

1.1 moves to amend H.F. No. 759 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2016, section 216B.2424, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 9. **Adjustment of biomass fuel requirement.** (a) Notwithstanding any provision
1.6 in this section, a public utility that operates a nuclear-powered electric generating plant may
1.7 file a petition with the commission for approval of a new or amended power purchase
1.8 agreement, or, with the agreement of all parties, the early termination of a power purchase
1.9 agreement, with a facility that was previously approved to satisfy a portion of the biomass
1.10 mandate in this section.

1.11 (b) A new or amended power purchase agreement under this subdivision may be approved
1.12 by the commission regardless of the fuel requirements of this section if, by its terms:

1.13 (1) all parties to the power purchase agreement agree to the terms and conditions of the
1.14 new or amended power purchase agreement; and

1.15 (2) the new or amended power purchase agreement is in the best interest of the customers
1.16 of the public utility that operates a nuclear-powered electric generating plant, taking into
1.17 consideration any savings to customers resulting from the new or amended power purchase
1.18 agreement and any costs imposed on customers under paragraph (f).

1.19 (c) The termination of a power purchase agreement under this subdivision may be
1.20 approved by the commission if:

1.21 (1) all parties to the power purchase agreement agree to the early termination of the
1.22 agreement; and

1.23 (2) the termination of the power purchase agreement is in the best interest of the customers
1.24 of the public utility that operates a nuclear-powered electric generating plant, taking into

2.1 consideration any savings to customers resulting from the termination of the power purchase
2.2 agreement and any costs imposed on customers under paragraph (f).

2.3 (d) A new or amended power purchase agreement approved under paragraph (b) may
2.4 be for any term agreed to by the parties for any amount of energy agreed to by the parties.

2.5 (e) The approval of a new or amended power purchase agreement under paragraph (b),
2.6 or the approval of a termination of a power purchase agreement under paragraph (c), shall
2.7 not require the public utility that operates a nuclear-powered electric generation plant to
2.8 purchase additional biomass energy under this section.

2.9 (f) A utility may petition the commission to approve a rate schedule that provides for
2.10 the automatic adjustment of charges to recover investments, expenses and costs, and earnings
2.11 on the investment associated with the new or amended power purchase agreement or the
2.12 termination of a power purchase agreement. The commission may approve the rate schedule
2.13 upon a showing that the recovery of investments, expenses and costs, and earnings on the
2.14 investment is less than the costs that would have been recovered from customers had the
2.15 utility continued to purchase energy under the power purchase agreement that was terminated.

2.16 (g) This subdivision does not apply to a St. Paul district heating and cooling system
2.17 cogeneration facility and nothing in this subdivision precludes a public utility that operates
2.18 a nuclear-power electric generating plant from filing a petition with the commission for
2.19 approval of a new or amended power purchase agreement with such a facility.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment."

2.21 Amend the title accordingly