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January 22, 2015

VIA ELECTRONIC FILING

Daniel P. 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
MPUC Docket No. ET2/RP-14-813

Dear Mr. Wolf:

On behalf of Great River Energy (GRE), enclosed for filing in the above matter, please find GRE's Reply Comment to Al-Corn Fuel and Heartland Corn Products' Petition to Intervene.

Thank you for your attention to this matter. Please feel free to contact me at (612) 340-5612 if you have any questions.

Sincerely yours,

/s/ B. Andrew Brown

B. Andrew Brown

Enclosure

cc: Service List

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

Beverly Jones Heydinger
Dr. David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

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

PUC Docket No. ET2/RP-14-813

**GREAT RIVER ENERGY'S REPLY COMMENT TO
AL-CORN CLEAN FUEL AND HEARTLAND CORN PRODUCTS'
PETITION TO INTERVENE**

Al-Corn Clean Fuel and Heartland Corn Products' ("Petitioners") request to intervene in Great River Energy's ("GRE") Integrated Resource Plan ("IRP") should be denied. The appropriate venue for addressing their concerns about rates is with the governance processes of the distribution cooperatives to which they belong. Petitioners acknowledge they are not direct customers of GRE and their rates are not subject to regulation by the Commission.¹ And as pointed out by the Department of Commerce, Division of Energy Resources ("Department"), the rate design concerns raised by Petitioners go "beyond the scope of the issues to be decided in GRE's IRP."² For these reasons, Petitioner's request to intervene should be denied.³

¹ *In the Matter of Great River Energy's 2014 Integrated Resource Plan (GRE 2014 IRP)*, Docket No. ET2/RP-14-813 (Doc. No. 20151-106105-01), Al-Corn Fuel and Heartland Corn Products' Initial Comments (Petitioners' Comments) at 3 n.2 (Jan. 12, 2015).

² *GRE 2014 IRP*, Docket No. ET2/RP-14-813 (Doc. No. 20151-106168-01), Department Reply Comments at 3 (Jan.14, 2015).

³ Under Minn. Stat. 216B.2422, subd. 2, a Commission order in a resource plan proceeding for a generation and transmission cooperative like GRE is only advisory and will not bind or affect the rates charged by GRE to its members, or the rates charged by GRE members to their customers. As set out in Legislative Findings in Minn.

To justify intervention, Petitioners claim they are being deprived of any chance outside of this advisory IRP proceeding to “challenge GRE’s behavior.”⁴ But this is clearly not the case. As part of their comments to the Commission on January 12, 2015, Petitioners attach a letter dated December 15, 2014, reconfirming GRE’s willingness to meet with Petitioners’ representatives to discuss their concerns:

The right way to address issues is by working within the electric cooperative system. Toward that end, we propose a meeting at the highest levels of our respective clients’ organizations. GRE’s board chair and CEO are prepared to meet with their counterparts at your clients’ organizations, together with counsel and support staff. While we have not talked to counsel for the three distribution cooperatives, we suggest their comparable officials also attend. GRE is willing to discuss anything that would be conducive to airing the issues and arriving at constructive solutions. GRE is prepared to talk about your clients’ concerns, GRE’s strategic plan, its response to the challenges of the utility industry, and how GRE’s board works on behalf of GRE’s members to keep rates as low as possible.⁵

Petitioners also argue that objections to intervention are “exceedingly rare.” This argument misses the point. Although participation in proceedings before the Commission is generally welcomed, Minnesota statutes, rules and precedent establish that “intervention as a party is not a standardless affair.”⁶ Intervention as a matter of right is limited to the Department and the Office of the Attorney General.⁷ Other parties must not only assert an interest in a

Stat. 216B.01, cooperatives are regulated under Chapter 308A (Cooperative Associations) rather than under Chapter 216B (Public Utilities): “[b]ecause ...cooperative associations are presently effectively regulated and controlled by the membership under the provisions of chapter 308A, it is deemed unnecessary to subject such utilities to regulations under this [Chapter 216B] except as specifically provided herein.”

⁴ *GRE 2014 IRP*, Petitioners’ Comments at 3 n.1.

⁵ *Id.*, Ex. A at 2–3.

⁶ *In the Matter of the Petition of Northern States Power Company to Initiate a Competitive Resource Acquisition Process*, Docket No. E-002/CN-12-1240, 2013 WL 5760708 *2 (Minn. P.U.C. 2013).

⁷ Minn. R. 7829.0800, subp. 3.

proceeding, they must also show their interest meets the intervention standard.⁸ The Commission has denied petitions to intervene in a proceeding when the stated interest would not be directly affected by the proceeding's outcome, or could be better addressed in an alternative forum.⁹

Finally, Petitioners contend they should be allowed to intervene because they were parties in GRE's 2012 IRP. This is a curious argument. In GRE's last IRP proceeding, the Commission found the rate design issues raised by Petitioners – the very same issues that Petitioners are asking to raise again in this IRP – were more appropriately pursued through the governance processes of the distribution cooperative to which the Petitioners belong.¹⁰ Petitioners' actions in the earlier case are thus a very strong factor in favor of denial of the pending petition to intervene.

⁸ *Id.* at subp. 2; *see also* Minn. R. 1400.6200, subp. 1.

⁹ *See, e.g., In the Matter of the Application of Otter Tail Power Co. for Authority to Increase Electric Service Rates in Minn.*, Docket No. PUC E-017/GR-10-239, 2010 WL 3534675 (Minn. P.U.C. 2010) (denying intervention because petitioner's "interest in determining the propriety of Otter Tail Power's operating and management charges . . . will be affected only indirectly, if at all, by the outcome of" rate case); *Re Northern States Power Co.*, Docket No. G-002/M-93-773, 1994 WL 118344 (Minn. P.U.C. 1994) (denying intervention in accounting order proceeding because natural gas service rates claimed by petitioners as their interest in the case were "set by the FERC, not the Commission"); *Re Minnegasco*, Docket No. G-008/GR-92-400, 1992 WL 474702 (denying intervention because gas supply competition "concerns raised by [petitioner] would be best addressed outside the context of the general rate case proceeding"); *In the Matter of the Proposed Merger of Minnegasco, Inc. with and into Arkla, Inc.*, Docket No. G-008/PA-90-604, 1990 WL 6000868 (Minn. P.U.C. 1990) (denying intervention because petitioner's "issue of alleged subsidization of Minnegasco's unregulated business by its regulated business could be raised and examined independent of this [merger] proceeding").

¹⁰ *In the Matter of Great River Energy's 2013 – 2027 Integrated Resource Plan (GRE 2012 IRP)*, Docket No. E-2/RP-12-1114 (Doc. No. 20135-87457-01), Order Denying Request for Time Extension (May 28, 2013).

We respectfully request the Commission deny Al-Corn and Heartland's petition to intervene in GRE's 2014 IRP proceeding.

Respectfully submitted,

Dated: January 22, 2015

DORSEY & WHITNEY, L.L.P.

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AFFIDAVIT OF SERVICE

STATE OF MINNESOTA

) ss.

COUNTY OF HENNEPIN

Philip J. Steger, being first duly sworn on oath, deposes and states that on the 22nd day of January, 2015, the attached Reply Comment to Al-Corn Clean Fuel and Heartlands Corn Products' Petition to Intervene was electronically filed with the Minnesota Public Utilities Commission and the Minnesota Department of Commerce. No individuals on the attached service list required notice by United States first class mail.

/s/ Philip J. Steger
Philip J. Steger

Subscribed and sworn before me this
22nd day of January, 2015.

/s/ Alice Jaworski
Notary Public, State of Minnesota

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