

The Commission met on **Thursday, November 17, 2022**, with Acting Chair Tuma and Commissioners Means, Schuerger, Sieben, and Sullivan present.

The following matters were taken up by the Commission:

G-7066/EX-21-693

In the Matter of an Inquiry into Exemptions for Small Gas Utility Franchises Under Minn. Stat. § 216B.16, Subd. 12

Acting Chair Tuma moved that the Commission:

1. Approve Paul Bunyan Natural Gas's petition for a small gas utility franchise exemption under Minn. Stat. § 216B.16 Subd. 12.
2. Require Paul Bunyan Natural Gas to annually report on the following:
 - a. Updated customer counts that reflect the total number of persons or businesses (i.e. customers), rather than meters, served across all municipalities; the number of total customers served for each municipal franchise; the number of customers served that are outside of a municipality that the utility claims is incidental; plus a statement that the utility does not discriminate between in-municipality and out-of-municipality customers or, if it does, why;
 - b. Any municipality-approved rate changes that occurred in the prior year and when those changes went into effect;
 - c. All changes to its tariff book in redlined and final revised tariff form;
 - d. Copy of any updated cold weather disconnection notices;
 - e. Date and delivery method of Cold Weather Rule disconnection notice;
 - f. Copy of any utility disconnection reports served to any of municipalities required by statute;
 - g. Copy of customer past due/arrearage forms; and
 - h. Copy of any policy not included in tariffs related to budget billing plans, payment arrangements, and under-charge repayments.
3. Within 60 days of the order, Paul Bunyan Natural Gas shall make a compliance filing describing its consultation with the Leech Lake Band of Ojibwe Tribal Council and Tribal Employment Rights Ordinance officials.

The motion passed 5–0.

In the Matter of an Investigation into Self-Commitment and Self-Scheduling of Large Baseload Generation Facilities

Commissioner Schuerger moved that the Commission:

1. Find that the March 1, 2022 filing of Northern States Power Co. d/b/a Xcel Energy (Xcel) in this docket is adequate and met the filing requirements.
2. Require Xcel to provide, in future reports, instances when greater economic commitment led to lost revenue. If there were such instances, the utility should describe its strategy to weigh those lost revenues with the environmental benefits of lower emissions.
3. Find that Minnesota Power's March 1, 2022, filing in this docket is adequate and met the filing requirements.
4. Find that the March 1, 2022 filing of Otter Tail Power (Otter Tail) in this docket is adequate and met the filing requirements.
5. Require Otter Tail to include Midcontinent Independent System Operator, Inc. (MISO) and Southwest Power Pool (SPP) market conditions in determining its self-commitment endorsement and show Net Benefit results in addition to the analysis provided by Otter Tail in Tables 6 and 8 of its 2021 filing.
6. Require that Otter Tail include in its 2023 and 2024 annual reports an update on its progress toward implementing the *Total Plant Offer Optimization Plan* and *Combined Modeling of MISO Co-Owner Generation Shares Plan* at Big Stone Plant and Coyote Station.
7. Require that utilities provide the following in future reports:
 - a. Avoided carbon dioxide emissions due to economic commitment along with plant level carbon dioxide emissions in subsequent filings, using the Department's recommended method.
 - b. Equivalent Forced Outage Rate (EFOR) information to be tracked over time.
 - c. Energy (MWh) produced and curtailed from utility owned and contracted wind facilities on a monthly basis for each facility in subsequent filings in this docket.

The motion passed 5–0.

E-017/M-22-174

In the Matter of Otter Tail Power Company's Petition for Approval of the Annual Update to Its Energy-Intensive, Trade-Exposed Rider Surcharge Rate, Rate Schedule 13.09

Commissioner Tuma moved that the Commission:

1. Approve Otter Tail's Petition to use December 2022 through December 2023 for the current Petition and transition to a calendar year basis for all future Petitions, with the final year incorporating only the final 11 months of the EITE four-year period.
2. Approve Otter Tail Power's revised revenue requirement of \$970,403.
3. Approve Otter Tail Power's proposed EITE Surcharge Rate of \$0.00034 per kWh for December 1, 2022, to December 31, 2023.
4. Approve Otter Tail Power's request to submit its EITE update biennially beginning with the December 2023 filing.
5. In future filings, require OTP to report the cost savings associated with switching from an annual filing to a biennial filing including any savings to the utility and the associated regulatory assessments as calculated on page 4 of their reply comments. Any such cost savings should accrue to the benefit of ratepayers and be trued-up/refunded at the conclusion of each two-year term.
6. Approve Otter Tail Power's revised customer notice with the corrected surcharge rate of \$0.00034 per kWh.
7. Require Otter Tail to submit a compliance filing within ten days of the date of the order showing the final EITE surcharge rate, and all related tariff changes.

The motion passed 5–0.

IP-7065/WS-21-643

In the Matter of the Application of Rose Creek Wind, LLC for a LWECS Site Permit for the 17.4 MW Rose Creek Wind Project in Mower County, Minnesota.

Commissioner Sieben moved that the Commission:

1. Adopt the ALJ Report to the extent that it is consistent with the Commission's final decision.
2. Issue the proposed site permit attached to the briefing papers.
3. Deny an exemption.

- a. Modify site permit section 5.3.28 to read:

Towers shall be marked as required by the FAA. There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the wind monitoring equipment. Within three years from date of the pre-construction meeting, the Permittee shall install and employ an FAA-approved lighting mitigation system, such as an aircraft detection lighting system (ADLS), light intensity dimming solution (LIDS), or other FAA-approved mitigation method. The Permittee shall update its site plan to describe the lighting mitigation system used for the project.

4. Authorize Commission staff to modify the site permit to correct typographic and formatting errors, improve consistency, and ensure agreement with the Commission's final order in the matter, as necessary.

The motion passed 5–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: December 14, 2022

A handwritten signature in black ink, appearing to read "Will Seuffert", with a long horizontal flourish extending to the right.

Will Seuffert, Executive Secretary