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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2666

03/03/2014 Authored by Garofalo
The bill was read for the first time and referred to the Committee on Energy Policy

1.1 A bill for an act
1.2 relating to energy; utilities; providing an exception to certificate of need
1.3 requirements for certain electric generation facilities; amending Minnesota
1.4 Statutes 2012, section 216B.243, subdivision 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 216B.243, subdivision 8, is amended to
1.7 read:

1.8 Subd. 8. **Exemptions.** This section does not apply to:

1.9 (1) cogeneration or small power production facilities as defined in the Federal Power
1.10 Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and
1.11 paragraph (18), subparagraph (A), and having a combined capacity at a single site of less
1.12 than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or
1.13 any case where the commission has determined after being advised by the attorney general
1.14 that its application has been preempted by federal law;

1.15 (2) a high-voltage transmission line proposed primarily to distribute electricity to
1.16 serve the demand of a single customer at a single location, unless the applicant opts to
1.17 request that the commission determine need under this section or section 216B.2425;

1.18 (3) the upgrade to a higher voltage of an existing transmission line that serves the
1.19 demand of a single customer that primarily uses existing rights-of-way, unless the applicant
1.20 opts to request that the commission determine need under this section or section 216B.2425;

1.21 (4) a high-voltage transmission line of one mile or less required to connect a new or
1.22 upgraded substation to an existing, new, or upgraded high-voltage transmission line;

1.23 (5) conversion of the fuel source of an existing electric generating plant to using
1.24 natural gas; or

2.1 (6) the modification of an existing electric generating plant to increase efficiency,
2.2 as long as the capacity of the plant is not increased more than ten percent or more than
2.3 100 megawatts, whichever is greater; or

2.4 (7) a wind energy conversion system, solar electric generation facility, or facility that
2.5 generates electricity from natural gas if: (i) the system or facility is owned and operated
2.6 by an entity that is not a public utility as defined under section 216B.02, subdivision 4,
2.7 and does not offer retail electric service under this chapter; or (ii) the electricity generated
2.8 and sold is not subject to a rate proceeding approved under section 216B.16.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.