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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2543

03/08/2016 Authored by Garofalo

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

1.1 A bill for an act
1.2 relating to energy; exempting certain interstate pipelines from the requirement
1.3 to obtain a certificate of need; amending Minnesota Statutes 2014, section
1.4 216B.243, subdivision 8.

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

1.6 Section 1. Minnesota Statutes 2014, 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;

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; or

2.9 (8) an interstate pipeline traversing Minnesota whose termini lie outside the state.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.11 and applies to (1) a pipeline that has not filed a certificate of need application before the
2.12 effective date of this section, and (2) a pipeline that has a certificate of need application
2.13 pending before the commission on the effective date of this section.