

STATE OF MINNESOTA
MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of Northern States Power
Company, doing business as Xcel Energy,
Petition for Approval of PPAs for Firm
Dispatchable Resources

Docket No. E002/CN-23-212
Docket No. E002/RP-24-67

In the Matter of Xcel Energy's Competitive
Resource Acquisition Process for up to 800
Megawatts of Firm Dispatchable
Generation

**Invenergy Response and
Request for Action**

In the Matter of Xcel Energy's 2024-2040
Upper Midwest Integrated Resource Plan

I. INTRODUCTION

Invenergy Renewables LLC (Invenergy)¹ respectfully submits this response and request for action to the Minnesota Public Utilities Commission (Commission) in accordance with Order Point 18 of its April 21, 2025 Order Approving Settlement Agreement with Modifications in the above-referenced dockets explicitly allowing a settling party to file a response and request for action if Xcel Energy (Xcel) makes a filing that it has no intentions to continue negotiations for a power purchase agreement (PPA).² Xcel Energy (Xcel) filed a letter to the Commission on October 31, 2025, that informed the Commission that it no longer intended to pursue negotiations with Invenergy for the Lake Wilson Solar Energy Center (Lake Wilson).³

Invenergy appreciates the Commission's support of the projects selected in the Settlement Agreement and the robust record developed over the last two years regarding Xcel's firm dispatchable resource acquisition process. Based on the merits of Lake Wilson, Invenergy requests that the Commission require Xcel to resume PPA negotiations in good faith to reach a final

¹ Lake Wilson Solar Energy LLC and Invenergy Cannon Falls LLC are Delaware limited liability companies authorized to do business in Minnesota. Both entities are under common ownership with Invenergy Renewables LLC and are affiliates of Invenergy LLC.

² *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation* and *In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications at Order Point 18 (Apr. 21, 2025).

³ Xcel Energy Comments – Update on Lake Wilson and Plum Creek Replacement (October 31, 2025).

agreement. Additionally, due to the limited window to finalize a PPA with Xcel and expiring federal tax credits, Invenergy respectfully requests that the Commission consider this request expeditiously.

II. BACKGROUND

In its November 3, 2023 Order, the Commission approved a resource acquisition process in Docket No. E002/CN-23-212 (Firm Dispatchable Docket) to allow Xcel and interested developers to submit proposals to meet an identified need for firm dispatchable resources between 2027 and 2029.⁴ Invenergy submitted two proposals, Lake Wilson Solar Energy Center (Lake Wilson) and Cannon Falls Thermal Energy Center (Cannon Falls). Lake Wilson consists of a 150 MW photovoltaic solar energy generating facility and a 95 MW, 380 megawatt-hour battery energy storage system (BESS) near Lake Wilson in Murray County in southwestern Minnesota. Cannon Falls is an existing gas-fired peaking facility, consisting of two simple cycle combustion turbines, with a nameplate capacity of 357 MW located in Cannon Falls, Minnesota.

On April 2, 2024, the Commission found Invenergy's applications for Lake Wilson and Cannon Falls to be complete.⁵ Parties in the Firm Dispatchable Docket, including Invenergy, and Docket No. E002/RP-24-67 (IRP Docket) entered into a Settlement Agreement in October 2024, which was subsequently approved by the Commission in its April 21, 2025 Order Approving Settlement Agreement with Modifications (Order).⁶ The Commission's Order selected Cannon Falls and Lake Wilson to proceed to the PPA negotiation phase.⁷ The Order also required Xcel to submit the negotiated PPAs with each bidder that is a settling party for approval within four months of the Order or file an explanation addressing the status of negotiations.⁸ Because Xcel required

⁴ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, PUC Docket No. E-002/CN-23-212, Order Approving Petition and Requiring Compliance Filing (Nov. 3, 2023).

⁵ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, PUC Docket No. E-002/CN-23-212, Notice of and Order for Hearing at Order Point 1 (April. 3, 2024).

⁶ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications (Apr. 21, 2025).

⁷ *Id.* at Order Points 14 and 17.

⁸ *Id.* at Order Point 18.

additional time to negotiate the PPAs, Xcel filed a letter updating the Commission on the status of negotiations in August 2025.⁹

On September 26, 2025, Xcel filed its Petition to approve negotiated PPAs for Cannon Falls, Mankato Energy Center, and North Star Energy Storage. Omitted from Xcel's Petition is a negotiated PPA for Lake Wilson. The Commission issued a Notice of Comment Period on October 2, 2025, to solicit comments regarding Xcel's Petition. On October 31, 2025, Xcel notified the Commission that it does not intend to proceed with Lake Wilson. Order Point 18 of the Commission's Order states "[i]f Northern States Power Company makes a filing explaining the lack of agreement on a PPA and no intent to continue negotiations, the specific bidder that is a settling party must file any response and request for action within ten days." Invenenergy provides this response and requests that the Commission require Xcel to continue PPA negotiations for Lake Wilson in good faith.

III. ANALYSIS

A. Lake Wilson is a Mature, New-Build Firm Dispatchable Resource

In its Order, the Commission approved seven firm dispatchable bids, two of which are existing facilities.¹⁰ Of the firm dispatchable resources in the development stage, Lake Wilson was the first to receive its Site Permit and Certificate of Need with the exception of the wind component of the Plum Creek wind plus storage project.¹¹ The Plum Creek wind and storage project was withdrawn following the Commission's Order—leaving Lake Wilson as the only renewables-plus-storage project.¹²

⁹ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Xcel Energy Letter (Aug. 20, 2025).

¹⁰ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications at Order Points 11-17 (Apr. 21, 2025) (approving Lake Wilson, Cannon Falls, Xcel's Lyon County Generation Station, Xcel's Sherco BESS, Onward's Mankato Energy Center and associated BESS, DESRI's North Star Energy Storage, and National Grid Renewables' Plum Creek Wind plus Storage).

¹¹ *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Certificate of Need and a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, PUC Docket Nos. IP- 7070/CN-21-791, IP-7070/GS-21-792, Order Granting Certificate of Need and Issuing Site Permit at Order Point 5 (Apr. 23, 2024).

¹² *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040*

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As a capacity-rich firm dispatchable resource, with complete site control and interconnection, Lake Wilson represents one of the most advanced solar-plus-storage opportunities in Midcontinent Independent System Operator (MISO) Local Resource Zone 1. The project has executed long-term lease agreements and has exercised an option to purchase land for the point of interconnection for the BESS and expects to close on the purchase before the end of 2025. Lake Wilson has executed a Generation Interconnection Agreement (GIA) with MISO for 150 MW for the solar facility and 20 MW for the BESS. The executed GIA for surplus interconnection for the remaining 75 MW is expected at the end of the year.

Lake Wilson would be an ideal and mature new-build resource for Xcel to meet its identified need for firm dispatchable resources. Lake Wilson is an economically competitive project, in part, because it has qualified for and will utilize tax credits prior to expiration under the One Big Beautiful Bill Act (OBBBA). Lake Wilson began construction in August 2025 with additional construction activities at the BESS locations planned to take place before the end of 2025¹³ in accordance with recent guidance from the U.S. Department of Treasury.

Invenergy LLC is a global leader in the development and operation of sustainable energy solutions, having successfully developed more than 36 GW of wind, solar, natural gas, and energy storage projects across the Americas, Europe, and Asia. As the largest privately held independent power producer in the United States, Invenergy LLC has demonstrated a long track record of success, with a unique ability to remain nimble in an ever-changing marketplace by executing on reliable, low-cost solutions tailored to individual customer needs.

Invenergy has leveraged a portfolio-level approach and strong, long-lasting relationships to secure competitive pricing. To procure the key equipment necessary to build Lake Wilson, the project is designed to accommodate specific tier one manufacturers of solar panels, battery storage equipment, and inverters, although contracting will not proceed until the PPA is signed and approved by the Commission. The project plans to use a main power transformer (MPT) that is already built and in storage.

Integrated Resource Plan, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, National Grid Renewables Letter Withdrawing from Settlement Agreement (Apr. 25, 2025).

¹³ *In the Matter of the Application of Lake Wilson Solar Energy LLC for a Site Permit for the up to 150 MW Lake Wilson Solar and Associated Battery Storage Project in Murray County, Minnesota*, PUC Docket No. IP-7070, Compliance Filing at 2 (Oct. 31, 2025) (stating “Lake Wilson currently anticipates completing the construction of the BESS foundation piles in December 2025”).

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Lake Wilson has nearly finalized its selection of an Engineering, Procurement and Construction (EPC) contractor and is favoring bids that utilize local, union construction craft employees to the greatest extent feasible in accordance with the project's budget, timeline, industry standards and requirements, and corporate safety policies. The EPC contractor will work with labor unions, local subcontractors, or other vendors to implement a project construction staffing model that attempts to maximize local hiring and local economic benefits for the project to the extent practicable, while ensuring the project is safely built on time and on budget. The project will also require prevailing wages in accordance with the Investment Tax Credit. Lake Wilson will sign the EPC contract when the PPA is finalized.

Not only is the project cost effective and beneficial to ratepayers, locally, it will support up to 250 jobs during construction and employ five full-time onsite personnel during operations. Participating landowners stand to benefit from more than \$84 million over the life of the project. For some, this is a vital source of diversity in their farms' income, especially during this period of global trade instability that is impacting Minnesota's agricultural economy as well as supply chains for solar and energy storage projects. The project is expected to pay an estimated average annual solar energy production tax of approximately \$330,000 for Murray County and approximately \$75,000 for Leeds Township that can be used to directly offset property taxes, maintain aging infrastructure and support local economic development efforts.

Lake Wilson is located near Nobles County Substation and can quickly provide storage capacity in an area known for grid congestion due to the high volume of wind production.¹⁴ This utility-scale BESS facility is in an advanced stage of development and is positioned to offer timely relief to the local grid and area stakeholders including townships adjacent to Lake Wilson and Murray County who have dealt with unexpected reductions in production tax revenue in recent years due to curtailment.¹⁵ Note that solar and wind generation have different generation profiles that can be complimentary.

¹⁴ *In the Matter of the Investigation into Transmission-Curtailment Matters, Drivers, and Potential Solutions to Limitations Resulting from the Nobles County Substation*, PUC Docket No. E-999/CI-24-316, Order Establishing Filing Requirements at 3 (Mar. 24, 2025); *In the Matter of the 2025 Biennial Transmission Projects Report*, PUC Docket No. E-999/M-25-99, 2025 Biennial Transmission Projects Report at 246 (October 31, 2025).

¹⁵ *See In the Matter of the Investigation into Transmission-Curtailment Matters, Drivers, and Potential Solutions to Limitations Resulting from the Nobles County Substation*, PUC Docket No. E-999/CI-24-316, Order Establishing Filing Requirements at 1 (Mar. 24, 2025).

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In summary, Lake Wilson has advanced as far as it reasonably can in the development process prior to signing a PPA with Xcel and Commission approval, both of which are needed soon to retain project schedule and limit cost risk. Lake Wilson is ideally positioned to reach commercial operations by December 31, 2027.

B. Lake Wilson was Selected in this Resource Acquisition Process by the Commission to Meet Xcel's Firm Dispatchable Need

The Commission established this competitive resource acquisition process to acquire 800 MW of firm dispatchable resources consistent with the Commission's directive in its order approving Xcel's 2019 integrated resource plan (IRP), including extensive application filing requirements developed based on stakeholder input.¹⁶ Lake Wilson's application was deemed complete and the project was included in the Environmental Report issued by the Department of Commerce Energy Environmental Review and Analysis staff.¹⁷

The Department of Commerce, Clean Energy Organizations, and Xcel (collectively, the Modeling Parties) determined Xcel's firm dispatchable need was much greater than the initial need to acquire up to 800 MW of firm dispatchable resources during the 2027 to 2029 timeframe identified in its 2019 IRP.¹⁸ As a result, the settling parties focused on reaching consensus to achieve Xcel's updated firm dispatchable need.¹⁹ Lake Wilson was selected by the settling parties and the Commission to meet Xcel's firm dispatchable needs.²⁰

In its comments supporting the Settlement Agreement, Xcel cautioned the Commission that limiting the resource acquisition to 800 MW of nameplate capacity would result in its system

¹⁶ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, PUC Docket No. E-002/CN-23-212, Order Approving Petition and Requiring Compliance Filing at 4-5 (Nov. 3, 2023); *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, PUC Docket No. E-002/CN-23-212, Compliance – Notice Petition at Attachment C, Appendix A (Nov. 13, 2023).

¹⁷ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, PUC Docket No. E-002/CN-23-212, Environmental Report (Nov. 25, 2024).

¹⁸ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Xcel Energy Comments in Support of Settlement Agreement at 8, 27-28 (Oct. 15, 2024).

¹⁹ *Id.* at 9.

²⁰ *In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy's 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications at Order Points 1, 17 (Apr. 21, 2025).

being insufficient to serve its customers.²¹ Xcel further stated that “deferring a decision on incremental acquisitions . . . would make it difficult or impossible to bring the resources online when [its] customers need them.”²² And that a delay may force Xcel to compromise one of its “core goals of affordability, reliability, or environmental stewardship.”²³ The Commission agreed with the settling parties that Xcel’s need for firm dispatchable resources was greater than initially anticipated.²⁴ Xcel did not argue in its Petition that its firm dispatchable resource need has changed.

As Xcel cautioned, it is imperative to move quickly so these resources are online when they are needed. Lake Wilson can be online by December 31, 2027, if an agreement is reached soon. As stated above, Lake Wilson has met certain key milestones in the development stage and can utilize the tax credits before they expire under the OBBBA. Without Lake Wilson, Xcel will have to procure firm dispatchable resources from either the MISO market or another resource that did not participate in this stakeholder-driven resource acquisition process.

C. Xcel Should Not Be Allowed to Circumvent this Process

Invenergy did not withdraw Lake Wilson from this process and remains keenly interested in reaching an agreement with Xcel. Replacing Lake Wilson with another resource outside of this resource acquisition process risks the integrity of Xcel’s bidding process in the future. It is important to note that Lake Wilson is the only remaining firm dispatchable resource that has a renewable generation component.

Xcel could replace Lake Wilson with purchases from the MISO market or another resource outside of this resource acquisition process. Given the need to alleviate congestion around the Nobles substation and the proximity to the Lake Wilson project, Xcel’s self-build 300 MW Nobles Energy Storage could serve as a replacement for Lake Wilson.

1. Nobles Energy Storage

²¹ *In the Matter of Xcel Energy’s Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy’s 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Xcel Energy Comments in Support of Settlement Agreement at 29 (Oct. 25, 2024).

²² *Id.*

²³ *Id.*

²⁴ *In the Matter of Xcel Energy’s Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy’s 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications at 8-9 (Apr. 21, 2025) (noting that the planning landscape has significantly changed from a few years ago and the identified firm dispatchable need is beyond Xcel’s initial need of 800 MW).

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The Nobles Energy Storage project is under development by Xcel on land it owns at the Nobles Wind Farm in Nobles County, Minnesota. This project came to light only recently when Xcel filed a request to the Commission to support the Nobles Energy Storage project for MISO's Expedited Resource Addition Study (ERAS) treatment.²⁵ In this request, Xcel stated its BESS is targeted to reach commercial operation in 2028.²⁶ A footnote to the 2025 Biennial Transmission Projects Report stated that Xcel is developing the details of the Nobles Energy Storage project and “expects to request approval of the Nobles BESS and other ERAS projects in early 2026.”²⁷

Similar to Lake Wilson's BESS, Xcel's BESS has potential to alleviate transmission congestion in the Nobles County Substation area. Specifically, Xcel stated that its BESS aligns with the Commission's order in Docket No. E-999/CI-24-316 regarding transmission curtailment that emphasized battery storage as a promising solution to alleviate transmission congestion in the Nobles County Substation area.²⁸ Xcel performed a screening system impact study to evaluate voltage stability benefits of a future BESS to the local area around the Nobles County Substation.²⁹ In its study, Xcel specifically analyzed voltage stability before and after its proposed Nobles Energy Storage project and evaluated the benefits of grid-forming capabilities on the inverter, and it found that its BESS will provide voltage stability benefits to the system.³⁰ It appears that Xcel's BESS is expected to alleviate only part of the operational constraint, so it is likely additional battery storage is needed.³¹ There is no record that Xcel has applied for a site permit, and the project was not selected in the first cycle of ERAS projects.

2. Xcel's Petition to Approve Solar and Storage Portfolio

Xcel filed its petition on October 31, 2025, seeking approval for seven solar generation and five battery storage projects selected through its 2024 Request for Proposals (RFP) in Docket No.

²⁵ Letter from Xcel Energy to the Public Utilities Commission Regarding Proposed Generator Projects for Expedited Resource Additional Study (ERAS) – Supplement, PUC Docket No. E-002/RP-24-67 (Aug. 1, 2025).

²⁶ *Id.*

²⁷ *In the Matter of the 2025 Biennial Transmission Projects Report*, PUC Docket No. E-999/M-25-99, 2025 Biennial Transmission Projects Report at 246, n.33 (Oct. 31, 2025).

²⁸ Letter from Xcel Energy to the Public Utilities Commission Regarding Proposed Generator Projects for Expedited Resource Additional Study (ERAS) – Supplement, PUC Docket No. E-002/RP-24-67 (Aug. 1, 2025).

²⁹ *In the Matter of the 2025 Biennial Transmission Projects Report*, PUC Docket No. E-999/M-25-99, 2025 Biennial Transmission Projects Report at Appendix C (Oct. 31, 2025).

³⁰ *Id.* at 2-3.

³¹ The study included an example in its economic study analysis that if the BESS is discharged at a \$5 strike price, it will save an estimated 240,257 MWh of curtailment, which is a 25 percent reduction of the 1,096,671 MW hours that have occurred without the BESS. *Id.* at 2.

E-002/M-24-230 (2024 RFP Petition) to fill an identified system need in 2027 through 2029.³² Projects located in MISO Zone 1 could respond to the RFP but it is unclear if a project from this RFP could replace Lake Wilson.

D. Summary of Lake Wilson PPA Negotiations

Invenergy's original bid was submitted nearly two years ago in January 2024 based on market pricing at the time and explicitly excluded the risk of changes in tariff costs. Invenergy's comments to Xcel's form agreement stated that Seller would require change-in-law protections should new or changing tariffs impact market pricing on equipment and materials. Since the start of PPA negotiations between Invenergy and Xcel, Invenergy has maintained a consistent position that Invenergy's original bid did not account for the unknown and unpredictable impact of tariffs announced, and continuously changing, throughout 2025, and a change-in-law regime was needed in the Lake Wilson PPA to maintain the ability to sign a contract during a time of what Xcel referred to as "unprecedented uncertainty [that] includes uncertain trade measures [and] tariff imposition"³³

In its Petition and letter filed on October 31, 2025, Xcel claimed that Invenergy was unable to maintain its pricing in its original proposal.³⁴ Further, Xcel claimed that there have been multiple price increases.³⁵ Invenergy provides a detailed timeline of price negotiations in Attachment A.³⁶ To clarify, there have been two price increases discussed. In the first price increase, **[TRADE SECRET DATA BEGINS...** Invenergy offered to maintain the original bid proposal pricing if the solar energy and storage capacity price could be adjusted for any new tariffs enacted after January 20, 2025, *and* only if tariff costs were *actually incurred* by the project, however, the price was increased for reasons unrelated to the tariffs at Xcel's request to resolve other terms. ... **TRADE SECRET DATA ENDS]**.

Leading into the second price increase, **[TRADE SECRET DATA BEGINS...** Xcel rejected Invenergy's demarcation of January 20, 2025, as the change-in-law date for new tariffs that could potentially adjust the solar energy or storage capacity price if the project actually

³² *In the Matter of Xcel Energy's 2024 Wind, Solar, and Storage Request for Proposal*, PUC Docket No. E-002/M-24-230, Xcel Energy Petition to Approve Solar and Storage Portfolio (October 31, 2025).

³³ Xcel Energy Petition for Approval of PPAs for Firm Dispatchable Resources at 31 (Sept. 26, 2025).

³⁴ *Id.* at 3; Xcel Energy Comments – Update on Lake Wilson and Plum Creek Replacement (October 31, 2025).

³⁵ Xcel Energy Comments – Update on Lake Wilson and Plum Creek Replacement (October 31, 2025).

³⁶ The unredacted version of Attachment A is filed in Docket No. E-002/M-24-195.

incurred the new tariff. Instead, Xcel *instructed* Invenergy to provide an updated solar energy price and storage capacity price inclusive of all announced tariffs as of the anticipated signing date of the PPA. This updated solar energy price and storage capacity price remained in the draft PPA for approximately two months while other terms were being negotiated. Invenergy believed the updated solar and storage prices were accepted by Xcel until mid-October when Xcel agreed to accept the increased storage capacity price but required Invenergy to maintain its original January 2024 bid price for the solar energy.

At the same time Xcel required Invenergy to update its solar energy price and storage capacity price to include known tariffs *prior* to the signing date of the PPA, Xcel also offered change-in-law language in the PPA that included the potential for the solar energy price and/or storage capacity price to increase an additional 20 percent as a result of any new or further increases in tariffs to major components *after* the signing date of the PPA.³⁷ The 20 percent price increase for future tariff risk (after PPA execution) is greater than the price increase Invenergy proposed for known tariffs enacted after January 20, 2025. Under both scenarios, price increases would only occur if tariffs remained in place and impacted the project. ... **TRADE SECRET DATA ENDS**].

It is important to highlight that Invenergy's first offer [**TRADE SECRET DATA BEGINS...** to increase the solar energy price and storage capacity price only if tariffs actually impacted the project's costs was a reasonable offer given the volatility of the current tariff environment. Ratepayers would be protected from inflated prices due to tariffs that may or may not remain in place by the time the project proceeds with construction. Xcel's direction to Invenergy to incorporate known tariffs regardless of whether those tariffs would ultimately impact Lake Wilson did not recognize ongoing tariff uncertainty. ... **TRADE SECRET DATA ENDS**].

To reiterate, Xcel's final offer in mid-October [**TRADE SECRET DATA BEGINS...** retained the increased price for storage capacity but Xcel was not willing to pay more than the original bid price for the solar energy. This offer also allowed for a rate increase, capped at 20 percent, for new or modified tariffs after the PPA execution date. ... **TRADE SECRET DATA ENDS**]. Invenergy responded with an offer to [**TRADE SECRET DATA BEGINS...** include tariffs enacted after January 20, 2025, to be reflected in the solar energy price as well (the storage

³⁷ This is consistent with the new trade measure event Xcel described in its Petition. *Id.* 32.

price was already settled), but Invenergy would absorb future tariff changes after PPA execution. ... **TRADE SECRET DATA ENDS**].

As Xcel explained in this Petition and its 2024 RFP Petition, “the industry is facing tremendous uncertainty” and “granting practical and limited relief mechanisms in an effort to stabilize and promote the continued development of new resources is necessary and prudent at this time.”³⁸ Xcel added that bidders could not proceed with their original bid prices due to the current challenges facing the industry.³⁹ Xcel acknowledged in its 2024 RFP Petition that “rigid pricing commitments were no longer feasible under the new tariff regime” and allowed “limited pricing adjustments.”⁴⁰ Xcel explained that “[t]hese adjustments were intended to reflect the real-time cost implications of supply chain volatility, including material cost fluctuations and tariff-related surcharges.”⁴¹ Notably, Xcel updated its prices for its own Lyon County Generation Station and Sherco West BESS prior to the Settlement Agreement.⁴² Despite Xcel updating pricing for other resources, Xcel would not accept a price increase [**TRADE SECRET DATA BEGINS...for Lake Wilson’s solar energy from its original bid price. ... TRADE SECRET DATA ENDS**].

Invenergy negotiated with Xcel in good faith to reach an agreement and committed funds to comply with the new construction-start rules to maintain tax credits and the lowest possible price to Xcel. Invenergy provides a detailed timeline with pricing terms in the Highly Sensitive Trade Secret Attachment A filed in Docket No. E-002/M-24-195. Attachment A is marked “Non-Public Document—Highly Sensitive Trade Secret Information—Use Restricted Per Protective Order in Docket No. E-002/CN-23-212” because it contains Highly Sensitive Trade Secret Information in accordance with the Protective Order issued on May 8, 2024 in the Firm Dispatchable Docket.

³⁸ *In the Matter of Xcel Energy’s 2024 Wind, Solar, and Storage Request for Proposal*, PUC Docket No. E-002/M-24-230, Xcel Energy Petition to Approve Solar and Storage Portfolio at 62 (October 31, 2025); Xcel Energy Petition to Approve PPAs for Firm Dispatchable Resources at 31.

³⁹ *In the Matter of Xcel Energy’s 2024 Wind, Solar, and Storage Request for Proposal*, PUC Docket No. E-002/M-24-230, Xcel Energy Petition to Approve Solar and Storage Portfolio at 8, 41 (October 31, 2025); Xcel Energy Petition to Approve PPAs for Firm Dispatchable Resources at 6, 33.

⁴⁰ *In the Matter of Xcel Energy’s 2024 Wind, Solar, and Storage Request for Proposal*, PUC Docket No. E-002/M-24-230, Xcel Energy Petition to Approve Solar and Storage Portfolio at 23 (October 31, 2025).

⁴¹ *Id.*

⁴² *In the Matter of Xcel Energy’s Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation and In the Matter of Northern States Power Company d/b/a Xcel Energy’s 2024-2040 Integrated Resource Plan*, PUC Docket Nos. E-002/CN-23-212 and E-002/RP-24-67, Order Approving Settlement Agreement with Modifications, Order Points 11, 12 (Apr. 21, 2025).

IV. CONCLUSION

Invenergy respectfully requests that the Commission require Xcel to resume negotiations in good faith with Invenergy for Lake Wilson. Additionally, Invenergy requests expedited consideration in light of expiring tax credits and Xcel's firm dispatchable need between 2027 and 2029. This firm dispatchable resource acquisition process has its roots in the Commission's order approving Xcel's 2019 IRP, which was then followed by extensive stakeholder input to establish bid application requirements and selection of bids. Invenergy has been engaged in this process for nearly two years, and Lake Wilson was selected by the Commission to provide firm dispatchable generation to meet Xcel's need. Invenergy acted in good faith to reach an agreement with Xcel on PPA terms. Lake Wilson is derisked from a land, permitting, interconnection, labor compliance, and tax credit perspective. As a result, it should be more cost-effective for ratepayers than alternatives from an uncertain future market.

Dated: November 10, 2025

Respectfully submitted,

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