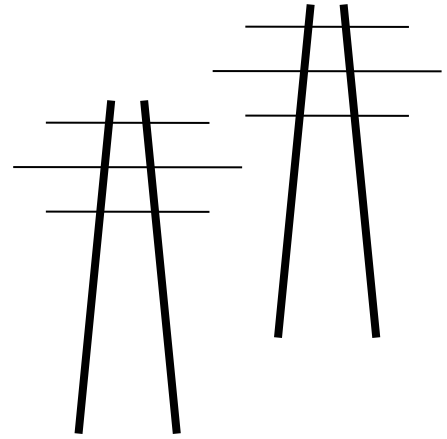


# Legalelectric, Inc.

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## DATA PRACTICES ACT REQUEST

February 27, 2020

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

Ryan Barlow  
General Counsel  
Minnesota Public Utilities Commission  
121 – 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

Emily Kelnberger  
Data Practices Act Requests  
Dept. of Commerce  
85 – 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101

Filed on eDockets and:

will.seuffert@state.mn.us

ryan.barlow@state.mn.us

emily.kelnberger@state.mn.us

RE: **DATA PRACTICES ACT REQUEST – COMMISSION & COMMERCE**  
**Force Majure – Coronavirus – Impacts on utility projects**

Dear Mr. Seuffert, Mr. Barlow, and Ms. Kelnberger:

This is a general request, not regarding any specific project, and not in the course of representation of any specific client.

At this time, I request that the Commission open an inquiry regarding the impacts of coronavirus trade limitations and likely Force Majure affecting many projects.

Yesterday, Notice of Force Majure was filed by Wisconsin Public Service Corporation (WPS), sent by NextEra for its Two Creeks solar project, and by Invenergy for its Badger Hollow solar project. See attached Legalelectric post. I'm particularly concerned about the time lag from the

Notices (dated 2/6 and 2/10 respectively), the 2/18 informal notice to the Wisconsin PSC, and the 2/26 filing. I'm working on tracking down other affected projects in Wisconsin. Now on to Minnesota – logically there are projects similarly affected here in Minnesota, and this information should be public. The wide ranging impacts are hard to imagine, already broader than had occurred to me!

Please provide copies (thumb drive preferred) of documents, correspondence, emails, notes and meeting schedules regarding:

- Copies of general Notice of Force Majeure provided to Public Utilities Commission by developers and/or utilities.
- Copies of Notice of Force Majeure provided to Public Utilities Commission by developers and/or utilities for any and all affected solar projects.
- Copies of Notice of Force Majeure provided to Public Utilities Commission by developers and/or utilities for any and all affected wind projects.
- Copies of Notice of Force Majeure provided to Public Utilities Commission by developers and/or utilities for any and all affected transmission projects.
- Copies of Notice of Force Majeure or projected delays provided to Public Utilities Commission by developers and/or utilities for any and all projects regarding financing of these projects due to coronavirus issues.
- Copies of emails, notes, etc., regarding informal notice, i.e., from phone calls, meetings, where coronavirus Force Majeure or likely delays was discussed/disclosed to state personnel.
- Copies of Commission and Commerce plans, emails, and notes regarding impacts of coronavirus on dockets and utility and developer projects.
- Copies of Commission and Commerce identification and inventory of projects under construction or in permitting dependent on products and components from China.
- Copies of Commission and Commerce identification and inventory of products and components from China utilized by developers and utilities.

If you have any questions or require anything further, please let me know.

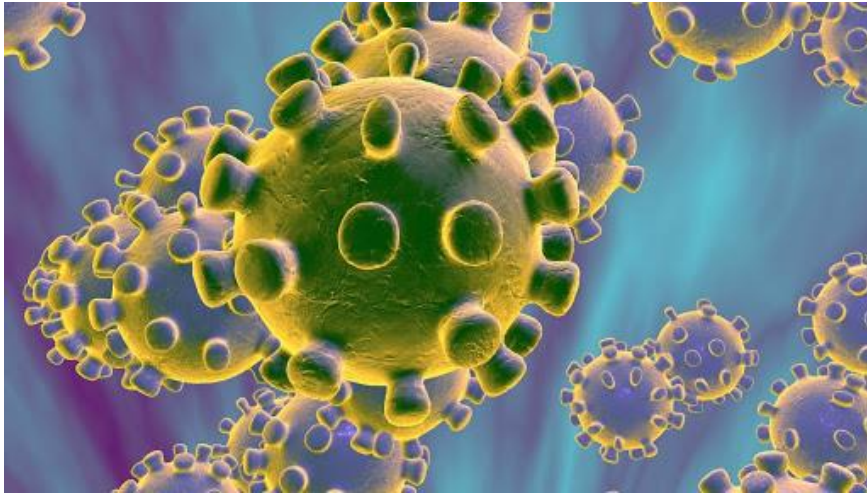
Very truly yours



Carol A. Overland  
Attorney at Law

## Solar Force Majure in WI – Coronavirus

February 26th, 2020



Impacts of coronavirus in China are far reaching. Solar projects now up in the air. Just in from the [Wisconsin PSC](#) on the [NextEra Two Creeks](#) solar project (note there is NO mention of this on the [NextEra Press Release](#) page) and from [Invenergy](#) on the [Badger Hollow solar project](#) (likewise no mention of this on the [Invenergy “News” page](#)):

[WPS letter 2/26/2020 – Invenergy – Badger Hollow Force Majure letter 2/10/2020 384613Download](#)  
[WPS letter 2/26/2020 – Next Era – Two Creeks Force Majure letter 2/6/2020 38614Download](#)

This is HUGE. It hadn't registered on me the potential impact of a China shutdown, nor had it registered on the PSC staff's brain either until now! WOW.

Force Majure is where something happens that's utterly out of the control of the party making the claim that for whatever reason, they can't meet their part of the contract, the permit, in this case, some parts for the project, specifically the “NextTracker” racking system for the Two Creeks project (2/6/2020 letter, ERF 38614), and generally unspecified project parts for the Badger Hollow project (2/10/2020 letter, ERF 38613). Many solar panels come from China, and there are thousands of panels needed for these projects.

Likely this is something affecting any solar project expecting shipments from China.

WHY DID IT TAKE 20 DAYS AND 16 DAYS FOR THIS TO BE POSTED ON THE PSC'S SITE BY WPS? WHAT OTHER PROJECTS DOES THIS APPLY TO? For example, the Invenergy letter of February 10, 2020 from Invenergy has only been filed in the Badger Hollow docket, filed by WPS, NextEra's only for Two Creeks. Has Notice been given verbally to PSC as it was for these projects? Is there a letter to be filed regarding other dockets as well? If so, where's the Notice? Are there also parts and pieces from China for other Invenergy projects, i.e., the Freeborn Wind project? I'm wondering if these Force Majure Notices are landing in Minnesota too. Inquiring minds want to know!