

The Commission met on **Thursday, June 10, 2021**, with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

E-111/M-21-46

In the Matter of the Petition by Dakota Electric Association (Dakota Electric or DEA) for Approval of its 2021 Annual Resource and Tax Adjustment (RTA) and its 2020 Annual Power Cost Report

Commissioner Means moved that the Commission:

1. Approve Dakota Electric's FYE 2020 Annual Automatic Adjustment of Charges Filing.
2. Approve Dakota Electric's 2021 Resource and Tax Adjustment Factors.

The motion passed 5-0.

E-111/M-20-789

In the Matter of the Petition by Dakota Electric Association (Dakota Electric or Cooperative) Requesting a Variance to Minn. R. 7825.2820 which Requires the Filing of an Annual Audit Report on Dakota Electric's Annual Automatic Adjustment Reports

Chair Sieben moved that the Commission grant Dakota Electric's request for a variance to the audit report requirement in the AAA of charges rules, under Minnesota Rule 7825.2820, for all AAA reports included in future Resource and Tax Adjustment filings after January 2021.

The motion passed 5-0.

IP-7042/PPL-20-872

In the Matter of the Application of Petroleum Fuels Company for a Gas Pipeline Routing Permit for the Pine Bend Pipeline Project in Dakota County

Commissioner Tuma moved that the Commission:

1. Grant a partial exemption from the pipeline route selection procedures.
2. Adopt the proposed findings of fact, conclusions of law, and recommendations, as amended by staff to include technical changes shown in the attachment to staff's June 10, 2021 briefing papers, and as supplemented by the applicant regarding recreational lands as set forth in the applicant's June 8, 2021 comments.

3. Issue a pipeline route permit to Petroleum Fuels Company, as proposed by the EERA on May 18, 2021, and as revised by Commission staff to include technical changes shown in the attachment to the June 10, 2021 briefing papers.

The motion passed 5–0.

IP-6557/WS-06-91

In the Matter of Xcel Energy’s Request to Transfer the Large Wind Energy Conversion System (LWECS) Site Permit for the 98.9 MW Mower County Wind Farm in Mower County, Minnesota

Commissioner Tuma moved that the Commission:

1. Grant the request to transfer the site permit for the Mower County Wind Facility Repower Project from FPL Energy Mower County Wind, LLC, to Northern States Power Company and authorize the reissuance of the site permit effective with the Commission’s order deciding this matter for the purpose of modifying the permittee.
2. Require the Company to revise the decommissioning plan for the project and file the revised plan with the Commission within three months of the permit transfer.

The motion passed 5–0.

IP-7046/WS-20-860

In the Matter of the Application for a Site Permit Amendment to Decommission the Existing Chanarambie and Viking Wind Facilities and Construct the 120-Megawatt Northern Wind Facility in Murray County, Minnesota

Commissioner Tuma moved that the Commission:

1. Accept the site permit amendment application as substantially complete.
2. Require the Applicant to refile the application as a site permit application for a new large wind energy conversion system.
3. Request that an ALJ from the Office of Administrative Hearings preside over a public hearing and:
 - a. conduct the public hearing in accordance with Minn. R. 7850.3800, subp. 2 to 4, and as the ALJ determines appropriate, Minn. R. 1405.0500; 1405.0600; 1405.0800; 1405.1900; and 1405.2200.

- b. direct that intervention as a party is not required. Parties to the proceeding are the EERA and Northern Wind. Other persons may participate as public participants or as otherwise prescribed.
 - c. establish the types of filings necessary to facilitate proper record development (e.g., testimony, briefs, reply briefs, proposed findings, and site permit recommendations) and a schedule for submitting those filings through a prehearing conference in accordance with Minn. R. 1405.1100, as determined appropriate.
 - d. emphasize the statutory time frame for the Commission to make final decisions on the application and encourage adherence to a schedule that conforms to the statutory timeframe.
 - e. ask Northern Wind and others to address whether the proposed project meets the criteria established under Minnesota Statutes chapter 216F and Minnesota Rules chapter 7854.
 - f. prepare a report setting forth findings of fact, conclusions of law, and recommendations on the merits of the large wind energy conversion system site permit application, and provide recommendations, if any, on conditions and provisions of the proposed site permit.
 - g. direct that the hearing record be maintained through the Commission's electronic e-Dockets filing system.
4. Vary Minn. R. 7854.0800, subp. 1, to extend the 45-day time frame for a Commission decision on the issuance of a draft site permit.
 5. Find that, based on Northern Wind's representations that the Midcontinent Independent System Operator has provided signed generator interconnection agreements that reflect the expected net power increase from the existing wind facilities, the project meets the exemption for a certificate of need set forth in Minn. Stat. § 216B.243, subd. 8(a)(8)(ii).
 6. Require the Applicant to maintain a basic master site map for ease of reference by the public in identifying turbine locations and numbers, receptor locations and numbers, road identifications, government unit boundaries, and other major landmarks, and in distinguishing between participants and nonparticipants. The reference map shall be clearly identified and separately filed in e-Dockets and be used for display at all public meetings for reference. The Applicant shall maintain consistent numbering throughout the project. If a turbine layout modification is made that would significantly change the impacts to receptors, the Applicant must file a new reference map separately in e-Dockets. All future direct notices sent to affected landowners with an identified

receptor located on the property shall make known the reference map location in e-Dockets.

The motion passed 5–0.

E-002/M-20-620

In the Matter of Xcel Energy’s Wind Repower Portfolio

Chair Sieben moved that the Commission:

1. Approve the request of Northern States Power Company d/b/a Xcel Energy to repower and acquire the Northern Wind project.
2. Approve Xcel’s request for a variance of the requirements of Minn. R. 7825.1800, subp. B.
3. Limit any future cost recovery to the Minnesota jurisdictional allocators approved by the Commission.
4. Determine that any recovery through the RES Rider will require a separate Commission determination that the project is eligible.
5. Order that the following ratepayer protections apply to the Northern Wind project:
 - a. Xcel must justify any costs (including operations-and-management expense, ongoing capital expense—including revenue requirements related to capital included in rate base—insurance expense, land-lease expense, and property/production tax expense) that are higher than forecasted in this proceeding. Xcel bears the burden of proof in any future regulatory proceeding related to the recovery of costs above those forecasted in this proceeding.
 - b. The Commission will otherwise hold the Company accountable for the price and terms used to evaluate the project.
 - c. Ratepayers will not be put at risk for any assumed benefits that do not materialize.
 - d. Xcel customers must be protected from risks associated with the non-deliverability of accredited capacity and/or energy from the Project. The Commission may adjust Xcel’s recovery of costs associated with this project in the future if actual production varies significantly from assumed production over an extended period.
 - e. Xcel must include in its Fuel Clause Adjustment true-up filings the amount of any curtailment payments for this project, along with explanations for the curtailments.

- f. Xcel must clearly account for all costs incurred for the project.
 - g. Xcel must make a compliance filing on June 30, 2022, and annually thereafter, that provides an update on the status of the project. Until the project is in service, Xcel must report on any project failures along with the options available to the Commission to remedy any failures that occur.
6. Require Xcel, using the COVID Economic Recovery Reporting Template, to report on how the repowering projects approved in this order are consistent with the information requested in the May 20, 2020, notice issued in Docket No. E,G-999/CI-20-492.

The motion passed 5–0.

E-002/M-12-1278

In the Matter of Renewable Development Fund Cycle 4 Request for Approval of an Amendment to the First Amended and Restated Grant Contract for an Energy Production Project (EP4-15)

Commissioner Schuerger moved that the Commission:

1. Approve the Amendment to the First Amended and Restated Grant Contract to Energy Production Project EP4-15.
2. Require Northern States Power Company d/b/a Xcel Energy to include in its quarterly Renewable Development Fund reports data about subscriber savings for all three solar gardens.

The motion passed 5–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: August 11, 2021



Will Seuffert, Executive Secretary