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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3296

05/05/2025

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The bill was read for the first time and referred to the Committee on Energy Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to energy; excluding data centers from gross annual retail energy sales for
- 1.3 energy conservation and optimization purposes; amending Minnesota Statutes
- 1.4 2024, section 216B.2402, subdivision 10, by adding a subdivision.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2024, section 216B.2402, is amended by adding a subdivision
- 1.7 to read:
- 1.8 Subd. 3b. **Data center.** "Data center" means a freestanding structure that primarily
- 1.9 contains electronic equipment used to process, store, and transmit digital information.
- 1.10 Sec. 2. Minnesota Statutes 2024, section 216B.2402, subdivision 10, is amended to read:
- 1.11 Subd. 10. **Gross annual retail energy sales.** "Gross annual retail energy sales" means
- 1.12 a utility's annual electric sales to all Minnesota retail customers, or natural gas throughput
- 1.13 to all retail customers, including natural gas transportation customers, on a utility's
- 1.14 distribution system in Minnesota. Gross annual retail energy sales does not include:
- 1.15 (1) gas sales to:
- 1.16 (i) a large energy facility;
- 1.17 (ii) a large customer facility whose natural gas utility has been exempted by the
- 1.18 commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to natural
- 1.19 gas sales made to the large customer facility; and

(iii) a commercial gas customer facility whose natural gas utility has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (b), with respect to natural gas sales made to the commercial gas customer facility;

(2) electric sales to:

(i) a large customer facility whose electric utility has been exempted by the commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to electric sales made to the large customer facility; and

(ii) a data mining facility or data center, if the facility or center:

(A) has provided a signed letter to the utility verifying the facility meets the definition of a data mining facility; and

(B) imposes a peak electrical demand on a consumer-owned utility's system equal to or greater than 40 percent of the peak electrical demand of the system, measured in the same manner as the utility that serves the customer facility measures electric demand for billing purposes; or

(3) the amount of electric sales prior to December 31, 2032, that are associated with a utility's program, rate, or tariff for electric vehicle charging based on a methodology and assumptions developed by the department in consultation with interested stakeholders no later than December 31, 2021. After December 31, 2032, incremental sales to electric vehicles must be included in calculating a public utility's gross annual retail sales.