

7849.0400 CERTIFICATE OF NEED CONDITIONS AND CHANGES.

Subpart 1. Authority of commission. ~~Changes in size, type, timing, and ownership.~~

Issuance of a certificate of need may be made contingent upon modifications required by the commission. When an application is denied, the commission shall state the reasons for the denial. ~~An applicant, or the current owner of the project if different from the original applicant, must report to the Commission changes in the size, type, timing, and ownership of the project before it is placed in service, including:~~

- ~~A. A power plant capacity addition greater than 80 megawatts.~~
- ~~B. A power plant capacity addition greater than 20 percent.~~
- ~~C. A change in the fuel source used to generate electricity.~~
- ~~D. A delay of more than one year in the in service date of an LEGF or LHVTL previously certified by the commission.~~
- ~~E. A change in power plant operational control or ownership.~~
- ~~F. A change in the chain of successive ownership of the project.~~
- ~~G. An applicant, or current project owner if different from the original applicant, must promptly notify the commission of any change described in items A through F.~~

Subp. 2. Proposed changes in size, type, and timing. Changes proposed by an applicant to the certified size, type, or timing of a proposed facility before the facility is placed in service must conform to the following provisions:

A. Applicants must promptly notify the commission of the occurrence of the following changes, but the changes in this subpart 2. A. are not subject to review or recertification by the commission:

- ~~A. (1) A delay of one year or less in the in-service date of a large generation or transmission facility previously certified by the commission ~~is not subject to review by the commission.~~;~~
- ~~B. (2) A power plant capacity addition or subtraction smaller than the lesser of 80 megawatts or 20 percent of the capacity approved in a certificate of need issued by the commission ~~does not require recertification.~~;~~
- ~~C. (3) For power plants certified for joint ownership or multiparty use, a change in power plant ownership smaller than the lesser of 80 megawatts or 20 percent of the capacity approved in a certificate of need issued by the commission ~~does not require recertification.~~;~~
 - ~~D. The applicant shall notify the commission as soon as it determines that a change described in item A, B, or C is imminent, detailing the reasons for the change.~~
- ~~E. (4) A large transmission line length addition or subtraction made as a result of the route length approved by the Minnesota Environmental Quality Board commission for projects previously certified ~~does not require recertification.~~;~~

~~F.H.~~ (5) A design change required by another state agency in its permitting process for certified facilities is not subject to review by the commission, unless ~~if~~ the change contradicts the basic type determination specified by the certificate of need.

~~G Subp. 2. Change Requiring Application~~**B.** If a utility applies to the ~~Minnesota Environmental Quality Board~~ commission for a transmission line route that is not expected to meet the definition of LHVTL in part ~~7849.0010~~[7849.0010](#), but at some time in the routing process it becomes apparent that the ~~board~~ commission may approve a route that meets the definition, the utility may apply for a certificate of need as soon as possible after that time. The length of a route is determined by measuring the length of its center line.

~~H Subp. 3. Commission decision~~**C.** If an applicant determines that a change in size, type, ~~or~~ timing, ~~or ownership~~ other than specified in ~~this~~ subpart [2.A.](#) is necessary for a large generation or transmission facility previously certified by the commission, the applicant must inform the commission of the desired change and detail the reasons for the change. A copy of the applicant's submission to the commission ~~under subpart 1~~ must be sent to each ~~intervenor in person on the official service list for~~ the certificate of need ~~hearing~~ proceeding on the facility. ~~Intervenors~~[Persons](#) may comment on the proposed change within 15 days of being notified of the change. The commission shall evaluate the reasons for and against the proposed change and, within ~~45~~[60](#) days of receipt of the request, ~~promptly~~ notify the applicant whether the change is acceptable without recertification. The commission shall order further hearings if and only if it determines that the change, if known at the time of the need decision on the facility, could reasonably have resulted in a different decision under the criteria specified in part ~~7849.0120~~[7849.0120](#).

Statutory Authority:

~~Statutory Authority: MS s 216A.05; 216B.08; 216B.2421; 216B.243; 216C.10~~
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