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# State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. **1891**

01/24/2012 Authored by Kelly and Drazkowski

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

1.1 A bill for an act  
1.2 relating to energy; wind energy; adding a provision for siting wind energy  
1.3 conversion systems; modifying county authority to enact siting standards;  
1.4 amending Minnesota Statutes 2010, sections 216B.1691, subdivision 2b;  
1.5 216F.081.

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

1.7 Section 1. Minnesota Statutes 2010, section 216B.1691, subdivision 2b, is amended to  
1.8 read:

1.9 Subd. 2b. **Modification or delay of standard.** (a) The commission shall modify or  
1.10 delay the implementation of a standard obligation, in whole or in part, if the commission  
1.11 determines it is in the public interest to do so. The commission, when requested to modify  
1.12 or delay implementation of a standard, must consider:

1.13 (1) the impact of implementing the standard on its customers' utility costs, including  
1.14 the economic and competitive pressure on the utility's customers;

1.15 (2) the effects of implementing the standard on the reliability of the electric system;

1.16 (3) technical advances or technical concerns;

1.17 (4) delays in acquiring sites or routes due to rejection or delays of necessary siting or  
1.18 other permitting approvals;

1.19 (5) the availability of suitable sites for the location of eligible energy technology  
1.20 facilities, considering local land use restrictions;

1.21 (6) delays, cancellations, or nondelivery of necessary equipment for construction or  
1.22 commercial operation of an eligible energy technology facility;

1.23 ~~(6)~~ (7) transmission constraints preventing delivery of service; and

1.24 ~~(7)~~ (8) other statutory obligations imposed on the commission or a utility.

The commission may modify or delay implementation of a standard obligation under clauses (1) to (3) only if it finds implementation would cause significant rate impact, requires significant measures to address reliability, or raises significant technical issues.

The commission may modify or delay implementation of a standard obligation under clauses (4) to ~~(6)~~ (8) only if it finds that the circumstances described in those clauses were due to circumstances beyond an electric utility's control and make compliance not feasible.

(b) When considering whether to delay or modify implementation of a standard obligation, the commission must give due consideration to a preference for electric generation through use of eligible energy technology and to the achievement of the standards set by this section.

(c) An electric utility requesting a modification or delay in the implementation of a standard must file a plan to comply with its standard obligation in the same proceeding that it is requesting the delay.

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

Sec. 2. Minnesota Statutes 2010, section 216F.081, is amended to read:

**216F.081 APPLICATION OF COUNTY STANDARDS.**

A county may adopt by ordinance ~~standards for~~ official controls restricting the siting of LWECS that are more stringent than standards in commission rules or in the commission's permit standards, including prohibition of LWECS in districts established in zoning ordinances as provided in chapter 394. The commission, in considering a permit application for LWECS in a county that has adopted more stringent ~~standards~~ official controls, ~~shall~~ must consider and apply those more stringent ~~standards~~, ~~unless the commission finds good cause not to apply the standards~~ official controls.

For the purpose of this section, "official controls" has the meaning given in section 394.22, subdivision 6.

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