

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 2168

(SENATE AUTHORS: ROSEN, Dibble, Tomassoni, Osmek and Marty)

DATE	D-PG	OFFICIAL STATUS
03/03/2014	5922	Introduction and first reading Referred to Environment and Energy
03/24/2014	6526a 6801 6803	Comm report: To pass as amended Second reading Author added Marty
04/29/2014	8519 8519	Special Order Third reading Passed See HF2834, Sec. 13

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A bill for an act
relating to energy; utilities; providing an exception to certificate of need
requirements for certain electric generation facilities; amending Minnesota
Statutes 2012, section 216B.243, subdivision 8.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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

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

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

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

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

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

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(5) conversion of the fuel source of an existing electric generating plant to using
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 or solar electric generation facility if the system
2.5 or facility is owned and operated by an independent power producer and the electric output
2.6 of the system or facility is not sold to an entity that provides retail service in Minnesota
2.7 or wholesale electric service to another entity in Minnesota other than an entity that is a
2.8 federally recognized regional transmission organization or independent system operator.

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