

1.1 moves to amend H.F. No. 3667 as follows:

1.2 Page 1, delete section 2 and insert:

1.3 "Sec. 2. Minnesota Statutes 2008, section 216B.6851, subdivision 3, is amended to
1.4 read:

1.5 Subd. 3. **Plan for 90 percent reduction required.** A public utility that elects to be
1.6 regulated under this section must file a mercury emissions-reduction plan that is designed
1.7 to achieve total mercury reduction at targeted and supplemental units owned by the utility
1.8 equivalent to a goal of 90 percent reduction of mercury emissions at the utility's targeted
1.9 units by December 31, ~~2014~~ 2018.

1.10 Sec. 3. Minnesota Statutes 2008, section 216B.6851, subdivision 5, is amended to read:

1.11 Subd. 5. **Early action; wet scrubbed units.** (a) The utility electing for regulation
1.12 under this section shall file an initial plan for mercury emissions reduction at one of its
1.13 two wet scrubbed units on or before December 31, 2007. The plan must provide for
1.14 mercury emissions reduction to be implemented at that unit by December 31, 2010. If
1.15 the plan is approved by the commission, and implemented by the utility, the utility may
1.16 have until July 1, ~~2011~~ 2015, to file its plans for reduction at its other wet scrubbed unit
1.17 at the qualifying facility, and may have until December 31, ~~2014~~ 2018, to implement
1.18 mercury emissions reduction at that unit.

1.19 (b) Until the utility files its plans for the other wet scrubbed unit, the utility must
1.20 submit to the commission and agency, by July 1 each year, beginning in 2011, a report
1.21 containing the following information:

1.22 (1) mercury control plans for units subject to this section, including how elements
1.23 of the plans may affect the performance and cost-effectiveness of emission controls for
1.24 air pollutants other than mercury;

1.25 (2) an assessment of the impacts of federal laws regulating various air pollutants
1.26 emitted by coal-fired power plants that can reasonably be expected to be enacted by 2018

2.1 on the utility's units subject to this section, and potential utility responses to those laws,
2.2 including, but not limited, to:

2.3 (i) installing pollution control equipment;

2.4 (ii) using pollution allowances to achieve regulatory compliance; and

2.5 (iii) retiring or repowering the plant that is subject of the filing with cleaner fuels
2.6 considering the costs of complying with state and federal environmental regulations.

2.7 For each potential response, the report must include an analysis of the impacts on
2.8 ratepayers, the utility's financial position, and utility operations, including the impacts on
2.9 the service life of affected units. The utility shall consult with the agency, the department
2.10 of commerce, and other interested stakeholders to determine which future federal laws to
2.11 assess under clause (2) and the scope of the assessment of the impact of those laws.

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

2.13 Sec. 4. Minnesota Statutes 2008, section 216B.6851, subdivision 6, is amended to read:

2.14 Subd. 6. **Agency review and commission approval.** (a) The agency shall review
2.15 the utility's plans as provided in section 216B.684.

2.16 (b) The Public Utilities Commission shall review and evaluate a utility's mercury
2.17 emissions-reduction plans submitted under this section. In its review, the commission
2.18 shall consider the environmental and public health benefits, the agency's determination
2.19 of technical feasibility, competitiveness of customer rates, and cost-effectiveness
2.20 of the utility's proposed mercury-control initiatives in light of the Pollution Control
2.21 Agency's review under paragraph (a). Within 180 days of receiving the agency's report,
2.22 the commission shall approve a utility's mercury emissions-reduction plan that the
2.23 commission reasonably expects will come closest to achieving total mercury reductions at
2.24 targeted and supplemental units owned by the utility equivalent to a goal of 90 percent
2.25 reduction of mercury emissions at the utility's targeted units by December 31, ~~2014~~
2.26 2018, in a manner that provides for increased environmental and public health benefits
2.27 without imposing excessive costs on the utility's customers. If the commission is unable to
2.28 approve the utility's 90 percent reduction plan filed under subdivision 3, the commission,
2.29 in consultation with the Pollution Control Agency, shall order the utility to implement
2.30 the most stringent mercury-control alternative proposed by the utility under this section
2.31 that provides for increased environmental and public health benefits without imposing
2.32 excessive costs on the utility's customers.

2.33 (c) At each targeted and supplemental unit included in a plan under this section, a
2.34 utility shall propose to implement mercury emissions-control measures that will result

- 3.1 in the greatest reduction of mercury emitted from that unit that is technically feasible
- 3.2 without imposing excessive costs."
- 3.3 Renumber the sections in sequence and correct the internal references
- 3.4 Amend the title accordingly