

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
J. Dennis O'Brien
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of Stoneray Power Partners, LLC for a Certificate of Need for a 105 MW Wind Project in Pipestone and Murray Counties

ISSUE DATE: July 24, 2013

DOCKET NO. IP-6646/CN-13-193

ORDER ACCEPTING APPLICATION AS SUBSTANTIALLY COMPLETE AND DIRECTING USE OF THE INFORMAL REVIEW PROCESS

PROCEDURAL HISTORY

On April 26, 2013, Stoneray Power Partners, LLC (Stoneray) filed a certificate of need application for a 105-megawatt wind farm project in Pipestone and Murray counties (the Project).

On May 24, 2013, the Department of Commerce (the Department) field comments on the completeness of the application, recommending that Stoneray file additional information on the total project cost. The Department also recommended that the Commission use its informal review process to develop the record in this proceeding.

On June 21, 2013, Stoneray filed reply comments addressing the Department's comments.

On July 11, 2013, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Jurisdiction

Before building a large energy facility, a person must apply for a certificate of need.¹ A large energy facility includes any large electric power generating plant with a capacity of 50,000 kilowatts (kW) or more and transmission lines directly associated with the plant that are necessary to interconnect the plant to the transmission system.² Because Stoneray's Project

¹ See Minn. Stat. § 216B.243, subd. 2 and Minn. R. 7849.0030, subp. 1.

² See Minn. Stat. § 216B.2421, subd. 2 (1).

qualifies as a large energy facility, a certificate of need is required. Minn. R. Ch. 7849 sets forth the application requirements, as well as the ultimate criteria for demonstrating need.

II. Application Completeness

The Department reviewed the application for completeness under Minn. R. 7849.0240 through 7849.0340 and recommended that Stoneray be required to file the Project's total cost in current dollars per kilowatt hour (kWh) format. Stoneray had filed the total cost in the form of cost per kW, not in *kWh* format. In its reply comments, Stoneray filed the cost information in kWh format as requested by the Department.

The Commission has reviewed the application and the comments of the parties and concurs with the parties that with the additional cost information filed by Stoneray on June 21, the application is substantially complete.

III. Process for Reviewing the Merits

The Commission has the discretion to evaluate certificate of need applications using either contested case proceedings or an informal notice and comment process under Minn. R. 7829.1200. No person has identified any contested issue of material fact or recommended that the case be referred to the Office of Administrative Hearings for contested case proceedings. The Commission will therefore direct use of the informal comment and reply process for developing the record. To ensure proper development of the record, the Commission will delegate to the Executive Secretary the authority to establish timelines and set schedules.

In addition, the Commission will take the following steps to ensure proper development of the record:

- ask the Department to examine the application and other materials submitted in the case and to include in the hearing process its position on the reasonableness of granting a certificate of need to the Applicant;
- direct the Applicant to facilitate in every reasonable way the continued examination of the issues by the Department and Commission staff;
- ask the Applicant to place a compact disc or hard copy of the application for review in a government center and or public library in the vicinity of the project;
- direct Commission staff to work with the Administrative Law Judge and the Department staff in selecting a suitable time and location for a public hearing on the application; and
- direct the applicant to work with agency staff to arrange for publication of the notice of the hearing in newspapers of general circulation at least ten days prior to the hearing; direct that such notice be in the form of visible display ads; and direct that proof of publication of such ads be electronically filed with the commission.

Finally, the certificate of need statute encourages public participation in certificate of need proceedings, requiring at least one public hearing to obtain public opinion and requiring the Commission to designate an employee to facilitate citizen participation in the hearing process.³

The Commission will designate Tracy Smetana to facilitate and coordinate public participation in this proceeding. Her contact information is: Tracy Smetana, Public Advisor, Minnesota Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota 55101-2147. She can be reached by telephone at 651-296-0406 and by email at consumer.puc@state.mn.us.

ORDER

1. The Commission hereby accepts the application as substantially complete as supplemented on June 21, 2013.
2. The Commission hereby directs use of the informal review process to develop the record as described herein.
3. The Commission hereby delegates to the Executive Secretary administrative authority to establish timelines and to set schedules.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary



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³ Minn. Stat. § 216B.243, subd. 4.