

The Commission met on **Thursday, August 24, 2023**, with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

E-002/CN-21-668

In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for a Certificate of Need for Additional Dry Cask Storage at the Monticello Nuclear Generating Plant Independent Spent Fuel Storage Installation in Wright County

Commissioner Tuma moved that the Commission do the following:

1. Adopt the report of the Administrative Law Judge (ALJ) of the Office of Administrative Hearings to the extent it is consistent with the Commission's final decision.
2. Adopt modifications to findings 69, 104, 124, 146, and 225 of the report of the Administrative Law Judge, as proposed in the July 14, 2023, filing of Northern States Power Company d/b/a Xcel Energy (Xcel or the Company).
3. Adopt the proposal of the Minnesota Department of Commerce (Department) to replace findings 192-212 with Xcel's proposed findings 162-163, as shown in the Department's July 14, 2023 filing and as modified below.

162. The Company explained that it discovered a leak of tritiated water in November 2022 and promptly reported the leak to the Minnesota State Duty Officer and the [federal Nuclear Regulatory Commission]. The Company stated that the leak has not impacted groundwater outside the boundaries of the Plant, the Mississippi River, or any drinking water wells. The Company stated at the time of the ALJ report that it has located the leak and repaired it. The Company also states that it continues to pump contaminated groundwater and will continue to take action to appropriately manage the cleanup of the tritiated water plume.

163. The ~~ALJ~~ Commission finds that the Company's two replacement cases are reasonable test cases by which to compare the environmental impacts of extending the life of the Monticello Plant. The ~~ALJ~~ Commission also finds that environmental considerations weigh in favor of extending the Monticello Plant and granting the [certificate of need], as compared to the

Company's two replacement cases. The ALJ Commission further finds that the circumstances around the leak of tritiated water at the Plant and the Company's response to that leak does not change the ~~ALJ~~ Commission's finding on this point.

4. Issue a certificate of need to Xcel for additional dry cask storage at its independent spent fuel storage installation with the following conditions:
 - A. Xcel must justify any costs, including those of operations and maintenance, ongoing capital expense, revenue requirements relate to capital including in the rate base, insurance expense, land-lease expense, and property tax expense.
 - B. The Commission will otherwise hold Xcel accountable for the price and terms used to evaluate the project.
 - C. Ratepayers will not be put at risk for any assumed benefits that do not materialize.
 - D. Xcel's customers must be protected from risks associated with the non-deliverability of accredited capacity, energy, or both, from the project. The Commission may adjust Xcel's recovery of costs associated with this project in the future if actual production varies significantly from assumed production over an extended period.
 - E. The Commission's decision does not address the operations of the Monticello Nuclear Generating Plant (MNGP) beyond 2040, which will be subject to review in future resource planning proceedings.
 - F. Starting on or before January 15, 2029, Xcel shall commence making filings to the Commission and the chairs of the House of Representatives and Senate committees with jurisdiction over energy and environmental policy issues of the following:
 - 1) the estimated number of casks required to run MNGP through 2040;
 - 2) the amount of fuel being loaded each cycle;
 - 3) the capacity of the cask selected; and
 - 4) a summary of all proceedings before federal regulatory authorities regarding licensure of the facility and removal of waste in the prior two years.Filings shall continue every other year by January 15 until either a new certificate of need application has been filed for additional storage for MNGP to operate past 2040 or the plant has begun the process of decommissioning.
5. The Commission delegates authority to the Executive Secretary to report the Commission's decision to the Legislature under Minn. Stat. § 116C.83 before December 31, 2023.

The motion passed 5-0.

ET-6/RP-22-312

In the Matter of the Minnkota Power Cooperative, Inc. and Northern Municipal Power Agency (collectively, the Joint System) 2022-2036 Integrated Resource Plan.

Commissioner Sullivan moved that the Commission:

1. Accept the Minnkota Power Cooperative, Inc. and Northern Municipal Power Agency (the Joint System) 2022 Integrated Resource Plan, and accept the Joint System's forecast for planning purposes.
2. Require that the Joint System's next IRP include:
 - A. relevant data showing how the tariff revisions relating to MISO's Seasonal Resource Adequacy Construct impacted the Joint System's accredited capacity, and
 - B. a detailed discussion of the resulting changes to the assumptions Minnkota made or methodology it employed in planning to meet future resource adequacy requirements.
3. Require the Joint System to file its next IRP by December 1, 2025.

The motion passed 5-0.

E-999/CI-22-600

In the Matter of a Commission Investigation into the Potential Role of Third-Party Aggregation of Retail Customers

Chair Sieben moved to table Docket No. E-999/CI-22-600.

The motion passed 3-2, with Commissioners Sullivan and Schuerger voting against.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: September 13, 2023



Will Seuffert, Executive Secretary