



A Touchstone Energy® Cooperative 

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November 9, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL

Mr. Steve Kahl
Executive Director
North Dakota Public Service Commission
600 E. Boulevard Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**Re: Project: Minnkota Power Cooperative, Inc.
Infinity Wind Project/Valley City
Case No: PU-10-100**

**Project: Minnkota Power Cooperative, Inc.
Infinity Wind Project/Petersburg
Case No: PU-10-100**

Dear Mr. Kahl:

Enclosed for your consideration are one original and eight copies of the Minnkota Power Cooperative, Inc. amended and restated petition for waivers pursuant to North Dakota Administrative Code Section 69-09-09-10.

Should you have any questions please contact the undersigned. Thank you.

With regards,



Andrew C. Sorbo
Senior Manager Legal and Property

Encl.



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**Minnkota Power Cooperative, Inc.
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Case No. 10-100

**Minnkota Power Cooperative, Inc.
Infinity Wind Project/Petersburg**

**AMENDED AND RESTATED
PETITION FOR WAIVERS**

November 9, 2020

Minnkota Power Cooperative, Inc. (Minnkota) operates two (2) wind turbine generators that comprise Minnkota’s “Infinity Wind Project”. The Infinity Wind Project turbines are located east of Petersburg, ND, along U.S. Highway 2, and east of Valley City, ND, along Interstate 94.

Each wind turbine has a capacity of 900 kW (.9 megawatts). The turbine near Petersburg meter data started October 24, 2001, with the first kWh produced July 12, 2002, and the turbine near Valley City meter data started January 22, 2002, with the first kWh produced July 12, 2002.

The requirements in Case No. PU-10-100 (previously referred to as PU-13-796), specifically North Dakota Administrative Code (NDAC) 69-09-09-03, 69-09-09-06, and 69-09-09-08 include an annual filing of a certificate of operation, periodic updated decommissioning plans, and requirements for financial assurance.

NDAC 69-09-09-10 provides for a waiver of this chapter, upon motion showing good cause, regarding the annual certificate of continuing operations, updated decommissioning plans, and financial assurance requirements so long as the wind energy conversion facility is designed for or capable of generating no more than five megawatts of electricity for facilities that fall within sections 69-09-09-03, 69-09-09-06 or 69-09-09-08. It appears that this chapter would allow for a waiver of the above-referenced sections as Minnkota’s Infinity Wind Project facilities do not generate in excess of five megawatts of electricity.

Minnkota updated its decommissioning plan in 2013, with changes being made to update the estimated decommissioning costs, and requesting to not provide financial assurance. The Public Service Commission (“Commission”) has not required financial assurance from Minnkota, recognizing during working sessions that Minnkota is a member owned cooperative, well established within the state, and not a typical subsidiary of a subsidiary windfarm. Minnkota has power sales in excess of Four Hundred Million dollars annually, with investment grade ratings by Moody’s and Standard & Poor’s exceeding the guidelines within NDAC 69-09-09-08. At issue are two small wind turbine generators, originally installed as exposure models for the general public and Minnkota’s members. The turbines exist within Minnkota’s member-owner’s territory. Minnkota fully intends to decommission the wind turbine generators in accordance with



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all applicable state and local permits, as well as our previously filed updated decommissioning plan. The wind turbine generators at issue are nearing their expected useful life.

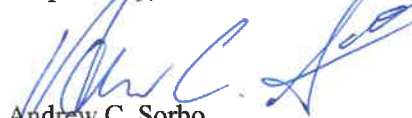
Minnkota is, of course, willing to update the decommissioning plan if required, as well as provide financial assurance and continue to file annual certifications. However, we feel the small size of these facilities and the lack of large-scale landscape impact justifies good cause for a waiver in accordance with NDAC 69-09-09-10. Minnkota understands the need for updated decommissioning plans and adequate financial assurance to ensure large wind farms are not abandoned in place, in some situations, impacting thousands of acres of North Dakota land and associated land owners. Minnkota has two small sites with one wind turbine generator at each location, both locations within our membership territory. We have always worked diligently with our members and affected landowners for all Minnkota projects. Minnkota takes great pride in the relationships and reputation we maintain as stewards of the land. There is no risk of abandonment, Minnkota will decommission in accordance with our decommissioning plan.

Minnkota feels the current decommissioning plan is complete and does not require updating. The cost of decommissioning would be paid for using funds obtained from internally generated cash flows at Minnkota, and we do not feel formal financial assurance should now be required. In addition, there is an administrative cost to both Minnkota and the Commission when working through the annual certification process, periodically updating the decommissioning plan, and the process of verifying and securing adequate financial assurance, all processes include gathering of information, creation and filing of the appropriate certifications, plans and assurances, in addition to the Commission's review of such documents, Minnkota requests a waiver of the requirement to file such Certification, a waiver to the requirement of filing an updated decommissioning plan and a waiver to the requirement of providing ongoing financial assurance.

NDAC 69-09-09-10 contemplates a waiver for the above-stated requirements specifically for sites such as Minnkota's Infinity Wind Project. These two 900 kW wind turbines have very small footprints, and are owned and operated within the service territories of member-owned cooperatives by a member owned G&T who enjoys an established and proud history in the state of North Dakota.

For the reasons set forth above, we respectfully request the Commission give consideration to granting a waiver in accordance with NDAC 69-09-09-10.

Respectfully,


Andrew C. Sorbo
Senior Manager Legal and Property