

March 4, 2025

Will Seuffert
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. IP-6997/CN-18-699

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345-kV Transmission Line in Cottonwood, Murray, and Redwood Counties, Minnesota.

The Petition was filed by Plum Creek Wind Farm, LLC (Plum Creek or the Company) on February 4, 2025.

The Department recommends that the Minnesota Public Utilities Commission (Commission) **approve** Plum Creek's request and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. SYDNIE LIEB
Assistant Commissioner of Regulatory Analysis

MNZ/ar
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket No. IP-6997/CN-18-699

I. INTRODUCTION

In its February 4, 2025 filing Plum Creek states that it has experienced a number of delays preventing the start of construction of the Project within the required extended construction period and thus it will be unable to meet the in-service date as extended previously by the Commission.¹ Plum Creek stated that it expects that the in-service date of the Project to be delayed until December 31, 2028. The Company notes, however, that the Project is now exempt from Certificate of Need requirements and additionally has been selected by Xcel Energy in a competitive bidding process in an ongoing docket with the Commission.²

II. PROCEDURAL BACKGROUND

November 12, 2019	Plum Creek filed its <i>Application for Certificate of Need</i> for the proposed Plum Creek wind generating facility. ³
September 23, 2021	The Commission issued its <i>Order Granting Certificate of Need and Issuing Site Permit and Route Permit</i> approving the Project. ⁴

¹ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, Plum Creek, Extension Variance Request, February 4, 2025, Docket No. IP-6997/CN-18-699, (eDockets) [20252-214953-01](#), (hereinafter “Second Extension Request”).

² *In the Matter of Xcel Energy’s Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation*, Xcel Energy, Joint Settlement Agreement, October 2, 2024, Docket Nos. E002/CN-23-212, E002/CN-24-195 and E002/RP-24-67, (eDockets) [202412-212707-01](#), (hereinafter “Xcel Settlement Agreement”).

³ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, Plum Creek, CN Application, November 12, 2019, Docket No. IP-6997/CN-18-699, (eDockets) [201911-157472-02](#).

⁴ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, *Order Granting Certificate of Need and Issuing Site Permit and Route Permit*, September 23, 2021, Docket No. IP-6997/CN-18-699, (eDockets) [20219-178198-01](#), (hereinafter “Plum Creek Order”).

May 5, 2023	Plum Creek submitted a request for the Commission to extend the in-service date for the Project by 2 years to December 31, 2026. ⁵
July 5, 2023	The Commission approved Plum Creek's request to extend the in-service date for the Project until December 31, 2026. ⁶
February 4, 2025	Plum Creek filed its Second Extension Request with the Commission requesting to extend the in-service date for the Project until December 31, 2028.
February 12, 2025	The Commission issued a Notice of Comment Period requesting Comments from parties regarding Plum Creek's Second Extension Request. ⁷

Topic(s) open for comment:

- Should the Commission approve Plum Creek's request to amend the Certificate of Need for the Plum Creek Project?
- Should the Commission approve Plum Creek's requests to amend the site permit for the Plum Creek Project?
- Should the Commission approve Plum Creek's request to amend the route permit for the Plum creek Wind Project?
- If the amendments are authorized, what additional conditions, if any, should the Commission impose?
- Are there other issues or concerns related to this matter?

⁵ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, Plum Creek, Notice of Delayed In-Service Date and Request for Extension, May 5, 2023, Docket No. IP-6997/CN-18-699, (eDockets) [20235-195613-03](#).

⁶ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, Order, July 5, 2023, Docket No. IP-6997/CN-18-699, (eDockets) [20237-197232-02](#).

⁷ *In the Matter of the Application of Plum Creek Wind Farm, LLC for a Certificate of Need for an up to 414 MW Large Wind Energy Conversion System and 345 kV Transmission Line in Cottonwood, Murray, and Redwood Counties*, Notice of Comment Period, February 12, 2025, Docket No. IP-6997/CN-18-699, (eDockets) [20252-215297-01](#).

III. DEPARTMENT ANALYSIS

In its February 4, 2025, filing Plum Creek states that it has experienced a number of delays preventing the start of construction of the Project by the current in-service deadline of December 31, 2026. Plum Creek stated that it expects that the in-service date of the Project to be delayed until as late as December 31, 2028. This delay is due to both delays in the Midcontinent Independent System Operator (MISO) process for interconnection approvals and due to regulatory approvals with the Commission required for the sale of Plum Creek or its energy. Specifically, Plum Creek has been selected by Xcel Energy in its Xcel Settlement Agreement as a project that Xcel proposes to either purchase or purchase the output of.⁸ The Settlement Agreement has been approved by the Commission, although the order has yet to be issued, and construction cannot occur prior to approval or before the Project finds another purchaser. Plum Creek states that these delays make it unlikely for the Project to begin construction until the summer of 2026 or the summer of 2027. Finally, the Company notes that under current statutes, the Project would not be exempt from the Certificate of Need requirements, however the Company submitted this extension request as the Certificate of Need was granted prior to the change in statutes and rules regarding wind facilities.

According to Minnesota Rules 7849.0400, subp. 2A “a delay of one year or less in the in-service date of a large generation or transmission facility previously certified by the Commission is not subject to review by the Commission.” However, if a delay beyond one year from the approved in-service date is projected to occur, Minnesota Rules 7849.0400, subp. 2H requires the applicant to inform the Commission of the desired change and detail the reasons for the change, and the Commission shall order further hearings if it determines that the change, if known at the time of the need decision, could have resulted in a different decision under the criteria specified in Minnesota Rules 7849.0120.⁹

Regarding the criteria specified in Minnesota Rules 7849.0120,¹⁰ Plum Creek states that demand for Wind facilities has only increased due to the passage of Minnesota Carbon Free-Standards. The original CN was approved with the note that the timing was taking advantage of federal tax incentives;¹¹ however, those incentives were extended as part of the Inflation Reduction Act of 2022¹² and thus a delay in timing will not change the availability of tax credits.

The Department reviewed the Applicant’s proposal and concludes that the impact of the delay would only affect the timing analysis of the project, and that the extension of federal tax incentives mitigates any potential for the different in-service date to have affected the original Commission decision. Further, the Department notes that if the decision would have been being made now, rather than in the Commission’s September 23, 2021 Order, the likely need for the Project would be higher due to the increase in the Renewable Energy Standard implemented by the Minnesota Legislature in February 2023. Finally, the Department notes that the Project’s selection in a competitive bidding process

⁸ Xcel Settlement Agreement, at 4.

⁹ [Minn. R. 7849.0400](#).

¹⁰ [Minn. R. 7849.0120](#).

¹¹ Plum Creek Order

¹² *Inflation Reduction Act of 2022, Public Law 117-169*, August 16, 2022. Available at <https://www.congress.gov/117/plaws/publ169/PLAW-117publ169.pdf>

further demonstrates both the demand for the Project, and the cost competitiveness of the Project. For these reasons the Department recommends that the Commission approve Plum Creek's request to extend the date by which construction must commence until December 31, 2028.

IV. DEPARTMENT RECOMMENDATIONS

The Department recommends that the Commission approve Plum Creek's request to extend the date by which construction must commence until December 31, 2028.

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

Minnesota Department of Commerce
Comments

Docket No. IP6997/CN-18-699

Dated this **4th** day of **March 2025**

/s/Sharon Ferguson

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	18-699Official Service List
2	Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron		60 S 6th St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	18-699Official Service List
3	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	18-699Official Service List
4	Richard	Dornfeld	richard.dornfeld@ag.state.mn.us		Office of the Attorney General - Department of Commerce	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul MN, 55101 United States	Electronic Service		No	18-699Official Service List
5	Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	18-699Official Service List
6	Bret	Eknes	bret.eknes@state.mn.us		Public Utilities Commission	Suite 350 121 7th Place East St. Paul MN, 55101-2147 United States	Electronic Service		No	18-699Official Service List
7	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	18-699Official Service List
8	Lucas	Franco	lfranco@liunagroc.com	LIUNA		81 Little Canada Rd E Little Canada MN, 55117 United States	Electronic Service		No	18-699Official Service List
9	Katherine	Hinderlie	katherine.hinderlie@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	445 Minnesota St Suite 1400 St. Paul MN, 55101-2134 United States	Electronic Service		No	18-699Official Service List
10	Louise	Miltich	louise.miltich@state.mn.us		Department of Commerce	85 7th Place East Saint Paul MN, 55101 United States	Electronic Service		No	18-699Official Service List
11	Jenny	Monson Miller	jenny@nationalgridrenewables.com	National Grid Renewables		8400 Normandale Lake Blvd Ste 1200 Bloomington MN, 55437 United States	Electronic Service		No	18-699Official Service List
12	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing	Electronic Service		No	18-699Official Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
						MN, 55066 United States				
13	Jessica	Palmer Denig	jessica.palmer-denig@state.mn.us		Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul MN, 55164 United States	Electronic Service		No	18-699Official Service List
14	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	18-699Official Service List
15	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	18-699Official Service List
16	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	18-699Official Service List
17	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	18-699Official Service List
18	Bill	Storm	bill.storm@state.mn.us		Department of Commerce	Room 500 85 7th Place East St. Paul MN, 55101-2198 United States	Electronic Service		No	18-699Official Service List

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
13	Jayme	Trusty	execdir@swrdc.org	SWRDC		2401 Broadway Ave #1 Slayton MN, 56172 United States	Electronic Service		No	CN - CERTIFICATE OF NEEDS
14	Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency		Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago IL, 60604-3590 United States	Electronic Service		No	CN - CERTIFICATE OF NEEDS
15	Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources		500 Lafayette Road Box 25 St. Paul MN, 55155-4040 United States	Electronic Service		No	CN - CERTIFICATE OF NEEDS
16	Alan	Whipple	sa.property@state.mn.us		Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul MN, 55146-3340 United States	Electronic Service		No	CN - CERTIFICATE OF NEEDS
17	Jonathan	Wolfgram	jonathan.wolfgram@state.mn.us		Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury MN, 55125 United States	Electronic Service		No	CN - CERTIFICATE OF NEEDS