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STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of Xcel Energy's Competitive Resource Acquisition Process for up to 800 Megawatts of Firm Dispatchable Generation	**ORDER GRANTING PETITION TO INTERVENE OF THE CLEAN ENERGY ORGANIZATIONS**

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig upon the Petition to Intervene (Petition) submitted by Fresh Energy, Sierra Club, Clean Grid Alliance, and the Minnesota Center for Environmental Advocacy (MCEA) (together, the Clean Energy Organizations or CEOs) on April 22, 2024. No objections to the Petition were received.

Based upon the files and record in this matter, pursuant to Minn. R. 1400.6200 (2023), and for the reasons expressed in the attached Memorandum,

IT IS HEREBY ORDERED:

1. The Petition of the CEOs is **GRANTED**.

2. The CEOs shall participate in these proceedings collectively as a single full party.

Dated: May 1, 2024

JESSICA A. PALMER-DENIG
Administrative Law Judge

MEMORANDUM

The Minnesota Public Utilities Commission (Commission) referred this matter to the Office of Administrative Hearings for a contested case proceeding initiated by a petition of Northern States Power Company d/b/a Xcel Energy (Xcel Energy) for a competitive bidding process to identify projects that will meet Xcel Energy's need for 800 MW of generic firm dispatchable resources between 2027 and 2029. The Commission designated the parties in this matter as Xcel Energy and the Minnesota Department of Commerce. The Commission further noted that other persons wishing to become formal parties should promptly file a petition to intervene.

The CEOs are nonprofit organizations. According to the Petition, Fresh Energy seeks to influence policy decisions to promote equitable, carbon-neutral economies. The Sierra Club works to promote safe and healthy communities, protect and improve air and water quality, limit the adverse impacts of climate change, and promote clean energy. Clean Grid Alliance works to overcome barriers in bringing renewable energy to the Midwest market by engaging in technical transmission work, participating in state and federal regulatory matters, and through its advocacy, education, and outreach efforts. The MCEA is an environmental advocacy organization that works within the legal, regulatory, and legislative systems to protect Minnesota's wildlife, natural resources, and the health of Minnesotans. MCEA's Climate Program advocates for reductions in greenhouse gas emissions, particularly related to the electric power sector, and for environmentally sustainable energy policies. The CEOs regularly participate in matters before the Commission, with an interest in advancing choices that eliminate pollutant emissions, advance renewable energy, and promote equitable outcomes. In this case, the CEOs anticipate providing technical and legal input to establish a comprehensive record for the Commission's consideration, and they will advocate for the use of carbon-free energy technologies to meet clean energy goals expressed in Minnesota law and public policies.

Intervention in a contested case proceeding is governed by Minn. R. 1400.6200. Under that rule, a person seeking to intervene in a contested case must show:

> (1) how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case;
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> (2) how the petitioner may be directly affected by the outcome of the case or that petitioner's participation is authorized by statute, rule, or court decision;
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> (3) the grounds and purposes for which intervention is sought; and
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> (4) petitioner's statutory right to intervene if one should exist.[1]

The presiding administrative law judge shall allow intervention if the petitioner establishes these elements, unless the judge finds that petitioner's interests are adequately represented by one or more parties already participating in the case.[2] Further, the administrative law judge must specify the extent of the petitioner's participation, as the rule allows for limited or full intervention.[3] Under Minn. R. 1400.6200, subp. 3(A)-(C), an intervenor may be allowed to: (1) file a written brief without acquiring the status of a party; (2) intervene as a party with all the rights of a party; or (3) intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

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[1] Minn. R. 1400.6200, subp. 1.
[2] *Id.*, subp. 3.
[3] *Id.*

The CEOs have established they should be permitted to intervene as a party. The CEOs work to advance legal and policy solutions related to energy and the environment and are particularly invested in promoting carbon-free energy generation options to meet the demand for electric power. The interests they have identified are distinct from those of other existing or potential parties to this proceeding, such that no other party adequately represents their interests, and no person objected to their Petition. Allowing the Clean Energy Organizations to participate as a party will further the development of a complete factual and legal record to support a decision by the Commission and will promote a more comprehensive analysis of the issues the Commission will consider.

For these reasons, the Petition is **GRANTED**. The CEOs will be permitted to participate in this matter collectively as a single party, with all of the rights and duties of a party.

J. P. D.