

April 18, 2023

Via e-filing

Bret Eknes and Craig Janezich
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Re: Application for a Minor Alteration to Great River Energy's 170 MW, Natural Gas-Fired, Simple Cycle Combustion Turbine Generator at its Cambridge 2 Peaking Plant Site near Cambridge, Isanti County, Minnesota, Docket No. ET-2/GS-22-122

Commission Staff,

Public Employees for Environmental Responsibility (PEER) respectfully submits this request for an extension of time for public comment on the draft Environmental Assessment Worksheet (EAW) prepared for the Minnesota Public Utilities Commission's (Commission) above-captioned matter. PEER is the representative of the petitioners under the Minnesota Environmental Policy Act (MEPA),¹ and as such has a unique perspective on the importance of giving petitioners sufficient time to make informed comments. This request is joined by CURE, Minnesota Center for Environmental Advocacy, and Minnesota Interfaith Power & Light. Our organizations urge the Commission to give this potentially precedent-setting proposed project the due attention it requires, including sufficient time for public comment.

On April 18th the EAW for this project will be noticed in the *EQB Monitor*, commencing a 30-day public comment period. This standard 30-day time limit is unfortunately not appropriate for this unique project and therefore the Commission should double the time for public comment, to at least 60 days.

As far as our organizations have been able to find, this is the first oil-fired power plant proposed in Minnesota in over a decade (perhaps even since the existing Great River Energy (GRE) dual-fuel Elk River facility was permitted and built) and the first test of the "carbon free" by 2040 law passed by the Legislature and signed by Governor Walz during the current legislative session.² Market forces and Minnesota's pre-existing commitments

¹ See E-dockets Document No. [20225-186172-02](https://www.mn.gov/governor/news/?id=1055-563453) at 2. See also Minnesota Rules 4410.1100, subp. 2, (laying out the EAW petition content including designation of a representative).

² Press Release, Governor Walz Signs Bill Moving Minnesota to 100 Percent Clean Energy by 2040, Feb. 7, 2023, <https://mn.gov/governor/news/?id=1055-563453>; Minnesota Office of the Revisor of Statutes, SF 4, 93rd Legislature, <https://www.revisor.mn.gov/bills/bill.php?f=SF4&y=2023&ssn=0&b=senate>.

to clean energy have stopped any new oil-burning power plants from obtaining permits for some time. But now, under the current state policy to eliminate *all dirty energy production*, the Commission must decide whether it can be that this new proposed plant would not have significant impacts to the environment, and would not significantly change the impacts of the current facility. Approving the minor alteration without full environmental review is a difficult task when the Legislature has clearly stated potential impacts from carbon-intensive energy are both significant and unacceptable. Because of this proposal to return to outdated fuel sources in the wake of new state policy, this is a uniquely precedential decision, and the Commission should not rush its decision.

There is no valid concern over the applicant's expectation of a quick resolution of its proposal.³ As illustrated by the January Commerce Department's Energy Environmental Review and Analysis (EERA) unit's update on EAW preparation,⁴ GRE failed to provide necessary information to the EERA for over half a year after the EAW was first ordered in June 2022.⁵ GRE's comments before the Commission prior to preparation of the EAW indicated that it would abide by environmental review decisions by the Commission,⁶ presumably including the Commission's management of its own timeline. In response to GRE's failure to diligently pursue the preparation of this EAW it cannot be said that time is of the essence, and at the same time the EAW petitioners deserve sufficient time to go through this unique application.

Indeed, this is an unprecedented situation where an energy facility already exists, and was subject to environmental review over a decade ago, but is now also undergoing an EAW under a MEPA citizen petition. To know whether there are "significant impacts" under MEPA or "significant changes" under Minn. R. 7850.4800 it is likely necessary for commenters to compare the current EAW against the previous environmental review documents for the gas-fired plant in Cambridge. Thus, because of the nature of this application for a "minor alteration" to the existing site permit, there is far more historical record for the Commission and the public to review than is normal for an EAW. Allowing more time for this review will help the public and the Commission to gather all the relevant information needed to deal with such a unique and potentially precedent-setting request.

³ Both Great River Energy and CURE/PEER/Sierra Club have sought and received extension variances from the Commission in this proceeding. See E-Dockets Document Nos. [20225-185924-01](#) and [20223-184301-01](#).

⁴ E-Dockets Document No. [20231-192751-01](#) at 1 (stating on January 31 of this year "In summary, Great River Energy (GRE) has not yet provided a complete data submittal.").

⁵ See E-Dockets Document No. [20228-187993-01](#) (Order Granting EAW Petition).

⁶ See E-Dockets Document No. [20226-186336-01](#) at 2 ("If the Commission concludes that the change at Cambridge Unit 2 is not a minor alteration, then it will have determined that there is the potential for "significant changes in the human or environmental impact of the facility" – in which case the permitting will need to move forward under the applicable Commission statutes and regulations (e.g., Chapter 216E), which establish the applicable environmental review process.")

For the reasons stated above, the Commission should place another notice in both the EQB Monitor and the relevant docket giving the public at least 60 days to comment on this EAW, and the questions before the Commission regarding the minor alteration application.

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