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June 1, 2010

Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comment on Notice of Changed Circumstances**
Docket No. ET2,E002/CN-06-1115

Dear Dr. Haar:

Attached are the comments of the Minnesota Office of Energy Security (OES) in the following matter:

Notice of Change in Timing of the Brookings Project and Development Plan.

The Petitioners are:

Michael C. Krikava
Lisa M. Agrimonti
Briggs and Morgan
80 South Eighth Street
Minneapolis, MN 55402

The OES recommends the Commission **determine that the change is acceptable without recertification** and is available to answer any questions that the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ STEVE RAKOW
Rates Analyst

SR/sm
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA OFFICE OF ENERGY SECURITY

DOCKET NO. ET2,E002/CN-06-1115

I. INTRODUCTION

The Minnesota Public Utilities Commission's (Commission) May 22, 2009 *Order Granting Certificates of Need With Conditions* (CN Order) adopted the Administrative Law Judge's February 27, 2009 *Findings of Fact, Conclusions and Recommendation* (ALJ Findings) with certain modifications. ALJ Findings at #128 described the Brookings Project as follows:

The Brookings Project includes a series of 345 kV segments between the Brookings County Substation in South Dakota, to a proposed new substation at Hampton Corner in the southeast corner of the Twin Cities, with a series of connections along the proposed transmission line with the existing transmission system.

In turn, the ALJ Findings at #138¹ stated:

The [Brookings] Project is expected to be completed and in service in 2012 for the Lyon County to Franklin and Franklin to Helena segments, and 2013 for all other segments. No party objected to the timing. *Citation omitted.*

Minnesota Rules 7849.0400 subpart 2A states that "a delay of one year or less in the in-service date of a large generation or transmission facility previously certified by the Commission is not subject to review by the Commission." Further, Minnesota Rules 7849.0400 subpart 2H states "If an applicant determines that a change in size, type, timing, or ownership other than specified

¹ Note that ALJ Findings Nos. 128 and 138 were not modified by the Commission.

in this subpart is necessary for a large generation or transmission facility previously certified by the Commission, the applicant must inform the Commission of the desired change and detail the reasons for the change.”

Pursuant to Minnesota Rules 7849.0400, on May 17, 2010 Northern States Power Company, a Minnesota Corporation (Xcel or the Company) and Great River Energy (collectively, Applicants) submitted their *Notice of Change in Timing of the Brookings Project and Development Plan* (Notice). The Notice indicated that the in-service date of the Brooking Project would be delayed by more than one year—to 2015.

Minnesota Rules 7849.0400 subpart 2H states that “Intervenors may comment on the proposed change within 15 days of being notified of the change.” Below are the comments of the Minnesota Office of Energy Security (OES) regarding the Notice.

II. OES ANALYSIS

A. Overview

The stated purpose of the Applicants’ Notice was to provide the Commission the information that the expected in-service date for the Brookings Project was now 2015 and to explain why the Brookings Project had been delayed by more than one year. Regarding such a notice of changed circumstances, Minnesota Rules 7849.0400 subpart 2H states:

The Commission shall evaluate the reasons for and against the proposed change and, within 45 days of receipt of the request, notify the applicant whether the change is acceptable without recertification. The Commission shall order further hearings if and only if it determines that the change, if known at the time of the need decision on the facility, could reasonably have resulted in a different decision under the criteria specified in part 7849.0120.

Thus, the OES evaluates the proposed change to the in-service date to determine if the delay in timing “could reasonably have resulted in a different decision.”

The OES notes that the Notice requests an opportunity for reply comments. The OES would prefer receiving written reply comments from the Applicants rather than having to react to oral reply comments at hearing.

B. IN-SERVICE DATE

The proposed timing of the Brookings Project in the Applicants’ original CN petition was for the Brookings, SD to Helena substation segment to be in-service by the end of 2013 and the remainder of the project to be in-service by the end of 2014. In response to the proposed dates,

the OES's direct testimony in the CN proceeding concluded that the Applicants' proposed timing for the Brookings Project was reasonable.²

The proposed in-service dates were revised in the Applicants' direct testimony. The projected in-service date for the middle portion of the Brookings Project (from Lyon County to Helena) was revised to 2012. The western portion (Brookings County to Lyon County) and eastern portion of (from Helena to Hampton Corner) were revised to be in-service by 2013. OES rebuttal testimony concluded that the Applicants' proposal for a revised timing of the Brookings Project was reasonable.³

In essence, OES's consistent position has been that, considering the overall size of the need for energy created by the renewable energy standards of Minnesota and the renewable energy standards and goals of neighboring states, and the forecasted overall load growth, the sooner the Brookings Project is in-service the better. That said, OES is aware that without adequate resolution of the route and other permits, finalization of the ownership structure, and obtaining definitive cost recovery procedures the CapX lines are not likely to be constructed.⁴ Thus, while OES prefers an earlier in-service date, OES concludes that if the change presented in the Notice had been known at the time of the decision they could not have resulted in a decision different than approval of the Applicants' proposed in-service dates. Therefore, the OES concludes that it is not necessary to conduct further hearings. Simply put, the need for interconnection capability supplied by the Brookings Project exists irrespective of the on-line date.

The OES notes that the Commission's decisions in this matter do not relieve Xcel from its responsibility to provide reliable service or to meet the RES in a cost-effective manner.

C. OTHER COMMENTS

The Notice also provides the Applications' development plan for 2010-11 along with the projected costs. The Applicants conclude that they "welcome the Commission's guidance as to the prudence of this course of action." The development plan provides helpful information in terms of keeping the Commission and parties up to date on the Applicants' current plans and activities. One of the developments discussed in the *Notice of Change in Timing of the Brookings Project and Development Plan* in this docket and in Xcel's *Request for Reconsideration or Clarification* in Docket No. E002/M-09-1048 describes the current uncertainties faced by all transmission owners, energy generators and ratepayers because of the cost allocation changes currently being formulated by the Midwest ISO and its stakeholders. Such cost allocation changes are expected to impact the future revenue requirement of the Brookings transmission project and what generators, the Applicants' ratepayers and other ratepayers will ultimately be charged for the project. However, while cost allocation and

² See the *Direct Testimony of Dr. Steve Rakow* at page 25.

³ See the *Rebuttal Testimony of Dr. Steve Rakow* at page 10.

⁴ For an example of these concerns, see the OES's January 15, 2010 comments in Docket No. E999/M-09-602 at page 9.

recovery are certainly important issues, Minnesota Rules 7849.0400 does not require any notification to the Commission regarding changes in cost estimates, the Rule only addresses “size, type and timing.” Therefore, such issues do not need to be addressed herein and OES makes no comment herein regarding costs and accompanying questions or issues. Comments regarding costs will be provided in cost-related dockets such as responses to be filed in Docket No. E002/M-09-1048.

III. OES RECOMMENDATION

The OES recommends that the Commission notify the Applicants that the in-service date change is acceptable without recertification.

/sm

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Office of Energy Security
Comments**

Docket No. ET2,E002/CN-06-1115

Dated this **1st** of **June, 2010**

/s/Sharon Ferguson

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