

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

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SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

**Otter Tail Power Company Application to ) Docket No. QM21-\_\_\_\_**  
**Terminate Mandatory PURPA Purchase )**  
**Obligation of Otter Tail Power Company )**  
)  
) **APPLICATION OF OTTER TAIL**  
) **POWER COMPANY**  
)

Pursuant to Section 292.310(a) of the Federal Energy Regulatory Commission's (FERC or Commission) regulations<sup>1</sup> implementing Section 210(m) of the Public Utilities Regulatory Policy Act of 1978 (PURPA),<sup>2</sup> Otter Tail Power Company (OTP) respectfully submits this application (Application) to terminate, on a service territory-wide basis for its three-state interconnected system within the Midcontinent Independent System Operator, Inc. (MISO), its obligation to enter into any new contract or obligation to purchase energy and capacity from small power production qualifying facilities (QFs) with a capacity greater than 5 MW.

As discussed below, QFs within MISO enjoy non-discriminatory access to transmission and interconnection services provided by MISO and have access to competitive wholesale markets that provide them with a meaningful opportunity to sell capacity and electric energy.<sup>3</sup> With this recognition, the Commission has previously granted OTP's request to terminate its obligation to enter into new contracts or obligations to purchase energy and/or capacity from QFs having a capacity greater than 20 MWs that are located within MISO.<sup>4</sup> With this Application,

<sup>1</sup> 18 C.F.R § 292.310(a) (2020).

<sup>2</sup> 16 U.S.C. § 824a-3(m).

<sup>3</sup> Section 292.309(e) of the Commission's regulations establishes a rebuttable presumption that MISO provides large QFs with non-discriminatory access to the markets described in Section 210(m)(1)(A) of PURPA. *See* 18 C.F.R. § 292.309(e).

<sup>4</sup> *Otter Tail Power Company*, 140 FERC ¶ 62,229 at P 3 (2012) ("Otter Tail's request to terminate the requirement to enter into new power purchase obligations or contracts to purchase electric energy and capacity from QFs with a net capacity greater than 20 MW on a service territory-wide basis for its transmission facilities under the operational control of MISO is granted effective July 25, 2012.").

OTP respectfully requests that the Commission also terminate OTP's obligation to enter into new contracts or obligations with small power production QFs with a capacity greater than 5 MW, effective the date of the filing, April 19, 2021.<sup>5</sup>

## **I. DESCRIPTION OF OTTER TAIL**

Otter Tail, a Minnesota corporation, is an investor-owned public utility headquartered in Fergus Falls, Minnesota. Otter Tail owns, operates, and controls facilities used for generation, transmission, and distribution of electric power. Otter Tail provides retail service to approximately 129,000 customers in 423 communities throughout portions of Minnesota, North Dakota, and South Dakota. Otter Tail owns and operates approximately 5,300 miles of transmission facilities and owns approximately 800 megawatts of generation capacity in the three states.

Otter Tail is a member of MISO and has transferred functional control of its transmission facilities to MISO as a transmission owner.<sup>6</sup> The Otter Tail merchant function is engaged in the purchase and sale of wholesale energy. The Commission has authorized Otter Tail to sell power at market-based rates.<sup>7</sup>

Otter Tail is a wholly-owned subsidiary of Otter Tail Corporation, an investor-owned holding company with diversified interests that also include plastics and metal fabrication.<sup>8</sup>

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<sup>5</sup> For the avoidance of doubt, through this Application OTP is seeking to expand the scope of the Commission's previous termination of its obligation to purchase energy and capacity from QFs with a capacity greater than 20 MW to include small power production QFs with a capacity between 5 and 20 MW.

<sup>6</sup> See Otter Tail Power Co., 97 FERC ¶ 61,226 (2001) (authorizing the transfer of operational control over jurisdictional facilities to the Midwest ISO); see also Otter Tail Power Co., 98 FERC ¶ 62,218 (2002).

<sup>7</sup> Otter Tail Power Co., Letter Order, Docket No. ER00-3080-000 (Aug. 11, 2000). The Commission previously has determined that Otter Tail is a "Category 2" seller under the Commission's market-based rate regulations. Otter Tail Power Co., Letter Order, Docket No. ER00-3080-003 (Sept. 3, 2008).

<sup>8</sup> Otter Tail submitted a Notice of Non-Material Change in Status to the Commission on July 28, 2009, describing an internal corporate reorganization that converted Otter Tail Corporation to a holding company and converted Otter Tail from a division of Otter Tail Corporation to a subsidiary of Otter Tail Corporation. Notice of Non-Material Change in Status of Otter Tail Power Co., Docket No. ER00-3080-006, at 2 and Appendices 1 & 2 (July 28, 2009) ("2009 Notice"). The Commission accepted the 2009 Notice on September 22, 2009. Otter Tail Power Co., Letter Order, Docket No. ER00-3080-006 (Sept. 22, 2009).

## II. COMMUNICATION AND CORRESPONDENCE

In accordance with Section 292.310(d)(8) of the Commission's regulations,<sup>9</sup> all service of pleadings, orders, correspondence, and communications regarding this Application should be made to the following persons, and their names and addresses placed on the official service list for this docket:

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## III. BACKGROUND

Unless an electric utility has been relieved from its QF purchase obligation, each electric utility is required to purchase capacity and energy from a QF at the utility's avoided costs.<sup>10</sup> Importantly, in the Energy Policy Act of 2005, Congress amended PURPA by adding Section 210(m), as implemented by Section 292.309(a) of the Commission's regulations, which provides for the termination of the requirement that an electric utility enter into a new obligation or contract to purchase electric energy from QFs if FERC finds that QFs have non-discriminatory access to markets which would allow QFs to sell to non-interconnected, third party buyers.<sup>11</sup>

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<sup>9</sup> 18 C.F.R. § 292.310(d)(8).

<sup>10</sup> 18 C.F.R. § 292.303(a).

<sup>11</sup> PURPA section 210(m) is implemented by 18 C.F.R. § 292.309 and 18 C.F.R. § 292.310. *See New PURPA Section 210(m) Regulations Applicable to Small Power Production and Cogeneration Facilities*, Order No. 688, 71 Fed. Reg. 64,342 (Nov. 1, 2006) ("Order No. 688"); FERC Stats. & Regs. ¶ 31,233 (2006), *order on reh'g*, Order No. 688-A, 119 FERC ¶ 61,305 (Jun. 22, 2007), *aff'd sub nom.* ("Order No. 688-A").

Specifically, pursuant to Section 292.309(a) of the Commission’s regulations, electric utilities may be relieved of PURPA’s mandatory purchase obligation upon a showing that QFs have non-discriminatory access to:

(1)(i) Independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) Wholesale markets for long-term sales of capacity and electric energy; or

(2)(i) Transmission and interconnection services that are provided by a Commission-approved regional transmission entity and administered pursuant to an open access transmission tariff that affords nondiscriminatory treatment to all customers; and (ii) Competitive wholesale markets that provide a meaningful opportunity to sell capacity, including long-term and short-term sales, and electric energy, including long-term, short-term and real-time sales, to buyers other than the utility to which the qualifying facility is interconnected. In determining whether a meaningful opportunity to sell exists, the Commission shall consider, among other factors, evidence of transactions within the relevant market; or

(3) Wholesale markets for the sale of capacity and electric energy that are, at a minimum, of comparable competitive quality as markets described in paragraphs (a)(1) and (a)(2) of this section.<sup>12</sup>

Notably, Section 292.309(e) of the Commission’s regulations provides that MISO qualifies as a market described in Section 292.303(a)(1) and there is a “rebuttable presumption” that large QFs have nondiscriminatory access to the MISO markets through Commission-approved open

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<sup>12</sup> 18 C.F.R. § 292.309(a)(1)-(3).

access transmission tariffs and interconnection rules, and that electric utilities that are members of MISO may petition the Commission to be relieved from the mandatory PURPA purchase obligation from large QFs.

Pursuant to Sections 292.303 and .309 of its regulations,<sup>13</sup> the Commission previously granted OTP's application to terminate on a service territory-wide basis within MISO, OTP's obligation to enter into new power purchase obligations or contracts to purchase electric energy and capacity from qualifying cogeneration and small power production facilities with a capacity in excess of 20 MW.<sup>14</sup>

In Order No. 872,<sup>15</sup> the Commission revised its regulations implementing PURPA Section 210(m). Under the revised PURPA regulations, the Commission updated the rebuttable presumption threshold for small power production facilities (but not cogeneration facilities) from 20 MW to 5 MW.<sup>16</sup> The Commission determined, however, that "those utilities for which the Commission has already granted relief from the mandatory purchase obligation for small power production facilities over 20 MW must reapply with the Commission requesting relief from the mandatory purchase obligation for small power production facilities between 5 MW and 20 MW."<sup>17</sup>

Consistent with the Commission's directive, OTP seeks termination of its obligation to enter into any new contract or obligation to purchase energy and capacity from small power production qualifying facilities with a capacity "between 5 MW and 20 MW" in its service territory

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<sup>13</sup> 18 C.F.R. §§ 292.303 and .309.

<sup>14</sup> *Otter Tail Power Company*, 140 FERC ¶ 62,229 at P 3 (2012).

<sup>15</sup> *Qualifying Facility Rates and Requirements*, Order No. 872, 172 FERC ¶ 61,041 (2020) ("Order No. 872"), *Qualifying Facility Rates and Requirements, Implementation Issues Under the Public Utility Regulatory Policies Act of 1978*, Order No. 872-A, 173 FERC ¶ 61,158 (2020) ("Order No. 872-A").

<sup>16</sup> Order No. 872-A at P 19. *See also*, 18 C.F.R. § 292.309(e) (2020).

<sup>17</sup> Order No. 872 at P 645.

within MISO. As the Commission has found, such QFs have non-discriminatory access to (i) independently administered, auction-based day ahead and real time wholesale markets for the sale of electric energy; and (ii) wholesale markets for long-term sales of capacity and electric energy.<sup>18</sup>

#### **IV. APPLICATION: TERMINATION OF OTTER TAIL'S PURPA PURCHASE OBLIGATION WITH RESPECT TO LARGE QFS**

Section 292.310 of the Commission's regulations sets forth the procedure an electric utility seeking to terminate the mandatory PURPA purchase obligation is required to follow. The procedure includes filing of an application with the Commission and providing sufficient notice of the application to all potentially affected QFs. An applicant is required to explain how the applicant meets the conditions of Section 292.309(a)(1), (2), or (3) and state if the application is relying on the rebuttable presumption adopted in Sections 292.309(e). The application must also include studies, including the applicant's long-term transmission plan, which show transmission constraints, transfer capability, congestion, and generation interconnections. The Commission will act on the application within 90 days of the date of the filing.<sup>19</sup> If the application is granted, the mandatory PURPA purchase obligation is deemed relieved as of the date of the filing.<sup>20</sup>

As explained below, OTP should also be relieved of the obligation to purchase power from small power production qualifying facilities with a capacity greater than 5 MW in its service territory within MISO effective April 19, 2021 – the date of this filing.

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<sup>18</sup> See e.g., Order No. 872-A at P 360 ("As the Commission stated, markets have matured and the markets have provided, and continue to provide, increased access to smaller resources demonstrating the need for the Commission to reconsider its definition of small power production QFs. In the final rule, the Commission updated the relevant definition of a small power production facility for purposes of 292.309 to be 5 MW and, despite the arguments on rehearing, we affirm that finding here.").

<sup>19</sup> 18 C.F.R. § 292.310(a).

<sup>20</sup> Order No. 688-A at P 144.

## V. SUPPORTING INFORMATION REQUIRED BY SECTION 292.310(D)

### 1. Identification of Applicable Provisions and Factual Basis – Sections 292.310(d)(1) and (2).

Sections 292.310(d)(1) and (2) of the Commission's regulations require electric utilities seeking termination of the mandatory QF purchase obligation to explain how the applicant meets the conditions of Section 292.309(a)(1), (2), or (3) and state if the applicant is relying on the rebuttable presumption adopted in Sections 292.309(e) to support its application. OTP affirmatively relies on the rebuttable presumption set forth in Section 292.309(e) concerning the nondiscriminatory access of small power production qualifying facilities with a capacity greater than 5 MW within the MISO market.

Section 292.309(e) establishes a rebuttable presumption that small power production QFs with a capacity greater than 5 MW have nondiscriminatory access to the MISO markets through the MISO's FERC-approved open access transmission tariff and interconnection rules. OTP is a member of MISO and has transferred operational control over its transmission facilities to MISO.<sup>21</sup> Through MISO, small power production QFs with a capacity greater than 5 MW have access to an independently administered, auction-based day-ahead and real-time wholesale markets for the sale of electric energy and to wholesale markets for long-term sales of capacity and electric energy.

Accordingly, OTP satisfies the criteria adopted in Section § 292.309(a)(1) for termination of its PURPA purchase obligation with respect to small power production QFs with a capacity greater than 5 MW in OTP's service territory within MISO. As a result, pursuant to Sections

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<sup>21</sup> See *Otter Tail Power Co.*, 97 FERC ¶ 61,226 (2001) (authorizing the transfer of operational control over jurisdictional facilities to the Midwest ISO); see also *Otter Tail Power Co.*, 98 FERC ¶ 62,218 (2002).

292.309(a) and (e), OTP qualifies for a termination of its PURPA purchase obligation within MISO with respect to such QFs.

## **2. Transmission Studies and Related Information – Section 292.310(d)(3).**

Section 292.310(d)(3) of the Commission’s regulations requires an applicant seeking to be relieved of its PURPA purchase obligation to submit transmission studies and related information with its application, including: (i) the applicant’s long-term transmission plan conducted by applicant or a regional transmission organization, independent system operator or other relevant entity; (ii) transmission constraints by path, element or other level of comparable detail that have occurred and/or are known and expected to occur, and any proposed mitigation including transmission construction plans; (iii) levels of congestion, if available; (iv) relevant system impact studies for the generation interconnections that have already been completed; (v) other information pertinent to showing whether transfer capability is available; and (vi) the appropriate link to the applicant’s OASIS, if any, from which a QF may obtain applicant’s available transmission capacity information. The Commission confirmed that applicants may provide hyperlinks to relevant documents available on the internet instead of submitting entire documents with their applications.<sup>22</sup>

In accordance with the requirements of Section 292.310(d)(3), OTP submits the following information:

- **Long-term Transmission Planning.** OTP is a transmission owning member of MISO; consequently, OTP’s long-term planning is conducted through the MISO’s Transmission Expansion Process. General information regarding the MISO Transmission Planning Process and links to study reports can be found at: <https://www.misoenergy.org/planning/planning/>

The MISO Transmission Expansion Plan 2020 (“MTEP 2020”), approved by the MISO Board of Directors in December 2020, contains detailed information concerning transmission constraints (*see* MTEP 2020, Chapters 3 and 4), proposed

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<sup>22</sup> Order No. 688-A at P 112.



mitigation (including construction plans) (*see* MTEP 2020, Chapters 2, 3 and 4 and Appendix A (New Project List)) and levels of congestion (*see* MTEP 2020, Chapters 3 and 4). A copy of the MTEP 2020 is available at: <https://cdn.misoenergy.org//MTEP20%20Full%20Report485662.pdf>

OTP specific projects are discussed in MTEP 2020 at pages 191-193.

- **Transmission Constraints by Path.** As part of MISO’s FERC approved Order No. 890<sup>23</sup> transmission planning process, MISO and its stakeholders utilize a comprehensive planning approach, which includes performing various studies to identify transmission issues, such as transmission constraints, and evaluating projects in the context of addressing these issues.<sup>24</sup> As noted, MTEP 2020 discusses MISO transmission constraints and proposed mitigation plans, including construction of needed transmission at Chapters 3 and 4 and Appendix A.
- **Congestion.** As part of MISO’s FERC-approved Order No. 890 transmission planning process, MISO performs several congestion-based studies and identifies transmission investments that would be required to address congestion. As noted, MTEP 2020 discusses MISO congestion and proposed mitigation plans at Chapters 3 and 4. MISO also posts congestion and constraint data on its website in real-time, which is available at: <https://www.misoenergy.org/markets-and-operations/real-time--market-data/real-time-displays/>

In addition, MISO’s independent market monitor publishes an annual State of the Market Report, discussing (among other things) transmission congestion within MISO. The 2019 State of the Market Report (June 2020), which is the most recent annual report that is available, provides an overview of congestion in Section V (Transmission Congestion and FTR Markets). The 2019 State of the Market Report is available at:

<https://cdn.misoenergy.org/2019%20State%20of%20the%20Market%20Report453426.pdf>

- **System Impact Studies.** Because MISO is the transmission provider for OTP, all system impact studies for generation interconnections within the MISO footprint are performed by MISO. MISO has established Generator Interconnection Procedures and a *pro forma* Generator Interconnection Agreement for new facilities interconnecting to the MISO grid. MISO’s Generator Interconnection Procedures are included as Attachment X to its Tariff, and its Generator Interconnection Agreement is included as Appendix 6 to Attachment X.<sup>25</sup> In addition to the relevant Tariff provisions, MISO’s website includes information on procedures and requirements for the generation

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<sup>23</sup> *Preventing Undue Discrimination and Preference in Transmission Service*, Order No. 890, FERC Stats. & Regs. ¶ 31,241, *order on reh’g*, Order No. 890-A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh’g*, Order No. 890-B, 123 FERC ¶ 61,299 (2008), *order on reh’g*, Order No. 890-C, 126 FERC ¶ 61,228, *order on clarification*, Order No. 890-D, 129 FERC ¶ 61,126 (2009).

<sup>24</sup> MISO’s Transmission Expansion Protocol is set forth in Attachment FF to MISO’s Tariff, which can be accessed at [https://docs.misoenergy.org/legalcontent/Attachment\\_FF\\_-\\_Transmission\\_Expansion\\_Planning\\_Protocol.pdf](https://docs.misoenergy.org/legalcontent/Attachment_FF_-_Transmission_Expansion_Planning_Protocol.pdf)

<sup>25</sup> MISO’s generator interconnection procedures can be accessed at: [https://docs.misoenergy.org/legalcontent/Attachment\\_X\\_-\\_Generator\\_Interconnection\\_Procedures\\_%28GIP%29.pdf](https://docs.misoenergy.org/legalcontent/Attachment_X_-_Generator_Interconnection_Procedures_%28GIP%29.pdf)

interconnection application process. Information regarding the generator interconnection process within MISO is available at:

<https://www.misoenergy.org/planning/generator-interconnection/>

Generation interconnection requests and interconnection studies are listed in the table available through the link entitled "Generator Interconnection Queue."<sup>26</sup>

- **Transfer Capacity.** The linked information above constitutes all pertinent information showing whether transfer capability is available.
  - **OASIS.** Because MISO is the transmission provider for OTP, information regarding available transmission capability can be found at the MISO OASIS available at: <https://www.oasis.oati.com/MISO/index.html>. See "ATC Information."
- 3. Description of the Procedures for Interconnected QFs to Arrange for Transmission Service – Section 292.310(d)(4).**

Section 292.310(d)(4) of the Commission's regulations requires OTP to describe the process, procedures and practices that QFs interconnected to OTP's system must follow to arrange for transmission service to transfer power to purchasers other than OTP. Such description must include the process, procedures and practices of all distribution, transmission and regional transmission facilities necessary for QF access to the market.

A QF seeking to transfer power to purchasers other than OTP must follow the MISO's procedures for interconnection and requesting transmission service.

The MISO interconnection process can be found at:

<https://www.misoenergy.org/planning/generator-interconnection/>

The MISO OASIS is available at: <http://www.oasis.oati.com/MISO/index.html>.

The MISO process for securing long-term transmission service can be found at:

<https://www.misoenergy.org/planning/transmission-planning/long-term-transmission-service-requests/>. In addition, OTP does not currently have a wheeling rate for service over its distribution

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<sup>26</sup> See also, MISO information regarding "Generator Interconnection Studies and Procedures" at: [https://www.misoenergy.org/planning/generator-interconnection/GI\\_Studies/#\(t=10&p=0&s=-&sd=](https://www.misoenergy.org/planning/generator-interconnection/GI_Studies/#(t=10&p=0&s=-&sd=)

system in any of its jurisdictions but will provide such service on a non-discriminatory basis should such service be requested.

Finally, MISO has published detailed materials regarding participation in the MISO markets by QFs and other market participants at: <https://www.misoenergy.org/markets-and-operations/market-participation/#t=10&p=0&s=FileName&sd=asc>.

#### **4. New Interconnection Agreements – Section 292.310(d)(5).**

Section 292.310(d)(5) of the Commission's regulations requires OTP to explain the requirements a QF must follow to execute new interconnection agreements or renegotiate existing agreements in order to make wholesale sales to third party purchasers. Additionally, OTP is required to explain any differences in the requirements for QFs as compared to other generators or generation owned by OTP.

All generators interconnecting to the MISO transmission, including generators owned by OTP, seeking to make wholesale sales to third party purchasers within MISO must follow the MISO interconnection procedures available at: <https://www.misoenergy.org/planning/generator-interconnection/>.

Generators that interconnect directly to OTP's distribution system (*i.e.*, at a voltage less than 40 kV), including generators owned by OTP, seeking to make wholesale sales to third party purchasers within MISO, must adhere to OTP's state interconnection processes set forth in its state tariffs or applicable guidelines. Such interconnection process for Minnesota, North Dakota, and South Dakota can be accessed at [How to Connect to our Power Grid | Otter Tail Power Company \(otpc.com\)](https://www.otpc.com/How-to-Connect-to-our-Power-Grid).

Consistent with its obligations under Section 292.306 of the Commission's regulations,<sup>27</sup> such interconnection service is provided by OTP on a non-discriminatory basis.

**5. Notice to All Potentially Affected QFs – Sections 292.310(a)-(c).**

Section 292.310(a) of the Commission's regulations requires OTP to provide sufficient notice of the Application to all potentially affected QFs. OTP will provide a copy of the Application to all potentially affected QFs listed in Attachment A and the relevant state commissions listed in Attachment B. Sections 292.310(b) and (c) explain that sufficient notice entails identification in the Application of all potentially affected QFs, including names and addresses of such QFs, as well as certain other information.<sup>28</sup> OTP provides the requisite information required in the Commission's regulations for each potentially affected QF in Attachment A to this Application.

In compliance with Section 292.310(c) of the Commission's regulations,<sup>29</sup> Attachment A identifies all of the following entities as potentially affected QFs:

- (1) Any QF that has an existing power purchase contract with OTP;
- (2) Any certified QF that sells its output to OTP;

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<sup>27</sup> 18 C.F.R. § 292.306 (2020).

<sup>28</sup> Under 18 C.F.R. § 292.310(c), an electric utility seeking relief from its PURPA purchase obligations must submit with its application the following information for each affected QF: (i) the docket number assigned if the QF filed for self-certification or an application for Commission certification of QF status; (ii) the net capacity of the QF; (iii) the location of the QF depicted by state and county, and the name and location of the substation where the QF is interconnected; (iv) the interconnection status of each potentially affected QF including whether the QF is interconnected as an energy or a network resource; and (v) the expiration date of the energy and/or capacity agreement between the applicant utility and each potentially affected QF.

<sup>29</sup> Under 18 C.F.R. § 292.310(c)(1)-(5), potentially affected QFs include: (i) QFs that have existing power purchase contracts with the applicant; (ii) other QFs that sell their output to the applicant or that have pending self-certification or Commission certification for QF status whereby the applicant will be the purchaser of the QF's output; (iii) any developer of generating facilities with whom the applicant has either agreed to enter into power purchase contracts, or is in discussion regarding power purchase contracts, as of the date of the application; (iv) developers of facilities that have pending state avoided cost proceedings as of the date of the application; and (v) any other QFs that the applicant reasonably believes to be affected by the application.

- (3) Any entity that has pending QF self-certification or request for Commission certification of QF status where OTP would be the purchaser of the QF's output;
- (4) Any developer of generating facilities with whom OTP has agreed to enter into power purchase contracts, or is in discussion regarding such contracts, as of the date of the application;
- (5) Any developer of facilities that has pending state avoided cost proceedings as of the date of the application (none); and
- (6) Any other QF or potential QF that OTP reasonably believes may be affected by the application based on a review of its records and knowledge of its system.

As noted in Attachment A, OTP has also identified entities of which it is aware that develop generation resources that may be QFs in OTP's service territory within MISO. To the best of OTP's knowledge, no other entities meet the notice criteria of Section 292.310.<sup>30</sup>

**6. Verification – Section 292.310(d)(7).**

Section 292.310(d)(7) of the Commission's regulations requires an authorized individual to verify the accuracy and authenticity of the information provided in an application for relief from mandatory QF purchase obligations. Accordingly, verification signed by an authorized representative of OTP is appended to this Application.

**VI. Conclusion**

For the reasons stated above, the Commission should relieve OTP of its mandatory PURPA purchase obligation on a service-territory-wide basis within MISO with respect to small power production qualifying facilities with a capacity greater than 5 MW, effective April 19, 2021. Such

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<sup>30</sup> See *Commonwealth Edison Co.*, 135 FERC ¶ 61,005 at P 44 (2011) (accepting and acknowledging "reasoned judgments about who is a potentially affected QF").

relief will expand the scope of the Commission's previous termination of its obligation to purchase energy and capacity from QFs with a capacity greater than 20 MW to include small power production QFs with a capacity between 5 and 20 MW.

Dated: April 19, 2021

Respectfully submitted,

**OTTER TAIL POWER COMPANY**

By /s/ Robert M. Endris  
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**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

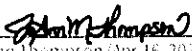
**Otter Tail Power Company**

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**Docket No. QM21-\_\_\_**

**Verification**

I, JoAnn Thompson, being duly sworn, depose and say that I am the Vice President of Asset Management for Otter Tail Power Company (OTP) and have authority with respect thereto. I have read the foregoing Application, and based on my knowledge, information and belief, all of the statements contained therein pertaining to OTP are true and accurate.

  
\_\_\_\_\_  
JoAnn Thompson (Apr 16, 2021 16:06 CDT)

JoAnn Thompson

**ATTACHMENT A**

**LIST OF POTENTIALLY AFFECTED QFs**

<b>Facility Name</b>	<b>FERC Docket No.</b>	<b>Net Capacity (MW)</b>	<b>County</b>	<b>State</b>	<b>Substation for Interconnection</b>	<b>Energy or Network Resource</b>	<b>Expiration Date of Energy/Capacity Agreement</b>	<b>Address (including contact name)</b>
City of Perham	None Found	4	Otter Tail	MN	PRRF Substation	ER	12/31/2021	City of Perham Attn: Kelcey Klemm 125 2nd Ave ND Perham, MN 56573
North Dakota Wind II	EG03-74-000	19	LaMoure	ND	Edgley 41.6 kV switching station	ER	10/1/2028	FPL Energy North Dakota Wind II, LLC Attn: Business Manager 700 Universe Boulevard Juno Beach, FL 33408
Hendricks Wind	None Found	1	Lincoln	MN	Hendricks Jct to Astoria line	ER	9/9/2018	Borderline Wind LLC Attn: Jay Gialason 129 Main Ave, PO Box 128 Gary, SD 57237
Turtle Mountain Community College	None Found	1	Rolette	ND	Belcourt 69 kV	ER	12/31/2014	Turtle Mountain Community College Attn: Dr. Carol Davis Box 340 Belcourt, ND 58316
Grant County Wind, LLC	QF10-62-003	20	Grant	MN	OTP 41.6 kV line 13 miles south of Elbow Lake, MN	ER	Unknown to OTP	Aspenall Energies, LLC Attn: Raúl Pérez Martínez 1422 W. Lake St., Suite 300 Minneapolis, MN 55408



Red Lake Falls Community Hybrid, LLC	QF16-557	4.6	Red Lake	MN	1.5 miles SW of Red Lake Falls, MN	ER	N/A	Red Lake Falls Community Hybrid, LLC Attn: James Dixon 100 Summit Lake Drive Valhalla, NY 10595
Juhl Energy/Lake Preston Wind Fuel, LLC	N/A	40	Kingsbury	SD	NE of Lake Preston, SD	N/A	N/A	Todd Guerrero, Partner, Chair, National Energy Group, Kutak Rock LLP, RBC Plaza   60 South Sixth Street   Suite 3400   Minneapolis, MN 55402

**ATTACHMENT B**  
**STATE COMMISSIONERS**

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Minnesota Public Utility Commission  
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# 20210419\_Application for Termination of MPO

Final Audit Report

2021-04-16

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