



January 22, 2015

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VIA E-FILING

Mr. Daniel Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

Re: In the Matter of Great River Energy's 2014 Integrated Resource Plan (IRP)
MPUC Docket No. ET2/RP-14-813

Dear Mr. Wolf:

Enclosed please find Al-Corn Clean Fuel and Heartland Corn Products' Reply Comments in Support of Their Petition for Intervention in the above-referenced docket. These documents have been filed with the E-Docket system and served on the attached service list. Also enclosed is our Affidavit of Service.

Very truly yours,

WINTHROP & WEINSTINE, P.A.

/s/ Joseph M. Windler

Joseph M. Windler

Enclosures

cc: Service List

9941080v1

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BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

121 Seventh Place East, Suite 350

St. Paul, Minnesota 55101-2147

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Dr. David C. Boyd

Nancy Lange

Dan Lipschultz

Betsy L. Wergin

Chair

Commissioner

Commissioner

Commissioner

Commissioner

In the Matter of Great River Energy's 2014
Integrated Resource Plan (IRP)

MPUC Docket No. ET2/RP-14-813

**AL-CORN CLEAN FUEL AND HEARTLAND CORN PRODUCTS' REPLY
COMMENTS IN SUPPORT OF THEIR PETITION FOR INTERVENTION**

I. Background

On December 2, 2014, Al-Corn Clean Fuel and Heartland Corn Products ("Petitioners"), two large industrial end-users of GRE's energy, submitted a petition to intervene in Great River Energy's ("GRE") 2014 Integrated Resource Plan.

On December 11, 2014, GRE took the rare step of objecting to Petitioners' intervention.

On January 12, 2015, Petitioners filed initial comments in support of their intervention.

On January 14, 2015, the Minnesota Department of Commerce, Division of Energy Resources ("DOC") filed comments related to Petitioners' petition for intervention.

II. Comments.

Pursuant to subdivision 2 of Rule 7829.0800 of the Minnesota Rules, a petition to intervene **must be granted**:

upon the showing that . . . the outcome of the proceeding will bind or affect the persons with respect to an interest peculiar to that person as distinguished from interests common to the public or other ratepayers in general, or the person's interests are not adequately represented by one or more of the other parties participating in this case.

Minn. R. 7829.0800, subp. 2.

Petitioners possess unique interests and concerns that are not being adequately represented in this docket. Indeed, in its Comments, the DOC admitted that it “takes no position on [Petitioners’] petition to intervene.” (DOC Comments, p. 4). Rather, the DOC used its Comments to “identif[y] how the Department intends to conduct its analysis in this proceeding[,]” and to explain how it is not representing Petitioners’ interests. *Id.* As a result, and contrary to GRE’s contention that the DOC is representing Petitioners’ interests, there is not another participant in this proceeding that can, or is even attempting to, adequately represent Petitioners’ interests.

The Commission’s rules mandate that “[r]esource options and resource plans must be evaluated on their ability to: . . . (b) **keep the customers’ bills and the utility’s rates as low as practicable, given regulatory and other constraints. . . .**” Minn. R. 7843.0500, subp. 3 (emphasis added). As a result, GRE’s efforts and strategy to purportedly keep its customers’ bills as low as practicable is squarely before the Commission as part of GRE’s resource planning process. Petitioners’ participation is focused on ensuring that GRE delivers its resources “at-cost,” that it keeps its customers’ bills and the utility’s rates as low as practicable, and that GRE intends to enhance its ability to respond to changes in the financial, social and technological factors affecting its operations and limit the risk of adverse effects on GRE and its customers from financial, social, and technological factors that GRE cannot control. Minn. R. 7843.0500, subp. 3. These are all important considerations as part of the resource planning process and, thus, Petitioners’ intervention is appropriate.

Further, GRE's claim that Petitioners' intervention is improper and that they should simply address their concerns through GRE's governance process is disingenuous at best. While GRE claims that it is willing to meet to address Petitioners' concerns, in reality, GRE expressly threatened both Petitioners and their counsel with legal action and harsh sanctions simply because Petitioners dared to raise their concerns within the cooperative distribution network. (Exhibit A to Petitioners' Initial Comments). Simply because the distribution governance process is an available avenue for Petitioners to address their concerns does not mean it is the sole avenue – particularly when GRE has threatened Petitioners for attempting to work within such a process. Rather, as has been explained by Petitioners throughout this proceeding, as a result of Petitioners unique interests – interests that are not represented by any party to this IRP proceeding – Petitioners' intervention is appropriate.

As there is not another participant in this proceeding that represents Petitioners' unique interests, Petitioners' request for intervention should be granted. Petitioners should be allowed to intervene just as they did in GRE's 2012 IRP proceeding.

Dated: January 22, 2015

Respectfully submitted,

WINTHROP & WEINSTINE, P.A.

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