Lipschultz, Means, Schuerger, and Tuma present.

The following matters were taken up by the Commission:

G-004/M-19-198

In the Matter of the Petition of Great Plains Natural Gas Co., a Division of Montana-Dakota Utilities Co. for Approval of its Revenue Decoupling Mechanism (RDM) Rates and Decoupling Evaluation Report for Year 2 of its Pilot Program

Commissioner Sieben moved that the Commission:

1. Approve the revenue decoupling mechanism factors as presented in Great Plains' March 8, 2019 updated filing;
2. Approve the proposed tariff changes as presented in Great Plains' March 8, 2019 updated filing and included in Attachment A to staff briefing papers;
3. Authorize Great Plains to continue its RDM Pilot for calendar year 2019; and
4. For future RD< annual reports, require Great Plains to file the annual revenue decoupling calculations by March 1 and the full evaluation report on May 1.

The motion passed 5-0.

G-008/AI-18-517

In the Matter of the Petition of CenterPoint Energy Resources Corp., dba CenterPoint Energy Minnesota Gas, for Approval of an Affiliated Interest Agreement between CenterPoint Energy Minnesota Gas and Minnesota Limited

Commissioner Lipschultz moved that the Commission:

1. Approve the Company's existing 2018 Metro Beltline(MBLSE) Replacement Project construction services contract with Minnesota Limited, LLC; and
2. Take no action on cost recovery at this time and require that, if CenterPoint Energy requests cost recovery for work performed under this contract in its next rate case, the Company provide further evidence that the portions of the work performed outside of the competitively bid contract are fair and reasonable and merit cost recovery.

The motion passed 5-0.

IP-6712/WS-08-1494

In the Matter of a Site Permit Amendment to Repower the 30 MW Community Wind North Large Wind Energy Conversion System and Associated Facilities in Lincoln County, Minnesota

Commissioner Tuma moved that the Commission take the following actions:

1. Turbine T-1

Grant a waiver to Community Wind of the wind right access buffer as reflected in its June 24, 2019 filing with the condition that the Permittee shall file its last offer showing the same amount and terms agreed to by other landowners in similar circumstances with 15 days of the order. The offer may expire within 15 days, after proof of a mailing of said offer via certified mail to the most recent address of the property owner identified in the records of the Lincoln County Auditor-Treasurer. The Permittee shall make a compliance filing within 14 days after signing the affidavit. The compliance filing shall be mailed to the most recent address of the property owner identified in the records of the Lincoln County Auditor-Treasurer with a notice to the landowner of their rights to file a complaint pursuant to Section 9 of the Permit. If no wind rights agreement is reached, Permittee acknowledges that this property will not be foreclosed from installing wind turbine generators on such property at a later date, even if such turbine generators cannot be installed on such property in compliance with the setbacks in section 4.1 of site permit.

2. Turbines T-9 and T-11

Grant a waiver to Community Wind of the wind right access buffer as requested in its June 24, 2019 filing with the condition that the Permittee file with the Commission an affidavit signed by all the fee owners of the Southeast Quarter of Section Nine (9), Township One Hundred Nine (109) North, Range Forty-Six (46) West of the 5th P.M., specifically consenting to the Commission's granting of a setback waiver to Turbines T-9 and T-11. Proof of this consent shall be filed with the Commission at least 14 days prior to the pre-construction meeting to confirm compliance with conditions of this permit.

3. Issue an amended Site Permit for the Community Wind North Project in Lincoln County, Minnesota incorporating the EERA's recommended revisions to:

- i. Sections 7.5.1 and 7.5.2 as proposed by the EERA; and
- ii. Addition of Special Condition 6.3 as recommended by Commission staff;

- iii. Authorize Commission staff to make further refinements to the permit conditions as necessary to ensure consistency with the record, the language of recently-issued permits, and the Commission's decision in this matter.

The motion passed 5-0.

E-6465/WS-05-1220

In the Matter of a Site Permit Amendment to Repower the 50 Megawatt Jeffers Wind Energy Center Project and Associated Facilities in Cottonwood County, Minnesota

Commissioner Tuma moved that the Commission issue an amended site permit as proposed by EERA staff, incorporating additional permit conditions and language as follows:

1. grant a waiver to Jeffers Wind of the wind rights access buffer as requested in its June 26, 2019 filing, with the condition that the permittee shall extend a final offer for the same amount and terms agreed to by other landowners in similar circumstances or their last offer, whichever is higher. The permittee must make a compliance filing describing in detail the results of the negotiation with the Commission at least 14 days before the pre-construction meeting. If no wind rights agreement is reached, permittee acknowledges that this property will not be foreclosed from installing wind turbine generators on such property at a later date, even if such turbine generators cannot be installed on such property in compliance with the setbacks set forth in section 4.1.
2. Retain language from Section E.5 (Turbine Spacing) of the original site permit as requested by Jeffers Wind in its May 29, 2019 comments.
3. Adopt changes to Section 6.1 (Labor Statistics Reporting) as recommended by LIUNA.
4. Incorporate changes to Section 6.2 (Landowner Communication), 7.5.1 (Operational Phase Facility Monitoring), Section 7.5.2 (Bird and Bat Conservation Strategy) and Section 8.2 (Power Purchase Agreement) as recommended by DOC EERA.
5. Authorize Commission staff to make further refinements to the permit conditions as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision in this matter.
6. Modify Section 7.2 of the permit to include the following language:

in the case of non-participating landowners where modeling shows shadow flicker increases due to repowering and more than 30 hours of flicker at a residence annually, then the permittee must have

an agreed-upon or Commission-approved mitigation plan including exterior screening such as trees, shrubs and awnings, and interior screening such as curtains or blinds for windows.

The motion passed 5-0.

PL-9/PPL-18-752

In the Matter of the Application of Enbridge Energy for a Route Permit and Partial Exemption for the Fond du Lac Line 4 Project in Saint Louis County and Carlton Counties

Commissioner Lipschultz moved that the Commission:

1. Grant the partial exemption and issue a route permit to Enbridge Energy for the Fond du Lac Line 4 project with the Findings of Fact and Route Permit modifications proposed by Enbridge as further modified by staff, with the exception to restore the language that had been removed from Findings 129 and 130
2. Authorize Commission staff to make further refinements to the Findings of Fact, Conclusions of Law, and Order, and permit conditions as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision in this matter.
3. Require Enbridge to consult with the Fond du Lac Band of Lake Superior Chippewa on a net-zero tree replacement program; all trees removed during construction, regardless of size, must be replaced on tribal land in consultation with, and at the discretion of, the Band regarding placement and species type. Enbridge must file its net-zero tree replacement plan with the Commission.

The motion passed 5-0.

E-999/PR-19-9

In the Matter of Trade Secret Designation of 2019 Cogeneration and Small Power Production Reports

Commissioner Lipschultz moved that the Commission direct the Executive Secretary to issue a notice of comment and establish a comment process to address the following issues:

1. the extent to which specific information required by our rules under part 7835.0500, schedule A; part 7835.0600, schedule B; and part 7835.1000, schedule G, are not required by PURPA;

2. discuss the public availability requirement under PURPA and whether that can be satisfied by granting developers interested in providing generation as QFs, and their consultants and advisors, access to the data required by the rules under a Commission-approved non-disclosure agreement; and
3. further discussion of what information currently claimed to be trade secret actually qualifies as trade secret under the Data Practices Act, Minn. Stat. Ch. 13.

The motion passed 5-0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: May 6, 2020

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

Will Seuffert, Executive Secretary