

February 15, 2023

**VIA ELECTRONIC FILING**

Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
Saint Paul, MN 55101-2147

**Re: In the Matter of the Application of Elk Creek Solar, LLC for a Certificate of Need for the up to 80 Megawatt Elk Creek Solar Project in Rock County, Minnesota  
MPUC Docket No. IP-7009/CN-19-351**

**In the Matter of the Application of Elk Creek Solar, LLC for a Site Permit for the up to 80 Megawatt Elk Creek Solar Project in Rock County, Minnesota  
MPUC Docket No. IP-7009/GS-19-495**

Dear Mr. Seuffert:

I write on behalf of Elk Creek Solar, LLC (“Elk Creek”), a wholly owned subsidiary of National Grid Renewables Development, LLC (“NG Renewables”) to update the Minnesota Public Utilities Commission (“Commission”) regarding the status of Elk Creek’s transmission interconnection request with the Midcontinent Independent System Operator, Inc. (“MISO”) and the power purchase agreement (“PPA”)<sup>1</sup> between Elk Creek and Northern States Power Company (“Xcel Energy”) for the 80-megawatt (“MW”) Elk Creek solar project (“Project”). The Elk Creek PPA was intended to serve a portion of Xcel Energy’s Renewable\*Connect expansion program.

The Elk Creek Project was part of the April 2018 Definitive Planning Phase (“DPP”) study in MISO’s generator interconnection queue. The MISO interconnection queue studies determine if there is available transmission capacity to accommodate the interconnection of a new generation facility. There have been significant delays and uncertainties for renewable energy projects due to the MISO interconnection queue process. Elk Creek’s interconnection application to MISO is no exception. When the DPP study began for Elk Creek’s application in 2018, the DPP 3 System Impact Study (“SIS”) was scheduled to be completed in May 2020. The study cycle concluded in December 2022; significantly behind schedule. Thus, Elk Creek was not able to meet its original target commercial operation date of December 31, 2021 as required under the original Elk Creek PPA.

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<sup>1</sup> The PPA referred to herein is the Amended and Restated Solar Energy Purchase Agreement dated March 26, 2021 that superseded the Solar Energy Purchase Agreement dated June 27, 2019 (together the “Elk Creek PPA”). The Commission approved the Elk Creek PPA via its November 24, 2020 ORDER APPROVING POWER PURCHASE AGREEMENT WITH CONDITION in Docket No. E002/M-19-568. The Commission issued its Order approving the Amended and Restated PPA on May 18, 2021.

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February 15, 2023  
Page 2

In the second quarter of 2021, MISO informed Elk Creek, pursuant to the MISO 2018 DPP Southwest Power Pool (“SPP”) Affected System Study, that the Project would have zero power injection rights into the MISO system. The continued processing of the Elk Creek interconnection application in the SPP affected system studies were significantly delayed, due to a restudy obligation imposed on SPP by Federal Energy Regulatory Commission (“FERC”), related to SPP’s wrongful removal of an unrelated solar project from a prior study. Elk Creek and Xcel Energy negotiated an extension of the target commercial operation date under the Elk Creek PPA due to the MISO queue delays.

Prior to completion of the DPP 3 SIS, Elk Creek and Xcel Energy realized that further delays in the MISO DPP 3 SIS would not allow Elk Creek to achieve commercial operation by the amended target commercial operation date required under the Elk Creek PPA. The further delay would also preclude Xcel Energy from achieving its planned expansion of its Renewable\*Connect expansion program in a timely manner. In an effort to mitigate the impact of the MISO queue delays and the uncertainty as to the timing of the release of the final study results, NG Renewables acquired two projects within the MISO territory that possessed full interconnection rights to serve the supply obligations under the Elk Creek PPA. Elk Creek and Xcel Energy agreed to substitute these two projects for the Elk Creek Project. NG Renewables is committed to bringing the two projects online as soon as possible to meet a portion of the load needs under the Renewable\*Connect expansion program.

The completed SPP Affected System Study, which was released in December 2022, confirmed that Elk Creek does, in fact, have power injection rights into the MISO system. However, because two other projects were substituted for the Project under the Elk Creek PPA, Elk Creek does not currently have a contract in place to sell power generated by the Project. Elk Creek continues to market the Project for a new contract to sell the Project’s power and will update the Commission when a new contract is secured.

A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

Sincerely,

*/s/ Jeremy P. Duehr*

Jeremy P. Duehr  
**Direct Dial:** 612.492.7413  
**Email:** [jduehr@fredlaw.com](mailto:jduehr@fredlaw.com)

**CERTIFICATE OF SERVICE**

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Breann L. Jurek certifies that on the 15<sup>th</sup> day of February 2023, she e-filed on behalf of Elk Creek Solar, LLC a true and correct copy of the following document:

1. Project Status Update Letter

to the Minnesota Public Utilities Commission, via edockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)). Said document was also served on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto

Executed on: February 15, 2023

*Signed: /s/ Breann L. Jurek*  

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*Fredrikson & Byron, P.A.*  
*200 South Sixth Street*  
*Suite 4000*

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_19-351_Official CC Service List
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000  Minneapolis, Minnesota 55402-1125	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Annie	Felix Gerth	annie.felix-gerth@state.mn.us		Board of Water & Soil Resources 520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-351_Official CC Service List
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_19-351_Official CC Service List
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Michael	Kaluzniak	mike.kaluzniak@state.mn.us	Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500  St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd  Saint Paul, MN 55155	Electronic Service	No	OFF_SL_19-351_Official CC Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jessica	Palmer Denig	jessica.palmer-Denig@state.mn.us	Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_19-351_Official CC Service List
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_19-351_Official CC Service List
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N  Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Melissa	Schmit	melissa@nationalgridrenewables.com	National Grid Renewables	8400 Normandale Lake Blvd Ste 1200  Bloomington, MN 55437	Electronic Service	No	OFF_SL_19-351_Official CC Service List
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_19-351_Official CC Service List
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190  Richfield, MN 55423	Electronic Service	Yes	OFF_SL_19-351_Official CC Service List
William	Storm	bill.storm@state.mn.us	Department of Commerce	Room 500 85 7th Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_19-351_Official CC Service List
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_19-351_Official CC Service List

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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_19-495_Official CC Service List
Jeremy	Duehr	jduehr@fredlaw.com	Fredrikson & Byron, P.A.	200 South Sixth Street Suite 4000  Minneapolis, Minnesota 55402-1125	Electronic Service	No	OFF_SL_19-495_Official CC Service List
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_19-495_Official CC Service List
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_19-495_Official CC Service List
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E  Little Canada, MN 55117	Electronic Service	No	OFF_SL_19-495_Official CC Service List
Michael	Kaluzniak	mike.kaluzniak@state.mn.us	Public Utilities Commission	Suite 350 121 Seventh Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_19-495_Official CC Service List
Jessica	Palmer Denig	jessica.palmer-Denig@state.mn.us	Office of Administrative Hearings	600 Robert St N PO Box 64620 St. Paul, MN 55164	Electronic Service	Yes	OFF_SL_19-495_Official CC Service List
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