

State of Minnesota

H. F. No. **527**

2.1 nameplate capacity of one wind energy conversion system shall be combined with the
2.2 nameplate capacity of any other wind energy conversion system that is:

2.3 (1) located within five miles of the wind energy conversion system;

2.4 (2) constructed within the same calendar year as the wind energy conversion system;

2.5 and

2.6 (3) under common ownership.

2.7 In the case of a dispute, the commissioner of commerce shall determine the total size of
2.8 the system, ~~and shall draw all reasonable inferences in favor of combining the systems.~~

2.9 (c) In making a determination under paragraph (b), the commissioner of commerce may
2.10 determine that two wind energy conversion systems are under common ownership when
2.11 the underlying ownership structure contains ~~similar~~ the same persons or entities, even if the
2.12 ownership shares differ between the two systems. Wind energy conversion systems are not
2.13 under common ownership solely because the same person or entity provided equity financing
2.14 for the systems. Wind energy conversion systems that were determined by the commissioner
2.15 of commerce to be eligible for a renewable energy production incentive under section
2.16 216C.41 are not under common ownership unless a change in the qualifying owner was
2.17 made to an owner of another wind energy conversion system subsequent to the determination
2.18 by the commissioner of commerce.

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