

1.1 moves to amend H.F. No. 2928 as follows:

1.2 Page 1, line 19, after "proposed" insert "new or additional"

1.3 Page 2, line 28, before the comma, insert "or environmental review has commenced"

1.4 Page 3, line 22, delete "facility" and insert "data center"

1.5 Page 8, line 2, after "section" insert "and sections 216B.72 and 216B.73"

1.6 Page 8, delete lines 10 to 12

1.7 Page 8, delete subdivision 2, and insert:

1.8 "Subd. 2. Carbon-free electricity. (a) A utility must arrange to procure or generate
1.9 electricity to serve a data center in this state so that at least 65 percent of the data center's
1.10 electricity consumption, measured on an hourly basis, consists of carbon-free energy. A
1.11 data center may seek, in conjunction with the utility, to increase its proportion of carbon-free
1.12 electricity on an hourly basis beyond this requirement. The data center must pay the full
1.13 cost of any such increase.

1.14 (b) Tracking and verification of compliance with this subdivision shall be determined
1.15 by use of a tracking and verification system approved by the commission.

1.16 (c) The commission may delay or modify a data center's compliance with the requirements
1.17 of paragraph (a) if it determines that technical constraints impair the ability to accurately
1.18 track and verify carbon-free energy transactions at an hourly level so as to enable compliance
1.19 with those requirements."

1.20 Page 9, line 30, delete "any" and insert "all"

1.21 Page 10, delete lines 5 to 8 and insert:

2.1 "(a) An annual fee is imposed on a data center to be collected by the utility providing
 2.2 electric service to the data center and deposited in the account established in section
 2.3 216B.241, subdivision 2a, on a schedule prescribed by the commissioner.

2.4 (b) The fee is based on the data center's peak demand the utility arranges to serve,
 2.5 reflecting the data center's peak demand forecast provided to the utility, expressed in
 2.6 megawatts (MW), as follows:

2.7 <u>Peak Demand</u>	2.7 <u>Fee</u>
2.8 <u>(1) 100 to 250 MW</u>	2.8 <u>\$2,000,000</u>
2.9 <u>(2) above 250 MW but below 500 MW</u>	2.9 <u>\$3,000,000</u>
2.10 <u>(3) 500 MW or greater</u>	2.10 <u>\$4,000,000"</u>

2.11 Page 10, line 9, delete "(b)" and insert "(c)"

2.12 Page 10, delete section 10 and insert:

2.13 "Sec. 10. [216B.73] CLEAN ENERGY TARIFF.

2.14 (a) Before approving a tariff or energy supply agreement between a public utility and a
 2.15 data center, the commission must find that the utility has established a separate rate class
 2.16 or subclass consisting solely of data center customers and that the proposed tariff and energy
 2.17 supply agreement contain provisions that ensure, at a minimum, that:

2.18 (1) the tariff and energy supply agreement are in the public interest;

2.19 (2) the incremental net benefits to the public utility's system and its ratepayers of
 2.20 providing electric service to a data center exceed the net costs, as determined by a cost-benefit
 2.21 analysis conducted by the utility and approved by the commission;

2.22 (3) all costs attributable to data centers, as determined by the commission, are assigned
 2.23 to the data center class or subclass;

2.24 (4) all the electricity provided to a data center achieves each quantitative benchmark of
 2.25 the state's electricity standards under section 216B.1691 that is required of a utility subject
 2.26 to that section;

2.27 (5) each data center financially commits to purchasing a minimum level of electricity
 2.28 such that other customers of the public utility are protected from the risk of paying stranded
 2.29 costs;

2.30 (6) any utility infrastructure constructed primarily to serve a data center is paid for by
 2.31 the data center, even if the data center terminates operations, in order to avoid stranded costs
 2.32 being paid by other utility ratepayers;

3.1 (7) all costs attributed to a data center, as determined by the commission, will be
3.2 recovered over the life of the tariff or energy supply agreement;

3.3 (8) if a data center ceases operations for any reason, the data center must continue to be
3.4 responsible for and must pay all remaining financial commitments made by the data center
3.5 made under the tariff or energy supply agreement; and

3.6 (9) complies with the carbon-free energy requirements of section 216B.71, subdivision
3.7 2.

3.8 (b) A data center requesting interconnection with a public utility must disclose to the
3.9 commission whether the data center is pursuing a substantially similar request for electric
3.10 service from an entity located inside or outside this state which, if approved, would result
3.11 in the data center materially changing, delaying, or withdrawing the interconnection request.

3.12 (c) For the purposes of this section, "energy supply agreement" means an agreement
3.13 between a data center and the utility providing it with electric service governing the provision
3.14 of electricity under a clean energy tariff under this section.

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