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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1151**

02/13/2017 Authored by Bahr, C.,
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; eliminating the requirement to obtain a certificate of need prior
1.3 to constructing a pipeline transporting oil or natural gas in the state; amending
1.4 Minnesota Statutes 2016, section 216B.243, subdivision 8.

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

1.6 Section 1. Minnesota Statutes 2016, section 216B.243, subdivision 8, is amended to read:

1.7 Subd. 8. **Exemptions.** (a) This section does not apply to:

1.8 (1) cogeneration or small power production facilities as defined in the Federal Power
1.9 Act, United States Code, title 16, section 796, paragraph (17), subparagraph (A), and
1.10 paragraph (18), subparagraph (A), and having a combined capacity at a single site of less
1.11 than 80,000 kilowatts; plants or facilities for the production of ethanol or fuel alcohol; or
1.12 any case where the commission has determined after being advised by the attorney general
1.13 that its application has been preempted by federal law;

1.14 (2) a high-voltage transmission line proposed primarily to distribute electricity to serve
1.15 the demand of a single customer at a single location, unless the applicant opts to request
1.16 that the commission determine need under this section or section 216B.2425;

1.17 (3) the upgrade to a higher voltage of an existing transmission line that serves the demand
1.18 of a single customer that primarily uses existing rights-of-way, unless the applicant opts to
1.19 request that the commission determine need under this section or section 216B.2425;

1.20 (4) a high-voltage transmission line of one mile or less required to connect a new or
1.21 upgraded substation to an existing, new, or upgraded high-voltage transmission line;

2.1 (5) conversion of the fuel source of an existing electric generating plant to using natural
2.2 gas;

2.3 (6) the modification of an existing electric generating plant to increase efficiency, as
2.4 long as the capacity of the plant is not increased more than ten percent or more than 100
2.5 megawatts, whichever is greater;

2.6 (7) a wind energy conversion system or solar electric generation facility if the system
2.7 or facility is owned and operated by an independent power producer and the electric output
2.8 of the system or facility is not sold to an entity that provides retail service in Minnesota or
2.9 wholesale electric service to another entity in Minnesota other than an entity that is a federally
2.10 recognized regional transmission organization or independent system operator; ~~or~~

2.11 (8) a large wind energy conversion system, as defined in section 216F.01, subdivision
2.12 2, or a solar energy generating large energy facility, as defined in section 216B.2421,
2.13 subdivision 2, engaging in a repowering project that:

2.14 (i) will not result in the facility exceeding the nameplate capacity under its most recent
2.15 interconnection agreement; or

2.16 (ii) will result in the facility exceeding the nameplate capacity under its most recent
2.17 interconnection agreement, provided that the Midcontinent Independent System Operator
2.18 has provided a signed generator interconnection agreement that reflects the expected net
2.19 power increase;

2.20 (9) a pipeline transporting crude oil, petroleum fuels or oil, or their derivatives; or

2.21 (10) a pipeline transporting natural gas.

2.22 (b) For the purpose of this subdivision, "repowering project" means:

2.23 (1) modifying a large wind energy conversion system or a solar energy generating large
2.24 energy facility to increase its efficiency without increasing its nameplate capacity;

2.25 (2) replacing turbines in a large wind energy conversion system without increasing the
2.26 nameplate capacity of the system; or

2.27 (3) increasing the nameplate capacity of a large wind energy conversion system.

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