

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

In the Matter of Minnesota Power’s Petition  
for the Approval of the Acquisition of Solar  
Power to Support Economic Relief and  
Recovery

ISSUE DATE: February 16, 2021

DOCKET NO. E-015/M-20-828

DOCKET NO. E,G-999/CI-20-492

In the Matter of an Inquiry into Utility  
Investments that May Assist in Minnesota’s  
Economic Recovery from the COVID-19  
Pandemic

ORDER APPROVING EXPEDITED  
PROCEDURAL TIMELINE

**PROCEDURAL HISTORY**

On November 13, 2020, Minnesota Power filed a petition for approval of an expedited procedural timeline for its proposed acquisition of approximately 20 megawatts (MW) of utility-scale solar projects in northern Minnesota in an effort to support economic relief and recovery from the COVID-19 pandemic.

On November 20, 2020, the Commission issued a notice requesting comment on the petition.

On December 11, 2020, the following parties submitted comments: Department of Commerce–Division of Energy Resources (the Department), Office of the Attorney General–Residential Utilities Division (OAG), and Laborers’ International Union of North America–Minnesota and North Dakota (LIUNA).

On December 18, 2020, the Department, LIUNA, and Minnesota Power submitted reply comments.

On January 21, 2021, the Commission met to consider the petition.

**FINDINGS AND CONCLUSIONS**

**I. The Petition**

The petition represents Minnesota Power’s initial filing for its proposal to build approximately 20 MW of utility-scale solar projects in northern Minnesota. Minnesota Power developed this proposal in response to the Commission’s encouragement to explore possibilities for utility

investments that would assist in Minnesota's economic recovery from the COVID-19 pandemic. The petition requested Commission approval of an expedited four-month timeline for the regulatory approvals for the proposed projects. Minnesota Power stated that it expected to file the petition for approval of the new solar projects in early February.<sup>1</sup> Minnesota Power explained that expedited regulatory review would allow it to take advantage of federal investment tax credits and hasten economic stimulus to the Company's service territory.

Minnesota Power stated that the proposed solar projects were already under development and consistent with the Company's resource plans and solar-energy-standard obligations. Minnesota Power's proposal would accelerate the development of these projects and cost approximately \$40 million. The Laskin solar project would be a 9.6 MW solar array on Company-owned land in Hoyt Lakes, next to the Laskin Energy Center coal plant. The Sylvan solar project would be a 10 MW solar array on Company-owned land that also contains the Sylvan hydroelectric station west of Brainerd. The Duluth solar project would be a 1.6 MW solar array on city-owned land.

## **II. Comments**

The Department supported Minnesota Power's request for an expedited procedural timeline and stated that a four-month timeline should be sufficient for considering the solar projects, though it cautioned that a one-month extension may be required depending on the complexity of the issues. In reply comments, the Department requested that Minnesota Power submit certain information in its early February filing, including support for the cost and energy production estimates for the projects, the proposed ownership structure, the proposed accounting and ratemaking treatment, and the alternatives that the Company considered and rejected.

OAG noted that Minnesota Power's estimated price of \$40 million for the projects, or \$2 per watt, is considerably higher than the cost of other recently installed solar projects. OAG predicted that differences in capacity factors, construction costs, and lack of a full competitive-bidding process caused the higher costs. But OAG declined to make a substantive determination on the projects until Minnesota Power's February petition is filed. OAG recommended approval of Minnesota Power's procedural proposal with the caveats that interested parties be provided at least 30 days to file initial comments on the February petition and that Minnesota Power be required to include individualized project costs and levelized costs of energy (LCOE) for the three projects.

LIUNA strongly supported Minnesota Power's petition and emphasized the importance of economic recovery and investment in the region. LIUNA argued that expedited review is consistent with the goals of the Commission's economic recovery efforts, and that action is needed to provide stimulus and alleviate unemployment. In reply comments, LIUNA argued that Minnesota Power's proposal is consistent with the clean energy development principles outlined in a recent report from Ceres, a nonprofit organization focused on sustainable investing.

In reply comments, Minnesota Power supported OAG's request for 30 days to file initial comments and offered to shorten its reply comment period to 5 days in order to keep the process on pace.

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<sup>1</sup> Minnesota Power filed its petition for approval of approximately 20 MW of local solar projects in northern Minnesota on February 4, 2021, in Docket Nos. E-015/M-20-828 and E,G-999/CI-20-492.

### **III. Commission Action**

The Commission finds that Minnesota Power's request for an expedited four-month procedural timeline to review its solar-project proposal is reasonable. The Department agrees that four months should be sufficient time to assess the projects, and Minnesota Power supports OAG's request for the standard 30 days to submit initial comments. The Commission will therefore delegate authority to the Executive Secretary to set the procedural schedule using a four-month timeline that provides 30 days for submitting initial comments on the proposal.

The Commission concludes that the additional information suggested by the Department and OAG will be useful for analyzing and evaluating Minnesota Power's proposed projects. The Commission will therefore require Minnesota Power to submit the information listed below in the filing it plans to submit on February 4, 2021.

### **ORDER**

1. The filing that Minnesota Power intends to submit by February 4, 2021, shall contain the following information:
  - a. Detailed and transparent support for all elements of the cost and energy production estimates for each of the three proposed solar projects, including but not limited to:
    - i. interconnection costs;
    - ii. labor and materials costs; and capacity factors;
    - iii. a cost cap proposal as a rate payer protection; and
    - iv. a discussion of the LCOEs compared to same and similar sized and located solar projects.
  - b. A detailed explanation of the proposed ownership structure and associated agreements for each project, including but not limited to:
    - i. how costs will be allocated or shared between MP and its newly created affiliates;
    - ii. copies of the affiliated interest agreements;
    - iii. the terms under which MP will lease its land for the solar projects, and why those terms are reasonable;
    - iv. copies of the lease agreements;
    - v. the structure and terms of the power purchase agreements (PPAs) and why those terms are reasonable;
    - vi. the impact the proposed ownership structure has on the cost of each project;
    - vii. the potential risks the proposed ownership structure may pose to ratepayers; and
    - viii. how the projects will be affected if Minnesota Power is unable to find tax equity investors to partner with, or if a partner drops out before the project is completed;

- c. A detailed explanation of the proposed accounting and ratemaking treatment of the solar projects;
  - d. A detailed discussion of all alternatives to the three proposed projects that MP considered but rejected, including but not limited to:
    - i. alternative ownership structures for the three proposed solar projects;
    - ii. alternative projects at sites inside and outside of Minnesota Power's territory under any ownership structure; and
    - iii. any cost/benefit or other analyses that resulted in the rejection of all alternatives considered.
2. All interested parties shall be provided, at a minimum, the standard 30 days to file initial comments.
  3. Minnesota Power's filing to be submitted by February 4, 2021, shall include individualized project costs and LCOEs for each of the Laskin, Sylvan, and Duluth Solar projects.
  4. The Commission delegates authority to the Executive Secretary to set the procedural schedule through a notice which will contemplate a four-month timetable to hear and decide the proposals.
  5. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



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## **CERTIFICATE OF SERVICE**

I, Leesa Norton, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission**  
**ORDER APPROVING EXPEDITED PROCEDURAL TIMELINE**

Docket Number **E-015/M-20-828; E,G-999/CI-20-492**

Dated this 15th day of February, 2021

/s/ Leesa Norton

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Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_20-492_Official
Laurie	Williams	laurie.williams@sierraclub.org	Sierra Club	Environmental Law Program 1536 Wynkoop St Ste 200 Denver, CO 80202	Electronic Service	No	OFF_SL_20-492_Official
Justin	Wilson	justin.wilson@chargepoint.com	ChargePoint	240 East Hacienda Ave.  Campbell, CA 95008	Electronic Service	No	OFF_SL_20-492_Official



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-492_Official
Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-492_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Elizabeth	Brama	ebrama@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-828_20-828
Matthew	Brodin	mbrodin@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South Eighth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-828_20-828
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-828_20-828
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280  Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-828_20-828
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E  Little Canada, MN 55117	Electronic Service	No	OFF_SL_20-828_20-828
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St  Duluth, MN 558022093	Electronic Service	Yes	OFF_SL_20-828_20-828
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-828_20-828
Anne	Rittgers	arittgers@mpower.com	Minnesota Power	30 W Superior St  Duluth, MN 55802	Electronic Service	No	OFF_SL_20-828_20-828
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350  Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-828_20-828