



May 3, 2013

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**VIA E-FILING AND U.S. MAIL**

Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 East Seventh Place, Suite 350  
St. Paul, MN 55101

RE: In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy for  
Approval of Competitive Resource Acquisition Proposal and Certificate of Need  
MPUC Docket No. E-002/CN-12-1240

Dear Dr. Haar:

Enclosed please find Invenergy Thermal Development LLC's Initial Comments in the above-referenced docket. This document has been filed with the E-Docket system and served on the attached service list. Also enclosed is our Affidavit of Service.

Also, please add the following to the service list:

Eric F. Swanson, Esq.  
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Mary Holly  
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Very truly yours,

WINTHROP & WEINSTINE, P.A.

/s/ Eric F. Swanson

Eric F. Swanson

Enclosure

7885285v1

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION  
121 Seventh Place East, Suite 350  
St. Paul, Minnesota 55101-2147

In the Matter of the Petition of Northern  
States Power Company d/b/a Xcel Energy  
for Approval of Competitive Resource  
Acquisition Proposal and Certificate of  
Need

MPUC Docket No. E-002/CN-12-1240

**AFFIDAVIT OF SERVICE**

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Mary G. Holly, of the City of Lake Elmo, County of Washington, the State of Minnesota,  
being first duly sworn, deposes and says that on the 3<sup>rd</sup> day of May, 2013, she served the  
attached **Initial Comments** to all said persons on the attached Service List, true and correct  
copies thereof, by e-filing and/or by depositing the same enclosed in an envelope, postage  
prepaid in the United States Mail in the post office at Minneapolis, Minnesota.

/s/ Mary G. Holly  
MARY G. HOLLY

Subscribed and sworn to before me this  
3<sup>rd</sup> day of May, 2013.

/s/ Jane E. Justice  
Notary Public

My Commission Expires: January 31, 2015

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**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

121 Seventh Place East, Suite 350  
St. Paul, Minnesota 55101-2147

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

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of the Petition of Northern  
States Power Company d/b/a Xcel Energy  
for Approval of Competitive Resource  
Acquisition Proposal and Certificate of  
Need

MPUC Docket No. E-002/CN-12-1240

**INITIAL COMMENTS OF  
INVENERGY THERMAL  
DEVELOPMENT, LLC**

Pursuant to the Minnesota Public Utilities Commission's ("Commission") April 17, 2013 Notice of Comment Period in the above-captioned docket, Invenergy Thermal Development, LLC ("Invenergy") respectfully submits these initial comments regarding the completeness of the proposals submitted to Northern States Power Company d/b/a Xcel Energy ("Xcel") in this docket. Four parties purported to file proposals in response to Xcel's request for proposals: Invenergy, Calpine Corporation ("Calpine"), Geronimo Wind Energy LLC ("Geronimo") and Great River Energy ("Great River"). In addition, Xcel has submitted a "self-build" proposal.

Invenergy's ability to fully review and critique other parties' proposals is severely limited at this time, due to the absence of a protective order which would allow it to review currently redacted information from all other parties' proposals. Invenergy also understands that at this stage of the proceeding, the Commission is concerned only with procedural and completeness issues. Finally, Invenergy understands that the Commission's competitive resource acquisition process and, ultimately, Xcel ratepayers, benefit from the kind of robust competition that comes from multiple bids being considered and analyzed. However, for the reasons set forth below,



Invenergy recommends that the Commission determine that the proposals offered by Great River and Geronimo should not move forward at this time.

### **Invenergy**

Invenergy develops, owns, and operates power generation facilities in North America and Europe, having developed nearly 7,000 megawatt (MW) of utility-scale renewable and natural gas-fueled power generation facilities. Invenergy has a proven track record in establishing and maintaining longstanding, profitable relationships with utilities, suppliers, and the communities in which our projects are located. This track record extends to Minnesota, with Invenergy's 357 MW Cannon Falls facility, located in Goodhue County, and supplying power to Xcel Energy since it commenced operations in 2008. Collectively, Invenergy owns and operates five natural gas power plants totaling 2,210 MW and is currently constructing another 580 MW facility in the Midwest. Along with its deep experience in natural gas fired generating facilities, Invenergy is North America's largest independent wind power generation company, having developed and placed into service 35 wind farms across the United States and in Canada and Europe, totaling over 3,300 MW, with another 600 MW currently under contract or under construction.

### **History of the Current Docket**

The current competitive acquisition docket has a unique history, relevant to the Commission's consideration of the proposals submitted in this docket. The current docket is an outgrowth of two recent Xcel dockets, its most recent resource planning docket, MPUC Docket No. E-002/RP-10-825 ("825 Docket"), and its Certificate of Need docket (now closed) for 450 MW of incremental capacity for the Black Dog generating plant, MPUC Docket No. E-002/CN-11-184. As part of these two dockets, the Commission also opened the current competitive acquisition docket. In doing so, the Commission found that Xcel has the "need for an additional

150 MW in 2017, increasing up to 500 MW in 2019.”<sup>1</sup> The Commission further stated that participants in Xcel’s competitive resource acquisition process may propose “peaking resources, intermediate resources, or a combination of the two” in order to meet that need.<sup>2</sup> Finally, in the current docket the Commission noted the importance of reliable information, particularly cost information, noting at page 4 of its March 5, 2013 Order Extending Bidding Deadline and Refining Procedural Framework, that “reliable information is clearly critical to a fair bidding process and a least-cost outcome. All bidders should be held to the cost information provided in their bids, which the Commission will evaluate in the course of this contested case proceeding.”

Pursuant to the direction provided by the Commission, Xcel submitted and received approval of its notice plan for soliciting proposals and issued its “guidance regarding the type of information that will be required in proposals in the competitive resource acquisition process.”<sup>3</sup> That Guidance Document and the prior Commission Orders make clear that to meet the needs identified by the Commission in the 825 Docket, any proposal must:

- Offer peaking or intermediate resources or a combination of the two;
- Provide reliable cost information, to which the proposer will be held;
- Demonstrate the proposers experience, including a description of the developer, its financial strength, experience, development plans for successfully completing the transaction, identification of the selling party and connections between the developer and the seller;
- Specify the in service date, meeting the needs identified by the Commission in the 2017 to 2019 time frame;
- Specify the capacity amount, including an estimate of any expected seasonal capacity derations;

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<sup>1</sup> 825 Docket, Order Approving Plan, Finding Need, Establishing Filing Requirements, and Closing Docket, March 5, 2013, Ordering Paragraph 2.

<sup>2</sup> *Id.*, p. 6.

<sup>3</sup> See “Proposal Data Guidance” document (“Guidance Document”) attached as Exhibit 1.

- Explain of how the capacity and energy will be delivered to a point within the operational control of MISO;
- Explain the resource type, including fuel type, plant configuration, and operating parameters;
- Identify any permitting requirements for all emissions from the resource(s) and how the proposal will comply with applicable requirements and all costs to obtain any allowances or credits;
- Specify the capacity and energy pricing;
- Identify any other payments required for other product or service associated with the proposal;
- Include generating plant specifications and operational considerations and limitations for (i) planned maintenance; (ii) dispatchability and ramp rates; (iii) expected and required minimum and maximum load; (iv) any limitations on operations;
- Specify all reasons and circumstances where reduction or curtailment of the supply of capacity and curtailment of energy delivery is to be allowed and the financial consequences for any such event;
- Provide information about outage requirements and consequences for forced and unplanned outages;
- Provide sufficient information to evaluate the selling party's financial strength and credit quality;
- As applicable, a description of seller's site for its generating facility; including whether seller currently has possession of/title to the site;
- Schedule/milestone dates for seller's receipt of all air, water, waste disposal, sound level and other major project permits;
- Schedule/milestone dates for financing, engineering, construction and procurement for the facility, and the timely deployment of the facility;
- State the Interconnection and delivery arrangements made within the MISO footprint;
- A firm Commercial Operation Date ("COD"); and
- The type and quantity of emissions and carbon dioxide associated with its generation.

Ultimately, each qualifying proposal will be evaluated with any other qualifying proposal to select the resource that best meets the identified need, considering the statutory criteria for granting a certificate of need, namely that:

1. Denying the proposal would result in an “adverse effect on the future adequacy, reliability or efficiency of energy supply;”
2. That no more “reasonable and prudent alternative” to the proposal has been demonstrated by a preponderance of the evidence;
3. That the proposal “will provide benefits to society in a manner compatible with protecting the natural and socioeconomic environments, including human health;” and
4. That the record does not demonstrate that the design, construction or operation of the facility will conflict with relevant federal state and local policies, rules and regulations.<sup>4</sup>

#### **Invenergy Proposal**

Invenergy submitted proposals addressing each of these points involving expansion of its Cannon Falls facility and a proposed new facility – the Hampton Energy Center, just north of Hampton, in Dakota County. Both the Cannon Falls and Hampton projects involve the use of simple cycle natural gas fired combustion turbines, providing exactly the type of peaking or intermediate resource identified in the 825 Docket by the Commission as the type of resource needed by Xcel. With respect to both Cannon Falls and Hampton, Invenergy provided the full array of information requested and looks forward to proceeding and demonstrating to the Commission that its proposed projects at Cannon Falls and Hampton best meet Xcel’s and its customers’ needs and that none of the other identified alternatives provide a more reasonable and prudent alternative to the Cannon Falls and Hampton Energy Center projects.

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<sup>4</sup> See Minnesota Rules 7855.0120.

### **Other Proposals**

In contrast to Invenergy's targeted proposal, offering facilities of the size, type and timing identified by the Commission, certain other proposals fail to pass muster and should not be advanced for further consideration in the proceeding. Most notably, Great River submitted a two page "capacity only" proposal document, appearing to offer certain number of Zone Resource Credits ("ZRCs") but for the years 2017-2019 only. This proposal fails to include the type of information required of all bidders and fails to match the size, type and timing of resource identified by the Commission as needed to serve Xcel's customers. Therefore, the Great River proposal should not move forward in this competitive resource acquisition process.

In contrast to Great River, Geronimo provides substantial detail regarding its "Distributed Solar Energy Proposal." However, no amount of information can change the fact that Geronimo too misses the mark. The Commission did not determine that Xcel needs intermittent resources, but that it requires "peaking or intermediate resources, or a combination of the two." Invenergy strongly supports solar development and currently operates the 20 MW Grand Ridge Solar farm, located adjacent to our Grand Ridge Wind project in La Salle County, Illinois. In addition, Invenergy has two additional 10 MW solar projects in construction in Ontario, Canada, with additional projects in various stages of development across North America. However, the fact remains that solar energy plays a particular role in the overall energy mix and does not have the operational characteristics of a peaking or intermediate resource of the type identified by the Commission to fill Xcel's needs beginning in 2017. While the Geronimo proposal may have merit to fill other needs or to satisfy renewable energy mandates, it should compete with other solar energy proposals, as necessary, and is simply misplaced in the current docket. It too should not move forward in this competitive resource acquisition process.

**Conclusion**

Invenergy looks forward to participating in this proceeding and demonstrating that the Cannon Falls and Hampton Energy Center projects will best meet the needs of Xcel's customers, as identified by the Commission, by doing so reliably, efficiently and in a manner compatible with the natural and human environments. In contrast to Invenergy's proposal, the proposals submitted by Great River and Geronimo either fail to provide sufficient information or fail to offer the size, type and timing of facilities identified by the Commission as needed to serve Xcel's customers. For those reasons, Invenergy respectfully recommends that the Commission not advance those proposals for further consideration in this proceeding.

Respectfully Submitted,

May 3, 2013

WINTHROP & WEINSTINE, P.A.

By: /s/ Eric F. Swanson

Eric F. Swanson, #188128

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**ATTORNEYS FOR INVENERGY  
THERMAL DEVELOPMENT LLC**

## EXHIBIT 1

### **Proposal Data Guidance**

The following is intended to give potential proposers guidance regarding the type of information that will be required in proposals in the competitive resource acquisition process. The Company or the Department of Commerce may ask for clarification or additional information throughout the evaluation process.

#### **Developer Experience and Qualifications**

Include identification and description of the developer, including financial strength, experience, development plans for successfully completing transaction, identification of the selling party and connections between the developer and the seller.

#### **In-service date**

We anticipate the Minnesota Public Utilities Commission will direct acquisition of generation to meet resource needs between January 2017 and May 2019. Refer to the Minnesota Public Utilities Commission Resource Plan determination of size, type and timing expected in February 2013. Comments of the Company and the Department of Commerce and be found in docket E002/RP-10-825

#### **Capacity Amount**

Refer to the Minnesota Public Utilities Commission Resource Plan determination of size, type and timing expected in February 2013. Comments of the Company and the Department of Commerce and be found in docket E002/RP-10-825. Information should include estimate of any expected seasonal capacity derations.

#### **Delivery**

Explanation of how capacity and energy will be delivered to a point within the operational control of MISO and how delivery will be on a firm transmission basis at no additional cost to Xcel Energy. Explain how the resource can be designated a Capacity Resource and delivered to the NSP load as required in Module E of the MISO Tariff and MISO Business Practices Manual for Resource Adequacy.

#### **Resource Type**

Proposals must clearly explain the type of resource proposed including fuel type, plant configuration, and operating parameters (see Scheduling provisions) Firmness and reliability of the product will be considered in the evaluation of a Proposal. Different resource types will require different considerations and contracting structures (i.e. tolling, non-tolling, system power, unit contingent, etc.)

#### **Emissions and Carbon Dioxide**

Identify any permitting requirements for all emissions from the resource(s), how the proposal will comply with applicable requirements and all costs to obtain any allowances or credits, to meet obligations to deliver capacity and energy to Xcel Energy. Also provide emission estimates on a lbs/mmBtu basis for SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, Hg, PM-10, CO, VOCs, and CO.

**Capacity Pricing**

Fixed or fixed escalation pricing is preferred. The following capacity pricing format is suggested:

The monthly price for the capacity component of the sale in US \$ \_\_\_\_\_ per MW-month and escalated by \_\_\_\_\_ % annually on January 1st of each Contract Year, with such escalation to commence on \_\_\_\_\_. Please include a chart describing the prices, etc by year.

**Energy Pricing**

Unit contingent proposals must include fuel requirements, expected heat rate, availability, and contract terms for test energy.

For proposals based on fixed scheduled delivery of energy please provide an hourly energy delivery profile and with associated pricing. Fixed or fixed escalation pricing is preferred for scheduled energy.

Please provide sufficient detail as to any components of the energy price that is not fixed to allow analysis and cost adjustments for the purpose of calculating an equivalent fixed price energy component.

**Other Payments**

Identify any other payments required for other product or service associated with the Proposal. These may include as applicable: variable operations and maintenance payments; start or schedule charges; dispatchability payments; and fuel related payments.

**Scheduling Provisions**

Please include generating plant specifications/operational considerations and limitations for (i) planned maintenance; (ii) dispatchability and ramp rates; (iii) expected and required minimum and maximum load; (iv) any limitations on operations (including considerations based upon ambient conditions).

**Curtailments and excuses for reduced delivery**

Please specify all reasons and circumstances where reduction or curtailment of the supply of capacity and curtailment of energy delivery is to be allowed and the financial consequences for any such event.

Please provide information about outage requirements and consequences for forced and unplanned outages.

**Security for Performance**

Please provide sufficient information to evaluate the selling party's financial strength and credit quality.



**Additional Considerations for Unit Contingent Proposals**

Please include information regarding the following in your proposal, as applicable:

- A description of seller's site for its generating facility; including whether seller currently has possession of/title to the site;
- Schedule/milestone dates for seller's receipt of all air, water, waste disposal, sound level and other major project permits;
- Schedule/milestone dates for financing, engineering, construction and procurement for the facility, and the timely deployment of the facility;
- Interconnection and delivery arrangements (with associated firm dates) made within the MISO footprint (interconnection and delivery costs will be an important evaluation criteria);
- A firm Commercial Operation Date ("COD");
- The type and quantity of emissions and carbon dioxide associated with its generation. Emissions profile will be evaluated accordingly.

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