

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben
Valerie Means
Matthew Schuerger
Joseph K. Sullivan
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

Lisa M. Agrimonti
Haley L. Waller Pitts
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

SERVICE DATE: June 28, 2022

DOCKET NO. E-002/CN-22-131

In the Matter of the Application of Xcel Energy for a Certificate of Need for Two Gen-Tie Lines from Sherburne County to Lyon County, Minnesota

The above entitled matter has been considered by the Commission and the following disposition made:

- 1. Approved the proposed Notice Plan conditioned on Xcel Energy using Andrew Levi, Environmental Review Manager as the EERA contact in the notices.**
- 2. Approved the following exemptions from the certificate of need application data requirements conditioned on Xcel Energy providing alternative data:**
 - a. 7849.0260, subp. A (3) and C (6)—granted the requested exemption with the provision of the proposed alternative data;**
 - b. 7849.0260, subp. B (4) and B (8)—granted the requested exemption;**
 - c. 7849.0270—granted the requested exemption with the provision of the proposed alternative data and require Xcel to provide updated demand and energy forecasting data;**
 - d. 7849.0280, subp. B through I—granted the requested exemption with the provision of the proposed alternative data and required Xcel to state any updates to the quantity of new generation needed based upon the updated demand and energy forecasting provided under Minnesota Rules 7849.0270;**
 - e. 7849.0290, subp. F—granted the proposed exemption and required Xcel to present a summary of the conservation information in the IRP and CIP filings rather than replicate the data in the instant docket;**

- f. 7849.0300 and 7849.0340—granted the requested exemption with the provision of the proposed alternative data; and**
- g. 7849.0330, subp. G—granted the requested exemption with the provision of the proposed alternative data.**

This decision is issued by the Commission’s consent calendar subcommittee, under a delegation of authority granted under Minn. Stat. § 216A.03, subd. 8 (a). Unless a party, a participant, or a Commissioner files an objection to this decision within ten days of receiving it, it will become the Order of the full Commission under Minn. Stat. § 216A.03, subd. 8 (b).

The Commission agrees with and adopts the recommendations of the Department of Commerce, which are attached and hereby incorporated into the Order. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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May 19, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/CN-22-131

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

Application of Xcel Energy for a Certificate of Need for Two Gen-Tie Lines from Sherburne County to Lyon County, Minnesota: Notice Plan Petition.

The Petition was filed on May 2, 2022 by:

Lisa M. Agrimonti
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Haley L. Waller Pitts
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

The Department recommends **approval with conditions** and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ STEVE RAKOW
Analyst Coordinator

SR/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/CN-22-131

I. INTRODUCTION

On May 2, 2022, Northern States Power Company, doing business as Xcel Energy (Xcel or the Company) filed the Company's *Notice Plan Petition* (Notice Petition). The Notice Petition requests that the Minnesota Public Utilities Commission (Commission) approve Xcel's proposed notice plan to communicate the Company's intent to construct two 345 kV generation-tie lines from Sherburne County to Lyon County, Minnesota (Project). Depending on final route, the generation-tie lines would be approximately 120 to 140 miles long. The Notice Petition includes a draft notice for landowners, residents, and governmental jurisdictions, along with a draft newspaper notice.

Also on May 2, 2022, Xcel filed the Company's *Request for Exemption from Certain Certificate of Need Application Content Requirements* (Exemption Petition). The Exemption Petition provided Xcel's proposed exemptions to certain certificate of need (CN) filing requirements. The Minnesota Department of Commerce, Division of Energy Resources (Department) will file separate comments on the Exemption Petition.

Below are the comments of the Department regarding the Notice Petition.

II. DEPARTMENT ANALYSIS

A. GOVERNING STATUTES AND RULES

Minnesota Statutes § 216B.2421, Subd. 2 defines a large energy facility (LEF) as:

(1) any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system;

(2) any high-voltage transmission line with a capacity of 200 kilovolts or more and greater than 1,500 feet in length;

In turn, Minnesota Statutes § 216B.243, Subd. 2 requires that "No large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission." Since the generation project(s) the proposed Project would interconnect remain unknown the Department concludes that a CN is required for the proposed Project under Minnesota Statutes § 216B.2421, Subd. 2 (2).

The Company filed the Notice Petition pursuant to Minnesota Rules, part 7829.2550, Subp. 1 which states, in part:

Three months before filing a certificate of need application for a high-voltage transmission line as defined by Minnesota Statutes, section 216B.2421, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed line.

In the Notice Petition the Xcel requests Commission approval of a plan to communicate to the public the Company's intent to construct the proposed Project.

B. TYPES OF NOTICE

Minnesota Rules 7829.2550, Subp. 3, requires types of notice as follows:

- direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed transmission line;
- direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed transmission line;
- direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed transmission line; and
- newspaper notice to members of the public in areas reasonably likely to be affected by the proposed transmission line.

Regarding landowner and resident notice, the Company proposed to provide notice to landowners in the notice area shown in Figure 1 of the Notice Petition. Note that the potential routes within the notice area are not identified at this time. The Company will compile landowner names and addresses within the notice area using tax records and will obtain a list of mailing addresses in the notice area from a bulk mailing company and remove addresses common to the landowner list. The Department concludes that Xcel's proposal complies with the requirements of the rule.

Regarding tribal governments, the Company proposed to provide notice to tribal governments and tribal government officials in the notice area. Xcel's list is included in Attachment B of the Notice Petition. The Department concludes that Xcel's proposal complies with the requirements of the rule.

Regarding governmental notice, the Company proposed to provide notice to lead administration personnel in the towns, cities, home rule charter cities and counties within the Notice Area. The notice will also be provided to those State Senators and State Representatives whose districts are within the Notice Area. Xcel's list is also included in Attachment B of the Notice Petition. The Department concludes that Xcel's proposal complies with the requirements of the rule.

Regarding newspaper notice, the Company proposed to place notice advertisements in the newspapers identified in Attachment C of the Notice Petition. Xcel's plan is to place newspaper advertisements, including the Star Tribune, shortly *before* the CN application is filed. Regarding newspaper notice Minnesota Rules 7829.2500, Subp. 5 states "The applicant shall publish notice of the filing in newspapers of general circulation throughout the state." Xcel interprets this as requiring an applicant publish newspaper notice of the filing in a newspaper of general circulation throughout the state *after* the CN application is filed. Thus, Xcel requests a variance pursuant to Minnesota Rules 7829.3200.

Minnesota Rules 7829.3200 states that Commission shall grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.

Xcel states that the three factors are met because:

- A. the rule would be an excessive burden because it requires duplicate notice and associated expense without a corresponding benefit;
- B. the public will be notified by notices in other newspapers and therefore the public interest would not be adversely affected; and
- C. granting the variance would not conflict with any legal standards. Accordingly, a variance is warranted.

Minnesota Rules 7829.2500, Subp. 5 is generally understood to require newspaper notice at the time of the CN application. The Department recommends the Commission approve Xcel's proposed variance so that the notice via newspapers of general circulation can be made prior to the CN filing.

C. CONTENT OF NOTICE

Minnesota Rules 7829.2550, Subp. 4 requires the notices to provide the following information:

- a map showing the end points of the line and existing transmission facilities in the area;
- a description of general right-of-way requirements for a line of the size and voltage proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed line will require;
- a notice that the line cannot be constructed unless the Commission certifies that it is needed;
- the Commission's mailing address, telephone number, and website;
- if the applicant is a utility subject to chapter 7848, the address of the website on which the utility applicant will post or has posted its biennial transmission projects report required under that chapter;

- a statement that the Environmental Quality Board¹ will be preparing an environmental report on each high-voltage transmission line for which certification is requested;
- a brief explanation of how to get on the mailing list for the Environmental Quality Board's proceeding; and
- a statement that requests for certification of high-voltage transmission lines are governed by Minnesota law, including specifically chapters 4410 and 7849, and Minnesota Statutes, section 216B.243.

The Department reviewed the attached notices, letters and maps provided by the Companies and concludes that, as long as the notice includes the map provided in the Notice Petition's Figure 1, the proposal for the resident/landowner notice, governmental notice, and newspaper notice generally contains the required information. That appears to be Xcel's intent since the notice text refers to "the attached "Notice Area" map."

The only error noted by the Department is that Stephen Rakow is listed as the contact for the Department's Energy Environmental Review and Analysis (EERA) unit. The Department recommends the Commission require Xcel to use Andrew Levi, Environmental Review Manager as the EERA contact in the notices.

D. NOTICE TIMING

Minnesota Rules 7829.2550, Subp. 6, requires Xcel to implement the notice plan within 30 days of its approval by the Commission. The Department notes that, unlike most previous notice plan filings, Xcel did not request a variance from this rule so as to allow implementation of the notice plan within a certain time frame prior to the filing of the CN petition. Therefore, the Department understands that Xcel will implement the notice plan within 30 days of its approval by the Commission.

III. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission approve Xcel's Notice Petition conditioned upon Xcel using Andrew Levi, Environmental Review Manager as the EERA contact in the notices.

¹ The Department notes that while the statutes have changed regarding routing authority and location of the staff preparing the environmental report, Minnesota Rules have not been updated to reflect these changes.

May 23, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/CN-22-131

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

Application of Xcel Energy for a Certificate of Need for Two Gen-Tie Lines from Sherburne County to Lyon County, Minnesota: Request for Exemption from Certain Certificate of Need Application Content Requirements.

The Petition was filed on May 2, 2022 by:

Lisa M. Agrimonti
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

Haley L. Waller Pitts
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402

The Department recommends **approval with conditions** and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ STEVE RAKOW
Analyst Coordinator

SR/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/CN-22-131

I. INTRODUCTION

On May 2, 2022 Northern States Power Company, doing business as Xcel Energy (Xcel or the Company) filed the Company's *Request for Exemption from Certain Certificate of Need Application Content Requirements* (Exemption Petition). The Exemption Petition requests the Minnesota Public Utilities Commission (Commission) approve the Company's proposed exemptions to certain filing requirements for a certificate of need (CN) petition for two 345 kV generation-tie lines from Sherburne County to Lyon County, Minnesota (Project). Depending on final route, the generation-tie lines would be approximately 120 to 140 miles long.

Also on May 2, 2022 Xcel filed the Company's *Notice Plan Petition* (Notice Petition). The Notice Petition provided the Company's proposed notice plan to communicate its intent to construct the proposed Project. The Minnesota Department of Commerce, Division of Energy Resources (Department) will file separate comments on the Notice Petition.

On May 9, 2022 the Commission issued its *Notice of Comment Period on Request for Exemption from Certain Certificate of Need Application Content Requirements*. The topic open for comment is "[s]hould the Commission grant the exemptions to the certificate of need application content requirements requested by Xcel Energy in its May 3, 2022, filing."

Below are the comments of the Department regarding the Exemption Petition.

II. DEPARTMENT ANALYSIS

A. GOVERNING STATUTES AND RULES

Minnesota Statutes § 216B.2421, subd. 2 defines a large energy facility as:

(1) any electric power generating plant or combination of plants at a single site with a combined capacity of 50,000 kilowatts or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system;

(2) any high-voltage transmission line with a capacity of 200 kilovolts or more and greater than 1,500 feet in length;

In turn, Minnesota Statutes § 216B.243, subd. 2 requires that “No large energy facility shall be sited or constructed in Minnesota without the issuance of a certificate of need by the Commission.” Since the generation project(s) the proposed Project would interconnect with remain unknown the Department concludes that a CN is required for the proposed Project under Minnesota Statutes § 216B.2421, subd. 2 (2).

The Company filed the Exemption Petition pursuant to Minnesota Rules, part 7849.0200, subpart 6 which states, in part:

Before submitting an application, a person is exempted from any data requirement of parts 7849.0010 to 7849.0400 if the person (1) requests an exemption from specified rules, in writing to the commission, and (2) shows that the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submitting another document. A request for exemption must be filed at least 45 days before submitting an application.

In the Exemption Petition the Company requests the Commission approve exemptions from certain data requirements of parts 7849.0010 to 7849.0400.

B. REQUESTED EXEMPTIONS

The Exemption Petition requests exemptions from the following requirements:

- 7849.0260, subp. A (3) and C (6)—proposed transmission line and alternatives;
- 7849.0260, subp. B (4) and B (8)—transmission lines with different terminals or substations;
- 7849.0270—peak demand and energy forecast;
- 7849.0280, subp. B through I—system capacity;
- 7849.0290, subp. F—conservation programs;
- 7849.0300—consequences of delay;
- 7849.0340—no facility alternative; and
- 7849.0330, subp. G—description of major features between endpoints.

The Department examines each specific exemption request separately. The required criterion is whether the Company has shown that “the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submitting another document” as discussed above.

C. ANALYSIS OF EXEMPTION REQUESTS

1. *Minnesota Rules 7849.0260, subp. A (3) and C (6)*

Minnesota Rules 7849.0260, subp. A (3) and C (6) requires an applicant to provide estimated “losses under projected maximum loading and under projected average loading in the length of the transmission line and at the terminals or substations.” Instead, Xcel proposes to provide system losses.

The Department agrees with Xcel that the Company’s proposal is consistent with the approach approved by the Commission in other CN dockets and provides more relevant information. Therefore, the Department recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0260, subp. A (3) and C (6) with the provision of the proposed alternative data.

2. *Minnesota Rules 7849.0260, subp. B (4) and B (8)*

Minnesota Rules 7849.0260, subp. B (4) requires an applicant discuss “transmission lines with different terminals or substations.” Minnesota Rules 7849.0260, subp. B (8) requires a discussion of “any reasonable combination of the alternatives” listed in, among others, section (B)(4). Xcel states that one of the proposed Project’s needs is that it interconnect at the site of the existing Sherco Substation as a condition of Xcel’s ability to re-use existing interconnection rights.

The Department agrees with Xcel that the proposed need requires interconnection at the existing Sherco Substation. If the Company fails to demonstrate the claimed need (to re-use the existing interconnection), then the proposed Project could not be approved and an alternative end point is not relevant. If the Company does demonstrate the claimed need, then consideration of an alternative end point (to the Sherco Substation) again is not relevant. Therefore, the Department agrees that an exemption from discussing alternatives which do not begin at the existing Sherco Substation is reasonable and recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0260, subp. B (4) and B (8).

3. *Minnesota Rules 7849.0270*

Minnesota Rules 7849.0270 requires an applicant provide data concerning peak demand and annual electrical consumption within the applicant's service area and system. Instead, Xcel proposes to substitute information which describes the power demand and energy forecasting used to develop the proposed Project, and the type of information used in the recent resource plan (IRP) proceeding (Docket No. E002/RP-19-368). The Petition further states that “the methodology and specific findings from the recent IRP docket will not be re-litigated in this case.” In the end, Xcel requests a full exemption from Minnesota Rules 7849.0270 and proposes to instead provide the IRP forecast and methodology, updated as appropriate.

Regarding Xcel's claim that the Commission's specific findings from the recent IRP docket will not be re-litigated in this case, the Department notes that Minnesota Rules 7843.0600, subp. 2 states:

The findings of fact and conclusions from the commission's decision in a resource plan proceeding may be officially noticed or introduced into evidence in related commission proceedings ... In those proceedings, the commission's resource plan decision constitutes prima facie evidence of the facts stated in the decision. This subpart does not prevent an interested person from submitting substantial evidence to rebut the findings and conclusions in another proceeding.

Therefore, the Department concludes that Xcel's claim that the Commission's findings cannot be re-litigated is clearly in error because Minnesota Rules specifically allow an interested person to submit evidence to rebut the findings and conclusions in an IRP order in another proceeding, such as this CN.

Regarding Xcel's proposed exemption and alternative data, given the novelty of the need claimed—to re-use existing interconnection—and Xcel's description of the alternative data—the demand and energy forecasting used in the most recent IRP—the Department recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0270 with the provision of the proposed alternative data.

Finally, given the age of the demand and energy forecasting used in Xcel's IRP, the Department recommends the Commission require Xcel to provide updated demand and energy forecasting similar to the forecasting used in the IRP.

4. Minnesota Rules 7849.0280, subp. B through I

Minnesota Rules 7849.0280, subp. B through I requires an applicant provide information that describes the ability of an existing system to meet forecasted demand; in essence, load and capability (L&C) information. Xcel requests an exemption from Minnesota Rules 7849.0280, subp. B through I and proposes instead to provide a discussion of the capacity data from the IRP that drives the need for new transmission. The Department notes that the Petition claims:

Items (B) through (I) examine more generally generation adequacy rather than transmission planning considerations. Here, the Commission determined the energy and capacity Xcel Energy needs to re-utilize the Sherco interconnection rights and meet customer demands. The issue in this docket is what is the best alternative to deliver the new renewable generation.

Again, the Company's claim that the Commission's IRP order, in effect, already the need and the only remaining issue regards alternatives is in error. First, Minnesota Rules 7849.0120 A requires Xcel to make a demonstration regarding the need for the proposed Project. Second, while the Company is free to rely on the Commission's IRP order to the extent it desires, as stated above, Minnesota Rules allow parties to provide evidence rebutting the Commission's IRP order. To balance the Company's desire to make a case different than that presumed by the information requirements of Minnesota Rules with the need for other parties to have a starting point for questioning the Company's case, the Department recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0280, subp. B through I with the provision of Xcel's proposed alternative data. In addition, given the age of the demand and energy forecasting used in Xcel's IRP, the Department recommends the Commission require Xcel to state any updates to the quantity of new generation needed based upon the updated demand and energy forecasting provided under Minnesota Rules 7849.0270.

5. *Minnesota Rules 7849.0290, subp. F*

Minnesota Rules 7849.0290, subp. F requires an applicant provide "a quantification of the manner by which these programs affect or help determine the forecast provided in response to part 7849.0270." Xcel requests a full exemption because the proposed Project:

is needed to interconnect generation resources that will replace the capacity and energy of Sherco Units 1 and 3 and are required to both utilize existing interconnection rights and maximize the Sherco interconnection. Conservation cannot meet this need.

In response the Department observes that the greater the amount of conservation the less the need for new generation overall, including the need to replace existing generation. In addition, Xcel's conservation efficiency information is examined in detail in the resource planning and Conservation Improvement Program (CIP) processes.¹ The necessary information will be available in those proceedings. Therefore, the Department recommends the Commission grant the proposed exemption and require Xcel to present a summary of the conservation information in the IRP and CIP filings rather than replicate the data in the instant docket.

6. *Minnesota Rules 7849.0300 and 7849.0340*

Minnesota Rules 7849.0300 requires detailed information regarding the consequences of delay on three specific statistically based levels of demand and energy consumption. Minnesota Rules 7849.0340 requires a discussion of what the impact would be on existing generation and transmission facilities at the three levels of demand specified in Minnesota Rules 7849.0300 for the no-build

¹ Docket Nos. E002/RP-19-368 and G002,E002/CIP-20-473.

alternative. Xcel requests an exemption from the portions of these rules that require the examination of delay to incorporate the three specific levels of demand required by Minnesota Rules 7849.0300. Instead, Xcel will provide a general evaluation of the consequences of delay and a no-build alternative. The Petition notes that similar requests for exemptions were approved by the Commission in other transmission line CN dockets.

Given the recommendation above regarding forecasting data to be provided under Minnesota Rules 7849.0270, the Department agrees that an exemption regarding the three specific levels of demand is reasonable. The Department recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0300 and 7849.0340 with the provision of the proposed alternative data.

7. Minnesota Rules 7849.0330, subp. G

Minnesota Rules 7849.0330, subp. G requires an applicant provide:

a narrative description of the major features of the region between the endpoints of the transmission facility. The region shall encompass the likely area for routes between the endpoints. The description should emphasize the area within three miles of the endpoints.

At this point the Petition states that Xcel knows that the western end of the proposed Project will be located in Lyon County; specifically, Xcel states “The precise location of the western endpoint will be informed by forthcoming requests for information and proposals and then specifically identified through the Commission’s routing process.” Instead of using three miles of the endpoint, Xcel proposes to provide information concerning “major features of the region” within Lyon County.

As long as Xcel’s proposed alternative data addresses the hydrologic, natural vegetation and wildlife, physiographic, and land-use features otherwise required the Department concludes that Xcel’s proposal is reasonable. The Department recommends that the Commission grant the requested exemption to Minnesota Rules 7849.0330, subp. G with the provision of the proposed alternative data.

III. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission approve the Xcel’s requests for exemption from the required data as follows:

- 7849.0260, subp. A (3) and C (6)—grant the requested exemption with the provision of the proposed alternative data;
- 7849.0260, subp. B (4) and B (8)—grant the requested exemption;
- 7849.0270—grant the requested exemption with the provision of the proposed alternative data and require Xcel to provide updated demand and energy forecasting data;

- 7849.0280, subp. B through I—grant the requested exemption with the provision of the proposed alternative data and require Xcel to state any updates to the quantity of new generation needed based upon the updated demand and energy forecasting provided under Minnesota Rules 7849.0270;
- 7849.0290, subp. F—grant the proposed exemption and require Xcel to present a summary of the conservation information in the IRP and CIP filings rather than replicate the data in the instant docket;
- 7849.0300 and 7849.0340—grant the requested exemption with the provision of the proposed alternative data; and
- 7849.0330, subp. G—grant the requested exemption with the provision of the proposed alternative data.

June 2, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Supplemental Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/CN-22-131

Dear Mr. Seuffert:

On May 2, 2022 Northern States Power Company, doing business as Xcel Energy (Xcel or the Company) filed the Company's *Request for Exemption from Certain Certificate of Need Application Content Requirements* (Petition). The May 23, 2022 comments of the Minnesota Department of Commerce (Department) recommended approval with conditions. The May 31, 2022 reply comments of Xcel agreed with the Department's conditions and clarified how the Company intends to present the requested data. The Department agrees that the data Xcel described in the Company's reply comments will be sufficient for a complete petition and to begin the proceeding.

In summary, the Department recommends that the Commission approve the Xcel's requests for exemption from the required data as follows:

- 7849.0260, subp. A (3) and C (6)—grant the requested exemption with the provision of the proposed alternative data;
- 7849.0260, subp. B (4) and B (8)—grant the requested exemption;
- 7849.0270—grant the requested exemption with the provision of the proposed alternative data and require Xcel to provide updated demand and energy forecasting data;
- 7849.0280, subp. B through I—grant the requested exemption with the provision of the proposed alternative data and require Xcel to state any updates to the quantity of new generation needed based upon the updated demand and energy forecasting provided under Minnesota Rules 7849.0270;
- 7849.0290, subp. F—grant the proposed exemption and require Xcel to present a summary of the conservation information in the IRP and CIP filings rather than replicate the data in the instant docket;
- 7849.0300 and 7849.0340—grant the requested exemption with the provision of the proposed alternative data; and

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Will Seuffert

June 2, 2022

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- 7849.0330, subp. G—grant the requested exemption with the provision of the proposed alternative data.

The Department recommends approval with the above conditions and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ STEVE RAKOW
Analyst Coordinator

SR/ja

CERTIFICATE OF SERVICE

I, Robin Benson, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission ORDER

Docket Number: **E-002/CN-22-131**

Dated this **28th** day of **June, 2022**

/s/ Robin Benson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Mara	Ascheman	mara.k.ascheman@xcenergy.com	Xcel Energy	414 Nicollet Mall Fl 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_22-131_CN-22-131
Sarah	Beimers	sarah.beimers@state.mn.us	Department of Administration - State Historic Preservation Office	50 Sherburne Avenue Suite 203 St. Paul, MN 55155	Electronic Service	No	OFF_SL_22-131_CN-22-131
David	Bell	david.bell@state.mn.us	Department of Health	POB 64975 St. Paul, MN 55164	Electronic Service	No	OFF_SL_22-131_CN-22-131
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-131_CN-22-131
Randall	Doneen	randall.doneen@state.mn.us	Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul, MN 55155	Electronic Service	No	OFF_SL_22-131_CN-22-131
Bret	Eknes	bret.eknes@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	No	OFF_SL_22-131_CN-22-131
Kate	Fairman	kate.frantz@state.mn.us	Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul, MN 551554032	Electronic Service	No	OFF_SL_22-131_CN-22-131
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Todd	Green	Todd.A.Green@state.mn.us	Minnesota Department of Labor & Industry	443 Lafayette Rd N St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_22-131_CN-22-131
Kari	Howe	kari.howe@state.mn.us	DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul, MN 55101	Electronic Service	No	OFF_SL_22-131_CN-22-131
Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA	200 South Sixth St Ste 400 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-131_CN-22-131
Ray	Kirsch	Raymond.Kirsch@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_22-131_CN-22-131
Chad	Konickson	chad.konickson@usace.army.mil	U.S.Army Corps of Engineers	180 5th St # 700 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_22-131_CN-22-131
Stacy	Kotch Egstad	Stacy.Kotch@state.mn.us	MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul, MN 55155	Electronic Service	No	OFF_SL_22-131_CN-22-131
Karen	Kromar	karen.kromar@state.mn.us	MN Pollution Control Agency	520 Lafayette Rd Saint Paul, MN 55155	Electronic Service	No	OFF_SL_22-131_CN-22-131
Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service	Minnesota-Wisconsin Field Offices 4101 American Blvd E Bloomington, MN 55425	Electronic Service	No	OFF_SL_22-131_CN-22-131
Stephen	Rakow	stephen.rakow@state.mn.us	Department of Commerce	Suite 280 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_22-131_CN-22-131
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_22-131_CN-22-131

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Stephan	Roos	stephan.roos@state.mn.us	MN Department of Agriculture	625 Robert St N Saint Paul, MN 55155-2538	Electronic Service	No	OFF_SL_22-131_CN-22-131
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_22-131_CN-22-131
Bria	Shea	bria.e.shea@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_22-131_CN-22-131
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_22-131_CN-22-131
Jayme	Trusty	execdir@swrdc.org	SWRDC	2401 Broadway Ave #1 Slayton, MN 56172	Electronic Service	No	OFF_SL_22-131_CN-22-131
Garrick	Valverde	garrick.valverde@apexcleanenergy.com	Apex Clean Energy	8665 Hudson Boulevard North Suite 200 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_22-131_CN-22-131
Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_22-131_CN-22-131
Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources	500 Lafayette Road Box 25 St. Paul, Minnesota 55155-4040	Electronic Service	No	OFF_SL_22-131_CN-22-131
Kenneth	Westlake	westlake.kenneth@epa.gov	US Environmental Protection Agency	Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago, IL 60604-3590	Electronic Service	No	OFF_SL_22-131_CN-22-131

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Alan	Whipple	sa.property@state.mn.us	Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul, MN 551463340	Electronic Service	No	OFF_SL_22-131_CN-22-131
Jonathan	Wolfgram	Jonathan.Wolfgram@state.mn.us	Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury, MN 55125	Electronic Service	No	OFF_SL_22-131_CN-22-131