

Certificate of Need – Applicable Statute or Rule Citation

7849.0120 CRITERIA. A certificate of need must be granted to the Applicant upon determining that:

A. The probable result of denial would be an adverse effect upon the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, considering:

(1) the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;

(2) the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;

(3) the effects of promotional practices of the applicant that may have given rise to the increase in the energy demand, particularly promotional practices which have occurred since 1974;

(4) the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and

(5) the effect of the proposed facility, or a suitable modification thereof, in making efficient use of resources;

B. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of the evidence on the record, considering:

(1) the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;

(2) the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs,

(3) the effects of the proposed facility upon the natural and socioeconomic environments compared to the effects of reasonable alternatives; and

(4) the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

C. by a preponderance of the evidence on the record, the proposed facility, or a suitable modification of the facility, will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health, considering:

(1) the relationship of the proposed facility, or a suitable modification thereof, to overall state energy needs;

(2) the effects of the proposed facility, or a suitable modification thereof, upon the natural and socioeconomic environments compared to the effects of not building the facility;

(3) the effects of the proposed facility, or a suitable modification thereof, in inducing future development; and

(4) the socially beneficial uses of the output of the proposed facility, or a suitable modification thereof, including its uses to protect or enhance environmental quality; and

D. the record does not demonstrate that the design construction, or operation of the proposed facility, or a suitable modification of the facility, will fail to comply with relevant policies, rules, and regulations of other state and federal agencies and local governments.

Minnesota Statutes

§216B.243, subd. 3 (9). The benefits of enhanced regional reliability.

§216B.243, subd. 3a. Use of renewable resource.

§ 216B.2422, subd. 4. Preference for renewable resource.

§216B.2426. Opportunities for Distributed Generation.

§216B.1694, subd. 2 (a) (4). Consideration of Innovative Energy Project.

§216B.243, subd. 3 (10). Requirement to comply with § 216B.1691 governing renewable energy objectives.

§216B.1612, subd. 5 (c). Efforts to purchase energy from C-BED Projects.

§216B.243, subd. 3 (12) If the applicant is proposing a nonrenewable generating plant, the applicant's assessment of the risk of environmental costs and regulation on that proposed facility over the expected useful life of the plant, including a proposed means of allocating costs associated with that risk.

§216B.243, subd. 3 (10). Requirement to comply with 216B.2425, subd. 7 governing transmission needed to support renewable resources.

§216B.243, subd. 3 and §216B.243, subd. 3 (8). Consideration of any feasible combination of energy conservation improvements, required under section 216B.241 that can (i) replace part or all of the energy to be provided by the proposed facility, and (ii) compete with it economically;