

MINNESOTA RULES 1983

4230.0100 RULES GOVERNING CERTIFICATE OF NEED PROGRAM 3036

CHAPTER 4230 DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT ENERGY DIVISION RULES GOVERNING CERTIFICATE OF NEED PROGRAM FOR GAS STORAGE AND PIPELINES

NOTE: Under Laws of Minnesota 1983, chapter 289, section 46, this chapter of Minnesota Rules shall be administered by the Public Utilities Commission. Thus, references to the Department of Energy, Planning and Development, or to its divisions, should be read as intending the Public Utilities Commission.

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4230.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 4230.0100 to 4230.5100, the following definitions shall apply.

Subp. 2. **Agency.** "Agency" means the Energy Division of the Department of Energy, Planning and Development.

Subp. 3. **Annual gas consumption.** "Annual gas consumption" means the total annual amount of natural or synthetic gas used or disposed of in Minnesota for all purposes by either a utility or pipeline company. This definition shall not include natural gas in storage at the end of the reporting year.

Subp. 4. **Construction.** "Construction" means significant physical alteration of a site to install or enlarge a large energy facility, but not including activities incident to preliminary engineering or environmental studies.

Subp. 5. **Curtailement.** "Curtailement" means reduction or cutoff of supply to interruptible contract customers that is related directly to deficiencies in gas supply.

Subp. 6. **Design day.** "Design day" means the 24-hour period of the greatest theoretical gas demand at a given average temperature.

Subp. 7. **Design day availability.** "Design day availability" means the volume of each type of gas arranged to be available on the design day and the maximum total volume of such supply.

Subp. 8. **Director.** "Director" means the director of the agency.

Subp. 9. **Equivalent mcf.** "Equivalent Mcf" shall mean the volume in thousands of cubic feet (Mcf) of the liquefied gas if it were gasified, measured at 14.73 pounds per square inch absolute (psia) and 60 degrees Fahrenheit.

Subp. 10. **Firm contract customers.** "Firm contract customers" means customers served under schedules or contracts that neither anticipate nor permit interruption unless a state of emergency exists.

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Subp. 11. **Forecast years.** "Forecast years" means the 18 calendar years consisting of the calendar year the application is filed with the agency, the ten previous calendar years, and the first five, tenth, and 15th subsequent calendar years.

Subp. 12. **Gas volume.** "Gas volume" means the volume of gas as measured at 14.73 psia and 60 degrees Fahrenheit. All volumes shall be in Mcf unless otherwise stated.

Subp. 13. **Interruptible contract customers.** "Interruptible contract customers" means customers served under schedules or contracts that anticipate or permit interruption of service during the term of the contract.

Subp. 14. **Large gas pipeline.** "Large gas pipeline" means any pipeline for transporting natural or synthetic gas at pressures in excess of 200 psia with more than 50 miles of its length in Minnesota.

Subp. 15. **Large liquefied gas storage facility.** "Large liquefied gas storage facility" means any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural or synthetic gas.

Subp. 16. **Large underground gas storage facility.** "Large underground gas storage facility" means any facility requiring a permit pursuant to Minnesota Statutes, sections 84.57 to 84.621.

Subp. 17. **Liquefied gas.** "Liquefied gas" means natural or synthetic gas stored or transported as a liquid.

Subp. 18. **Minnesota service area.** "Minnesota service area" means the geographical area within the state of Minnesota where a utility or a pipeline company serves ultimate consumers. The Minnesota service area for a pipeline company shall also include all Minnesota utilities it serves.

Subp. 19. **MMcfd-mile.** "MMcfd-mile" means a descriptive unit used as a measure of the size of the pipeline, the quantity of which is obtained by multiplying:

A. either the length in miles of the Minnesota portion of the new (sections of) pipeline, or 50 if the capacity expansion would be achieved by adding power, with

B. the new or additional design throughput in thousands of Mcf or equivalent Mcf per day (MMcfd).

If the capacity would be expanded by a combination of looping and adding power, then the MMcfd-mile corresponding to each method of expansion shall be calculated and the pipeline size shall be the sum of the two quantities thus calculated.

Subp. 20. **Natural gas.** "Natural gas" means a naturally occurring mixture of hydrocarbon and nonhydrocarbon gases and vapors found in porous geologic formations beneath the earth's surface, the principal constituent of which is methane.

Subp. 21. **Off-peak contract customers.** "Off-peak contract customers" means customers served on special schedules or contracts on a firm basis but only for a specified time during the off-peak season.

Subp. 22. **Peak day.** "Peak day" means the 24-hour period of greatest gas sendout.

Subp. 23. **Person.** "Person" means an individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, or a government or governmental subdivision, unit, or agency, other than a court of law.

Subp. 24. **Petroleum supplier.** "Petroleum supplier" means any petroleum refinery in the state and any entity, other than a utility, engaged in the transmission or wholesale distribution in this state of more than 100,000 gallons of crude petroleum, petroleum fuels, oil, their derivatives, or liquefied gas.

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Subp. 25. **Pipeline company.** "Pipeline company" means an entity that operates a large gas pipeline.

Subp. 26. **Substantially complete application.** "Substantially complete application" means an application that is deemed by the director to be in substantial compliance with the informational requirements of these parts.

Subp. 27. **Synthetic gas.** "Synthetic gas" means flammable gas created from gaseous, liquid, or solid hydrocarbons or other organic or inorganic matter. Synthetic gas shall include ethane, propane, butane, or their mixtures, whether extracted from gas streams, lifted from oil and gas wells, or produced at refineries or fuel conversion plants. It shall also include hydrogen or methane produced at conversion plants.

Subp. 28. **System.** "System" means that combination of production, gathering, processing, transmission, and storage facilities of the pipeline company or utility for the delivery of natural or synthetic gas to other pipeline companies, other utilities, or ultimate consumers, and includes the company's geographic service area.

Subp. 29. **Ultimate consumers.** "Ultimate consumers" means end-use customers, who do not purchase natural gas or synthetic gas for resale.

Subp. 30. **Utility.** "Utility" means any entity engaged in Minnesota in the transmission or distribution of natural or synthetic gas to ultimate consumers, including but not limited to a private investor-owned utility or a public or municipally owned utility.

Statutory Authority: *MS s 116J.10*

4230.0200 PURPOSE.

The purpose of this chapter is to specify the contents of applications for certificates of need and to specify criteria for assessment of need for large liquefied gas storage facilities, large underground gas storage facilities, and large gas pipelines for utilities and pipeline companies pursuant to Minnesota Statutes, section 116H.13.

Statutory Authority: *MS s 116J.10*

4230.0300 SCOPE OF RULES.

Subpart 1. **Petroleum suppliers.** A petroleum supplier applying for a certificate of need to construct a large liquefied petroleum gas storage facility or large liquefied petroleum gas pipeline shall apply under parts 4250.0100 to 4250.8100. An energy user shall apply under parts 4240.0100 to 4240.5100.

Subp. 2. **Utilities and pipeline companies.** Each utility or pipeline company applying for a certificate of need to construct one of the following types of large energy facilities shall provide all information required by this chapter:

- A. a new large liquefied gas storage facility;
- B. a new large underground gas storage facility;
- C. a new large gas pipeline;
- D. any project that, within a period of two years, would expand the liquefied gas storage capacity of an existing large liquefied gas storage facility in excess of either 20 percent capacity or 100,000 gallons, whichever is greater;
- E. any project that, within a period of two years, would expand the capacity of an existing large gas pipeline in excess of either 20 percent of rated design throughput or 17,000 Mcf per day or equivalent Mcf per day, whichever is greater; and
- F. any project that, within a period of two years, would expand the capacity of an existing large underground gas storage facility in excess of 20 percent of capacity.

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Subp. 3. **Exceptions.** Any person who as of the effective date of this chapter has begun or has completed construction of a large energy facility shall not be subject to this chapter for that facility.

An interstate pipeline requiring a certificate of public convenience and necessity from the federal Energy Regulatory Commission shall not be subject to this chapter.

Statutory Authority: *MS s 116J.10*

CRITERIA FOR ASSESSMENT OF NEED

4230.1100 PURPOSE OF CRITERIA.

The criteria for assessment of need shall be used by the director in the determination of the need for a proposed large energy facility pursuant to Minnesota Statutes, chapter 116H. The factors listed under each of the criteria in parts 4230.1200 and 4230.1300 shall be evaluated to the extent that the director deems them applicable and pertinent to each facility proposed pursuant to this chapter. The director shall make a specific written finding with respect to each of the criteria.

Statutory Authority: *MS s 116J.10*

4230.1200 CONSIDERATION OF ALTERNATIVES.

The director shall consider only those alternatives proposed before the close of the public hearing and for which there exists substantial evidence on the record with respect to each of the criteria listed in part 4230.1300.

Statutory Authority: *MS s 116J.10*

4230.1300 CRITERIA.

A certificate of need shall be granted to the applicant if it is determined that:

A. the probable result of denial would adversely affect the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant's customers, or to the people of Minnesota and neighboring states, considering:

- (1) the accuracy of the applicant's forecast of demand for the type of energy that would be supplied by the proposed facility;
- (2) the effects of the applicant's existing or expected conservation programs and state and federal conservation programs;
- (3) the effects of the applicant's promotional practices that may have given rise to the increase in the energy demand, particularly promotional practices that have occurred since 1974;
- (4) the ability of current facilities and planned facilities not requiring certificates of need to meet the future demand; and
- (5) the effect of the proposed facility, or a suitable modification of it, in making efficient use of resources;

B. a more reasonable and prudent alternative to the proposed facility has not been demonstrated by a preponderance of evidence on the record by parties or persons other than the applicant, considering:

- (1) the appropriateness of the size, the type, and the timing of the proposed facility compared to those of reasonable alternatives;
- (2) the cost of the proposed facility and the cost of energy to be supplied by the proposed facility compared to the costs of reasonable alternatives and the cost of energy that would be supplied by reasonable alternatives;
- (3) the effects of the proposed facility upon the natural and socioeconomic environments compared to the effects of reasonable alternatives; and

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(4) the expected reliability of the proposed facility compared to the expected reliability of reasonable alternatives;

C. the consequences to society of granting the certificate of need are more favorable than the consequences of denying the certificate, considering:

(1) the relationship of the proposed facility, or a suitable modification of it, to overall state energy needs;

(2) the effects of the proposed facility, or a suitable modification of it, upon the natural and socioeconomic environments compared to the effects of not building the facility;

(3) the effects of the proposed facility, or a suitable modification of it, in inducing future development; and

(4) the socially beneficial uses of the output of the proposed facility, or a suitable modification of it, including its uses to protect or enhance environmental quality; and

D. it has not been demonstrated on the record that the design, construction, or operation of the proposed facility will fail to comply with those relevant policies, rules, and regulations of other state and federal agencies and local governments.

Statutory Authority: *MS s 116J.10*

APPLICATIONS FOR CERTIFICATES OF NEED

4230.2100 APPLICATION PROCEDURES AND TIMING.

Subpart 1. **Form.** Each applicant for a certificate of need shall apply in a form and manner prescribed by the director.

Subp. 2. **Copies, title, table of contents.** A minimum of seven bound copies and one unbound copy of the application shall be filed with the director. The director may require additional bound copies, not to exceed 100 copies total. All documents, forms, and schedules filed with the application shall be typed on 8-1/2 inch by 11 inch paper except for drawings, maps, and similar materials. Each application shall contain a title page and a complete table of contents that includes the applicable rule by the titles and numbers given in this chapter. The date of preparation and the applicant's name shall appear on the title page, as well as on each document filed with the application.

Subp. 3. **Changes, corrections.** Subsequent to the filing of an application, any changes or corrections to the application shall comply with subpart 2 as to the number of copies and size of documents. In addition, each page of a change or correction to a previously filed page shall be marked with the word "REVISED" and with the date the revision was made. The original copy of the changes or corrections shall be filed with the hearing examiner, and the remaining copies shall be submitted to the director.

Subp. 4. **Cover letter.** Each application for a certificate of need shall be accompanied by a cover letter signed by an authorized officer or agent of the applicant. The cover letter shall specify the type of facility for which a certificate of need is requested and the number of copies of the application filed.

Subp. 5. **Hearing.** A hearing examiner shall be assigned, and a public hearing shall be scheduled to commence, no later than 80 days after the receipt of the application, in accordance with rules of procedure governing certificate of need program, parts 4210.0100 to 4210.3300 and the Office of Administrative Hearings' rules for contested cases, parts 1400.5200 to 1400.8500.

Subp. 6. **Decision.** A decision on an application for a certificate of need shall be made by the director no later than six months from the receipt of the application, provided that the application as received is substantially complete.

Subp. 7. **Incomplete applications.** The director shall notify the applicant within 15 days of the receipt of an application if the application is not substantially complete. Upon such notification, the applicant may correct any

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deficiency and may resubmit the application. A decision shall be made upon the revised application within six months of the date of resubmission, assuming it is then substantially complete.

Subp. 8. Exemptions. Prior to the submission of an application, a person shall be exempted from any data requirement of these rules upon a written request to the director for exemption from specified rules, and a showing by that person in the request that the data requirement is unnecessary to determine the need for the proposed facility or may be satisfied by submission of another document. A request for exemption must be filed at least 20 days prior to submission of an application. The director shall respond in writing to each such request within 15 days of receipt including reasons for the decision. The director shall file a statement of exemptions granted and reasons therefor prior to commencement of the hearing.

Subp. 9. Denial of application. When an application is denied, the director shall state the reasons for the denial.

Statutory Authority: *MS s 116J.10*

4230.2200 FILING FEES AND PAYMENT SCHEDULE.

Subpart 1. Fees. The fee for processing an application shall be:

A. \$2,000 plus \$10 per 4,000 Mcf of design storage capacity for a large underground gas storage facility;

B. \$2,000 plus \$10 per 100,000 gallons of design storage capacity for a large liquefied gas storage facility; or

C. \$5,000 plus 60 cents per MMcfpd-mile for a large gas pipeline, plus such additional fees as are reasonably necessary for completion of the evaluation of need for the proposed facility. In no event shall the total fee required of the applicant exceed \$50,000.

Subp. 2. Schedule. Fifty percent of the fee set according to subpart 1 shall accompany the application, and the balance shall be paid 90 days after submission of the application. The applicant shall be notified when any additional fees are due and shall pay them within 30 days of notification. The billing for such additional fees shall be accompanied by an itemized statement.

Subp. 3. Payment required. No certificate of need shall be issued unless all fees are paid in full.

Statutory Authority: *MS s 116J.10*

4230.2300 CONTENTS OF APPLICATION.

Subpart 1. Information required. Each application for a certificate of need shall provide all information required by parts 4230.2400 to 4230.4500.

Subp. 2. Joint application. If the proposed application for a certificate of need is jointly submitted by two or more persons, each such person shall, when so specified, submit the information required by this chapter.

Subp. 3. Multiparty ownership and use. Each application for a certificate of need for a facility that would be owned and/or used by two or more persons shall be considered as a joint application for purposes of this chapter.

Statutory Authority: *MS s 116J.10*

4230.2400 GENERAL INFORMATION SECTION.

Subpart 1. General contents. Each application shall contain a general information section that shall include the following information:

A. the applicant's complete name and address, telephone number, and standard industrial classification codes;

B. the complete name, title, address, and telephone number of the official or agent to be contacted concerning the applicant's filing;

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C. a brief description of the proposed facility, its complete address (if known) or general location, a brief description of its planned use, its estimated cost, its planned in-service date, and its design capacity, in gallons for liquefied gas storage, in Mcf or equivalent Mcf for underground gas storage, or its length in miles and maximum design throughput in gallons per day or Mcf per day for gas pipelines;

D. the total fee for the application as prescribed by part 4230.2200, and the amount of the fee submitted with the application; and

E. the signatures and titles of the applicant's officers or executives authorized to sign the application, and the signature of the preparer of the application if prepared by an outside agent.

Subp. 2. **List of government agencies.** Each application shall contain a schedule in the general information section that lists all known federal, state, and local agencies or authorities with which the applicant must file for the proposed facility. The following information shall be included on the schedule:

A. the names of all known federal, state, or local agencies or authorities with which the applicant must file;

B. the title of each permit or certificate issued by the authorities named in response to item A;

C. for each permit or certificate listed in response to item B, the date an application was filed or the projected date of future application;

D. for each permit or certificate listed in response to item B, the actual date a decision was made on the application, or the anticipated decision date; and

E. for each permit or certificate listed in response to item B, for which an application was filed, the disposition or status of the permit or certificate.

Statutory Authority: *MS s 116J.10*

4230.2500 NEED SUMMARY.

Each application shall contain a section that summarizes the major factors that justify the need for the proposed facility. The summary shall not exceed, without the approval of the director, 15 pages in length, including text, tables, schedules, graphs, and figures.

Statutory Authority: *MS s 116J.10*

4230.2600 SUMMARY OF ADDITIONAL CONSIDERATIONS.

Each application shall contain a section that discusses the socioeconomic considerations listed below. The applicant shall explain the relationship of the proposed facility to each of the following:

A. socially beneficial uses of the output of the facility, including its uses to protect or enhance environmental quality;

B. promotional activities that may have given rise to the demand for the facility; and

C. the effects of the facility in inducing future development.

Statutory Authority: *MS s 116J.10*

4230.2700 CONSERVATION PROGRAMS.

Each application shall contain a section that relates to the conservation of energy. Separate responses are required from each person submitting a joint application. The following information shall be included:

A. the energy committee or an individual responsible for determination or coordination of the applicant's energy needs;

B. the applicant's energy conservation and efficiency goals and objectives;

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C. a description of the major energy conservation and efficiency programs the applicant has considered, a list of those that have been implemented, and the reasons why the other programs have not been implemented;

D. the major accomplishments in energy conservation and efficiency that have been made by the applicant within the past five years;

E. the major energy conservation and efficiency programs that will be implemented within the next five years; and

F. the manner by which these energy conservation and efficiency programs have been reflected in the forecast given in response to part 4230.2800.

Statutory Authority: *MS s 116J.10*

4230.2800 PEAK DEMAND AND ANNUAL GAS SALES FORECAST.

Subpart 1. **Joint applications.** In a joint application, separate responses are required from each person for information required by this part.

Subp. 2. **Scope.** Each application shall contain actual data and forecasts of peak demand and annual gas consumption within the applicant's service area and system. When recorded data is not available, or when the applicant does not use the required data in preparing its own forecast, the applicant shall use an estimate and indicate in the forecast justification section, subpart 4, the procedures used in deriving the estimate. The application shall clearly indicate which are historical data and which are estimates. Data provided by the applicant should be reasonable and internally consistent.

Subp. 3. **Content.** For each forecast year, the following data shall be provided:

A. if the applicant's service area includes areas other than Minnesota, annual gas consumption by ultimate consumers within the applicant's Minnesota service area;

B. annual gas consumption by ultimate consumers and the number of such customers within the applicant's system in the following categories:

(1) residential firm (when gas is supplied through a single meter for both residential and commercial uses, it should be reported according to its principal use, and apartment buildings shall be reported as residential even if not metered separately);

(2) commercial firm using less than 200 Mcf on peak day;

(3) commercial firm with a peak day requirement equal to or greater than 200 Mcf;

(4) industrial firm using less than 200 Mcf on peak day;

(5) industrial firm with a peak day requirement equal to or greater than 200 Mcf;

(6) commercial and industrial interruptible;

(7) other (this category shall include storage gas and other sales or deliveries not covered in subitems (1) to (6));

(8) unaccounted for; and

(9) the sum of subitems (1) to (8);

C. an estimate of the daily demand for gas by ultimate consumers in the applicant's system for each of the categories listed in item B at the time of the applicant's system peak demand; and

D. the applicant's system peak demand by month.

Subp. 4. **Forecast justification.**

A. **Forecast methodology:** each applicant may use a forecast methodology of its own choosing, with due consideration given to cost, manpower requirements, and data availability. However, any forecasts provided

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by the applicant shall be subject to tests of accuracy, reasonableness, and consistency. The applicant shall detail the forecast methodology employed to obtain the forecasts provided under subpart 3, including:

- (1) the overall methodological framework that is used;
- (2) the specific analytical techniques that are used, their purpose, and the components of the forecast to which they have been applied;
- (3) the manner in which these specific techniques are related in producing the forecast;
- (4) where statistical techniques have been used, the purpose of the technique, typical computations (e.g., computer printouts, formulas used), specifying variables and data, and the results of appropriate statistical tests;
- (5) forecast confidence levels or ranges of accuracy for annual peak demand and annual gas consumption, as well as a description of their derivation;
- (6) a brief analysis of the methodology used, including:
 - (a) its strength and weaknesses;
 - (b) its suitability to the system;
 - (c) cost considerations;
 - (d) data requirements;
 - (e) past accuracy; and
 - (f) other factors considered significant by the applicant; and
- (7) an explanation of any discrepancies that appear between the forecasts submitted to the agency under these rules and those submitted under chapter 4100, or in the applicant's previous certificate of need proceedings.

B. Data base: the applicant shall discuss the data base used in arriving at the forecast presented in its application, including:

- (1) a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how each was obtained, (e.g., monthly observations, billing data, consumer survey) or a citation to the source (e.g., population projection from the state demographer's office);
- (2) a clear identification of any adjustments made to raw data to adapt them for use in forecasts, including the nature of the adjustment, the reason for the adjustment, and the magnitude of the adjustment.

The applicant shall provide to the director or the hearing examiner on demand copies of all data sets used in making the forecasts, including both raw and adjusted data, and input and output data.

C. Assumptions and special information: the applicant shall discuss each essential assumption made in preparing the forecast, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the assumption.

D. Subject of assumption: the applicant shall discuss the assumptions made regarding:

- (1) the availability of alternate sources of energy;
- (2) the expected conversion from other fuels to gas or vice versa;
- (3) future prices of gas for customers in the applicant's system and the effect that such price changes will likely have on the applicant's system demand;
- (4) the assumptions made in arriving at any data requested in subpart 3 that are not available historically or not generated by the applicant in preparing its own internal forecast;
- (5) the effect of existing energy conservation programs under federal or state legislation on long-term gas demand; and

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(6) any other factor considered by the applicant in preparing the forecast.

Statutory Authority: *MS s 116J.10*

4230.2900 LOAD AND CAPACITY INFORMATION.

In a joint application, separate responses are required from each person for information required by this part.

The applicant shall describe the ability of its existing facilities to meet the demand forecast in part 4230.2800 and the extent to which the proposed facility will increase this capability. In preparing this description, the applicant shall provide, for the last calendar year, the current calendar year, the first full calendar year before the proposed facility is expected to be in operation, and the first full calendar year of operation of the proposed facility:

A. an annual load duration curve consisting of a single graph for each year and accompanying tables indicating the total monthly consumption of gas in the following classifications:

- (1) residential firm;
- (2) commercial and industrial firm;
- (3) small volume interruptible;
- (4) large volume interruptible;
- (5) electric generation;
- (6) gas to storage; and
- (7) other dispositions and losses; and

B. for a utility, an annual supply curve consisting of a single graph for each year and showing the contributions from:

- (1) pipeline contract demand;
- (2) gas from storage;
- (3) synthetic gas other than propane;
- (4) liquefied natural gas;
- (5) propane peak shaving gas; and
- (6) the proposed facility; and

C. for a pipeline company, an annual supply curve showing the contributions from:

- (1) own production;
- (2) committed purchases from other gas producers;
- (3) gas from storage;
- (4) emergency purchases (historical year only); and
- (5) other sources; and

D. the applicant's design day availability and the mean temperature assumed for the design day.

Statutory Authority: *MS s 116J.10*

4230.3000 ALTERNATIVES.

The applicant shall provide information pertaining to possible alternatives in the following format:

A. a description of the alternative, including its capacity and economic life; and

B. a cost/benefit analysis, comparing investment costs, annual operating and maintenance costs, environmental effects, safety and reliability aspects, and energy requirements of each alternative with those of the proposed facility.

Statutory Authority: *MS s 116J.10*

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4230.3100 HISTORICAL FACILITY DATA.

Each applicant (each person in a joint application) shall provide the following information:

A. a system map showing the route and mileage of its large gas pipelines, and the locations of pumping or compressor stations, storage facilities, interconnections, and fuel conversion or processing plants;

B. the design capacity of each line in the system to transport natural or synthetic gas into Minnesota;

C. the design capacity of the system to transport natural or synthetic gas out of the state;

D. identification of the specific facilities listed in response to item A normally used to store or transport the type of gas that would be stored or transported in the proposed facility;

E. the end-of-year total capacity of the facilities listed in response to item D for each of the ten years preceding the application;

F. average percentage utilization during the peak season and during the off-peak season of the facilities listed in response to item D;

G. maximum sendout at the beginning and end of the withdrawal cycle from the storage facilities listed in response to item D;

H. if any of the storage facilities listed in response to item D is a large underground gas storage facility, the method of containment of the stored natural or synthetic gas and the method of disposal of the water produced in or seeping into the facility;

I. if any of the storage facilities listed in response to item D is part of a liquefaction facility, a brief description of the system used to liquefy gas; and

J. if any of the storage facilities listed in response to item D is part of a fuel conversion or processing plant, a brief description of the plant.

Statutory Authority: *MS s 116J.10*

4230.3200 DESCRIPTION OF PROPOSED FACILITY.

Subpart 1. **Design.** The applicant shall provide the following information pertaining to the design of the proposed facility:

A. the purpose and planned use of the facility, including its relationship to the system which requires it;

B. its initial and ultimate design capacity or throughput in the appropriate unit of measure;

C. if known, the complete name and address of the engineer and firm that would be responsible for the design;

D. the boiling point at 14.73 psia, critical point in degrees Fahrenheit and psia, and Btu content per mcf or equivalent mcf of the types of gas that would be stored or transported;

E. the temperature and maximum operating pressure at which the natural or synthetic gas would be stored or transported;

F. preliminary engineering drawings, blueprints, and specifications for:
(1) tanks, pipes, and valves with the maximum allowable operating pressure for each;

(2) compressors or pumps, including representative efficiency, diameter, maximum allowable operating pressure, and maximum capacity; and

(3) prime movers, including representative type, efficiency, maximum power capacity in horsepower, allowable maximum and minimum operating temperatures, and daily energy requirement at the initial and ultimate design capacities;

G. its economic life; and

H. the estimated tariffs (proposed pipelines only), and capital, maintenance, and operating costs of the facility during its economic life.

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Subp. 2. **Construction.** The applicant shall provide the following information pertaining to the construction of the proposed facility:

A. if known, the complete name and address of the company that would be responsible for the construction; and

B. the proposed date for commencement of construction and the proposed in-service date.

Subp. 3. **Operation.** The applicant shall provide the following information on the operation of the proposed facility:

A. the expected average percentage of use of the proposed facility during the first five years of operation;

B. the expected maximum operating pressure and delivery rates of the proposed facility at peak demand;

C. the expected power requirement of the prime movers at peak demand (in kilowatts, Mcf per hour, or gallons per hour); and

D. for a proposed storage facility, the maximum delivery rate of the most likely modes of transportation that would be used to transport gas to the site.

Statutory Authority: *MS s 116J.10*

4230.3300 OTHER DATA FILED WITH APPLICATION.

In addition to the information required by the director, the applicant may desire to file other data. If, in the opinion of the applicant, additional relevant data should be submitted for consideration, such data should be filed in a separate section of the application.

Statutory Authority: *MS s 116J.10*

4230.4100 ENVIRONMENTAL INFORMATION REQUIRED.

If an environmental assessment worksheet (EAW) on the proposed facility is sufficient to meet the requirements of the Minnesota Environmental Quality Board, a copy of the EAW may be submitted in lieu of specific answers to the requirements in parts 4230.4200 to 4230.4500. If permits for construction of said facility are required by other state agencies, a copy of each permit application, or the information equivalent, shall also be submitted.

If an environmental impact statement (EIS) is required for the proposed facility, a draft EIS may be submitted with the certificate of need application in lieu of specific answers to the requirements of parts 4230.4200 to 4230.4500.

In all other cases the applicant for a certificate of need for a large energy facility subject to this chapter shall provide environmental information for the proposed facility and for each alternative facility discussed in response to part 4230.3000. Such information shall be provided in the format given in parts 4230.4200 to 4230.4500, to the extent that such data is applicable and reasonably available.

Statutory Authority: *MS s 116J.10*

4230.4200 LOCATION.

Subpart 1. **Map.** On a suitable map, identify the sites or routes that, in the opinion of the applicant, could serve as the site or route for the proposed facility. For a proposed storage facility, indicate the county, township, range, and sections of each identified site. For a proposed pipeline, indicate the cities or population centers through which the route passes. Indicate on the map trunk highways, railroads, and airports within one mile of the site or along the route.

Subp. 2. **Map data.** For each site or route identified in response to subpart 1, list:

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- A. the general nature of the terrain;
- B. the general soil types and approximate percentage of each;
- C. the estimated maximum and minimum depths of groundwater;
- D. for a proposed pipeline, the number of miles of the route that passes through, respectively, federal lands, state lands, county or tax-forfeit lands, incorporated areas, and private land outside incorporated areas;
- E. the types of vegetation (including forest, brush, marsh, pasture, and cropland) on the site or along the route, and the approximate percentage of each;
- F. the predominant types of land use (such as residential, forest, agricultural, commercial, and industrial) within one mile of the site or along the route and the approximate percentage of each;
- G. national natural landmarks, national wilderness areas, national wildlife refuges, national wild and scenic rivers, national parks, national forests, national trails, and national waterfowl production areas within one mile of the site or along the route, as mapped on the inventory of significant resources by the Planning Division of the Department of Energy, Planning and Development;
- H. state critical areas, state wildlife management areas, state scientific and natural areas, state wild, scenic, and recreational rivers, state parks, state scenic wayside parks, state recreational areas, state forests, state trails, state canoe and boating rivers, state zoo, designated trout streams, and designated trout lakes within one mile of the site or along the route, as mapped on the inventory of significant resources by the Planning Division of the Department of Energy, Planning and Development; and
- I. national historic sites and landmarks, national monuments, national register historic districts, registered state historic or archeological sites, state historical districts, sites listed on the National Register of Historic Places, And any other cultural resources within one mile of the site or along the route, as indicated by the Minnesota Historical Society.

Statutory Authority: *MS s 116J.10*

4230.4300 WASTEWATER, PROJECTED AIR EMISSIONS, AND NOISE SOURCES.

Subpart 1. **Point discharges to water.** Indicate the location, route, and final receiving waters for any discharge points. For each discharge point indicate the source, the amount, and the nature of the discharge.

Subp. 2. **Area runoff.** Indicate the area from which runoff may occur, potential sources of contamination in the area, and receiving waters for any runoff.

Subp. 3. **Point sources of airborne emissions.** Estimate the quantity of gaseous and particulate emissions that would occur during full operation from each emission source and indicate the location and nature of the release point.

Subp. 4. **Noise.** Indicate the maximum noise levels (in decibels, A scale) expected at the property boundary. Also, indicate the expected maximum increase over ambient noise levels.

Statutory Authority: *MS s 116J.10*

4230.4400 POLLUTION CONTROL AND SAFEGUARDS EQUIPMENT.

Subpart 1. **Air pollution controls.** Indicate types of emission control devices and measures that would be used.

Subp. 2. **Water pollution controls.** Indicate types of water pollution control equipment and runoff control measures that would be used to comply with applicable state and federal rules, regulations, and statutes.

Subp. 3. **Explosion and fire safeguards.** Describe measures that would be taken to prevent or minimize the impact of an explosion or fire.

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Subp. 4. **Other safeguards and controls.** Indicate any other equipment or measures, including erosion control, that would be used to reduce impact of the facility. Indicate the types of environmental monitoring, if any, that are planned for the facility and describe relevant environmental monitoring data already collected.

Statutory Authority: *MS s 116J.10*

4230.4500 INDUCED DEVELOPMENTS.

Subpart 1. **Vehicular traffic.** Estimate the amounts and types of vehicular traffic that would be generated by the facility due to construction activity and, later, operational needs.

Subp. 2. **Water use.** Indicate the amount of water that would be appropriated and the amount that would be consumed by the facility, the expected source of the water, and how the water would be used.

Subp. 3. **Agriculture.** Estimate the amount of land, including pasture land, that would be removed from agricultural use if the facility were constructed. Indicate known circumstances with regard to the facility that could lead to reduced productivity of agricultural land on or near the site or along the route. Estimate the amount of excavation, backfilling, grading, soil compaction and soil mixture, and ditching to be done in farm fields.

Subp. 4. **Relocation of persons.** Estimate the number of people that would have to relocate if the facility were constructed.

Statutory Authority: *MS s 116J.10*

MODIFICATIONS

4230.5100 CERTIFICATE OF NEED MODIFICATIONS.

Subpart 1. **Authority of director.** Issuance of a certificate may be made contingent upon modifications required by the director.

Subp. 2. **Changes not requiring recertification.** The following changes in a facility previously certified by the director shall not require recertification:

A. capacity additions or subtractions of less than ten percent of the capacity approved by the director;

B. pipeline length additions or subtractions of less than ten percent of the length approved by the director; and

C. changes of less than two years in the in-service date.

Subp. 3. **Procedure in case of other changes.** If an applicant determines that a change greater or other than those specified in subpart 2 is necessary or desirable, it shall inform the director of the desired change, accompanied by a written statement detailing the reasons for the proposed change. The director shall evaluate these reasons and within 45 days of receipt of said statement notify the applicant whether the proposed change is acceptable without recertification.

Statutory Authority: *MS s 116J.10*