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December 11, 2014

**VIA ELECTRONIC FILING**

Burl W. Haar  
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 Dr. Haar:

On behalf of Great River Energy (GRE), enclosed for filing in the above matter, please find GRE's Objection to AI-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 OBJECTION TO  
AL-CORN CLEAN FUEL AND HEARTLAND CORN PRODUCTS'  
PETITION TO INTERVENE**

Great River Energy (GRE) objects to the petition to intervene filed by Al-Corn Clean Fuel (Al-Corn) and Heartland Corn Products (Heartland) because Petitioners have not met the standard set out in Minn. R. 7829.0800, subp. 2. Petitioners have not demonstrated 1) that their interest in "at cost" service is a "peculiar" one, as distinguished from an interest common to other ratepayers, 2) that the outcome of this proceeding will bind or affect them with respect to the costs they pay for electric service, or 3) that their interest in "at cost" service will not be adequately addressed by the Department of Commerce ("Department").

Under Minn. R. 7829.0800, subp. 2, intervention must be granted upon a showing that petitioner has satisfied any of the following four conditions: 1) petitioner is specifically deemed by the statute to be interested in the particular type of matter involved, 2) petitioner is specifically declared by statute to be an interested party, 3) the outcome of the proceeding will bind or affect petitioner with respect to an interest peculiar to petitioner as distinguished from an interest common to the public or the taxpayers in general, or 4) petitioner's interests are not

adequately represented by one of more parties participating in the case.<sup>1</sup> Although Petitioners claim eligibility for intervener status under the third and fourth categories, they have not demonstrated that they meet any of the conditions set out in Minn. R. 7829.0800, subp. 2. They contend the Commission’s “review and consideration of GRE’s Integrated Resource Plan” will “significantly affect” their business interest. *In the Matter of Great River Energy’s 2014 Integrated Resource Plan (IRP)*, Al-Corn and Heartland’s Petition to Intervene, Docket No. ET2/RP-14-813 (Dec. 2, 2014) (“2014 Petition to Intervene”). They also allege their interests “are not shared by the public at large, or others involved in this matter, and no other parties participating in this matter will – or could – adequately represent” their interests. *Id.* However, they do not plainly or definitively assert that with respect to their alleged “peculiar” interest they will be bound or affected by the outcome of this resource planning proceeding.

Petitioners have not made the showing required to support intervention. They fail to show that they will be bound or affected by the outcome of this proceeding with respect to the costs they pay for their electricity. The costs paid by Al-Corn and Heartland for electric service are not in issue in this resource planning proceeding. In addition, neither Al-Corn nor Heartland is a customer of GRE. The rates paid by Al-Corn and Heartland are set by their respective distribution cooperatives who are among the 28 members that comprise GRE. This underscores the fundamental problem: since their rates will not be determined by the outcome of this

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<sup>1</sup> Minn. R. 7829.0800, subp. 2 specifically provides:

The petition must allege the grounds for intervention and must be granted upon a showing that: the person is specifically considered in the particular type of matter at issue; the person is specifically declared by statute to be an interested party; or the outcome of the proceeding will bind or affect the person with respect to an interest peculiar to that person, as distinguished from an interest common to the public or other ratepayers in general, or the person’s interests are not adequately represented by one or more other parties participating in the case.

proceeding, Petitioners cannot show that the outcome of this proceeding will bind or affect them with respect to the rates they pay for electric service.<sup>2</sup>

Even if the Commission were to determine that the outcome of this resource planning proceeding could bind or affect them, Petitioners' alleged interest is not a "peculiar" one that supports intervention. Al-Corn and Heartland claim one and only one interest in the outcome of this proceeding: to ensure "that GRE is meeting its obligation to its industrial members to deliver reliable services 'at cost' consistent with Minnesota law." 2014 Petition to Intervene. But the interest in the delivery of reliable services "at cost" is not "peculiar" to Al-Corn and Heartland. A peculiar interest is "unique." *In re AT&T*, Docket No. P-442,3123/PA-99-1021, 1999 WL 33595243 \*2 (Minn. P.U.C. 1999). To warrant intervention, Petitioners must demonstrate that in the proceeding before the Commission their "interests are different from the interests of other ratepayers or the interests of the general public." *Matter of Proposed Merger of Minnegasco, Inc. with Arkla, Inc.*, Docket No. G-008/PA-90-604, 1990 WL 600868 (Minn. P.U.C. 1990); *see also In re AT&T*, 1999 WL 33595243 at \*2. Al-Corn and Heartland themselves admit their interest in services "at cost" is not unique to them, but is shared by "other large industrial customers" and "other similarly situated businesses." 2014 Petition to Intervene.

Petitioners have also failed to demonstrate that their interests will not be adequately represented by the Department. As the Commission has recognized, concerns "common to the general ratepayers ... are properly represented by the Department," and therefore are not grounds for intervention. *In re MCI Commc'ns Corp.*, Docket P-443,3012/PA-97-1532, 1998 WL

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<sup>2</sup> *See In re Qwest Commc'ns*, Docket No. P-3009, 3052, 5096,421, 3017/PA-99-1192, 1999 WL 33595223 \*1-2 (Minn. P.U.C. 1999) (denying petition to intervene because claimed interest in preventing misuse of ratepayer money was shared by the general public, was speculative, and because "any Order issued by this Commission . . . will not be requiring . . . the company to misuse ratepayer funds") and *Re WorldCom, Inc.*, Docket No. P-443, 3012/PA-97-1532, 1998 WL 307947 (Minn. P.U.C. 1998) (denying two petitions to intervene because it found one petitioner had "not articulated, let alone shown, that it would be bound or affected by the approval or disapproval of the proposed merger in a way peculiar to [it]" and another petitioner would "not be 'bound' (legally obligated) to do anything as a result of the Commission's approval or disapproval").

307947 (Minn. P.U.C. 1998). The interest of Al-Corn and Heartland in “at-cost” electricity rates, even if that interest was one that could be appropriately addressed in this proceeding, is already represented here by the Department, which is an intervener as of right. *See* Minn. R. 7843.0300, subp. 7.

Petitioners have come to the wrong forum. This is not a rate case. Petitioners are not customers of GRE, and their rates are set by the distribution cooperatives who are members of GRE. Those rates are also not regulated by the Commission, as discussed in GRE’s IRP filing. Petitioners’ concerns about rates do not belong in this resource planning proceeding. Al-Corn and Heartland are seeking a replay of GRE’s last resource planning case. In that proceeding, Al-Corn was an intervener. Over time, the Commission came to recognize that Al-Corn’s main concern was with electricity rates and the Commission then pointed out that Al-Corn should address its concerns about rates with Steele-Waseca, the distribution cooperative that provided electric service to Al-Corn. *In the Matter of Great River Energy’s 2013 – 2027 Integrated Resource Plan*, Order Denying Request for Time Extension, Docket No. ET-2/RP-12-1114 (Minn. P.U.C. May 28, 2013). There is no reason to believe Al-Corn’s or Heartland’s interest is different in this case.<sup>3</sup>

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<sup>3</sup> In terms very similar to the pending petition, Al-Corn requested intervention in GRE’s 2012 resource planning proceeding:

Al-Corn seeks to participate in this resource planning proceeding before the Commission to ensure that Great River Energy is meeting its obligations to its industrial members to deliver reliable services ‘at-cost,’ consistent with Minnesota law. Al-Corn (and other large industrial customers) have significant concerns that notwithstanding the fact that GRE purports to provide service to its members and, in turn, customers such as Al-Corn on not-for-profit basis, GRE is operating inconsistent with that mission and structure, including incurring significant, questionable costs and pursuing wasteful projects. Furthermore, GRE and its distribution cooperatives pay little more than ‘lip-service’ to its obligations to provide its members with ‘at-cost’ or ‘at-least-cost’ while complying with its statutory and other obligations.

*In the Matter of Great River Energy’s 2012 Integrated Resources Plan (2012 Resource Plan)*, Petition to Intervene of Al-Corn Clean Fuel, Docket No. ET2/RP-12-1114 (Mar. 18, 2013).

For these reasons, Al-Corn and Heartland have not satisfied the requirements for intervention set forth in Minn. R. 7829.0800, subp. 2, and their petition to intervene should be denied.

Dated: December 11, 2014

Respectfully submitted,

**DORSEY & WHITNEY, L.L.P.**

By: /s/ B. Andrew Brown  
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**Attorneys for Great River Energy**

**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 11<sup>th</sup> day of December, 2014, the attached Objection to AI-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  
11th day of December, 2014.

/s/ Alice Jaworski  
Notary Public, State of Minnesota

| First Name | Last Name | Email                         | Company Name                                | Address  | Delivery Method            | View Trade Secret | Service List Name      |
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| David      | Aafedt    | daafedt@winthrop.com          | Winthrop & Weinstine, P.A.                  | Suite 3500, 225 South Sixth Street<br><br>Minneapolis, MN 554024629                          | Electronic Service         | No                | OFF_SL_14-813_Official |
| Julia      | Anderson  | Julia.Anderson@ag.state.mn.us | Office of the Attorney General-DOC          | 1800 BRM Tower<br>445 Minnesota St<br>St. Paul, MN 551012134                                 | Electronic Service         | Yes               | OFF_SL_14-813_Official |
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| Jon        | Brekke    | jbrekke@greenergy.com         | Great River Energy                          | 12300 Elm Creek Boulevard<br><br>Maple Grove, MN 553694718                                   | Electronic Service         | No                | OFF_SL_14-813_Official |
| B. Andrew  | Brown     | brown.andrew@dorsey.com       | Dorsey & Whitney LLP                        | Suite 1500<br>50 South Sixth Street<br>Minneapolis, MN 554021498                             | Electronic Service         | No                | OFF_SL_14-813_Official |
| Leigh      | Currie    | lcurrie@mncenter.org          | Minnesota Center for Environmental Advocacy | 26 E. Exchange St., Suite 206<br><br>St. Paul, Minnesota 55101                               | Electronic Service         | No                | OFF_SL_14-813_Official |
| Ian        | Dobson    | ian.dobson@ag.state.mn.us     | Office of the Attorney General-RUD          | Antitrust and Utilities Division<br>445 Minnesota Street,<br>BRM Tower<br>St. Paul, MN 55101 | Electronic Service<br>1400 | No                | OFF_SL_14-813_Official |
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| Dave       | Frederickson | Dave.Frederickson@state.mn.us | MN Department of Agriculture       | 625 North Robert Street<br><br>St. Paul,<br>MN<br>551552538              | Electronic Service | No                | OFF_SL_14-813_Official |
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| Burl W.    | Haar         | burl.haar@state.mn.us         | Public Utilities Commission        | Suite 350<br>121 7th Place East<br>St. Paul,<br>MN<br>551012147          | Electronic Service | Yes               | OFF_SL_14-813_Official |
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| First Name | Last Name    | Email                     | Company Name                 | Address  | Delivery Method    | View Trade Secret | Service List Name      |
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