

146 FERC ¶ 61,095
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

February 18, 2014

In Reply Refer To:
Lake Benton Power Partners LLC
Docket No. ER14-789-000

Skadden, Arps, Slate, Meagher & Flom LLP
Attention: William B. Conway, Jr.
1440 New York Avenue, NW
Washington, DC 20005

Dear Mr. Conway:

1. On December 20, 2013, Lake Benton Power Partners LLC (Lake Benton) filed Amendment No. 3 to its market-based rate wind energy purchase agreement (Agreement) with Northern States Power Company, a Minnesota corporation (Northern States Power).¹ Lake Benton requests that the Commission accept the filing to be effective February 19, 2014.
2. Lake Benton states that it owns and operates a 106 megawatt wind-powered electric generation facility (the Lake Benton Facility) located in Minnesota within the Midcontinent Independent System Operator, Inc. market. Lake Benton states that all of the power produced by the Lake Benton Facility is fully committed under the Agreement, which expires in 2028.²
3. Lake Benton states that the instant filing is being made promptly following the discovery that Amendment No. 3 to the Agreement dated January 6, 2011, had not been filed for prior approval.³ Lake Benton states that the provisions in Amendment No. 3

¹ Contrary to the requirements of section 35.3 of the Commission's regulations, 18 C.F.R. § 35.3 (2013), Lake Benton failed to file the Amendment in a timely manner. Lake Benton is reminded that it must submit required filings on a timely basis or face possible sanctions by the Commission.

² Lake Benton states that the Commission accepted the Agreement on a market-justified basis pursuant to an application by Lake Benton's predecessor, Zond Minnesota Development Corporation II. *See Zond Dev. Corp.*, 80 FERC ¶ 61,051 (1997). Lake Benton also states that Lake Benton is an exempt wholesale generator. *See Lake Benton Power Partners LLC*, 81 FERC ¶ 62,141 (1997).

³ Lake Benton states that the instant filing is Lake Benton's first submission under the eTariff system.

include the following three changes: (a) language granting Northern States Power all rights to non-energy attributes associated with the Lake Benton facility, (b) adjustments to Lake Benton's capacity rating reflecting loss of two wind turbines after the facility commenced operations in 1998, and (c) effective December 14, 2016, a \$3.25/Megawatt-hour increase in the energy rate Lake Benton charges for Years 18-30 of the term of the Agreement.

4. Lake Benton requests the following waivers: (a) waiver of the filing requirements of subparts B and C of Part 35 except sections 35.12(a), 35.13(b), 35.15, and 35.16 of the Commission's regulations, and (b) waiver of the provisions of section 35.19a of the Commission's regulations, which require refund reports for late-filed amendments to jurisdictional agreements.⁴

5. Notice of Lake Benton's December 20, 2013 filing was published in the *Federal Register*, 79 Fed. Reg. 125 (2014), with interventions and comments due on or before January 10, 2014. None was filed.

6. The Commission will accept Lake Benton's amendment to the Agreement, effective February 19, 2014. We will also grant Lake Benton's request for waiver of subparts B and C of Part 35 except sections 35.12(a), 35.13(b), 35.15, and 35.16 of the Commission's regulations consistent with those granted to other entities with market-based rate authorizations.

7. Given that Lake Benton will not have collected any revenues other than those previously authorized by the Commission when the original agreement was approved, time value refunds are not required.⁵

By direction of the Commission.

Kimberly D. Bose,
Secretary.

⁴ Lake Benton December 20, 2013 Filing at 10 (citing *Prior Notice and Filing Requirements Under Part II of the Federal Power Act*, 64 FERC ¶ 61,139, at 61,974, *clarified*, 65 FERC ¶ 61,081 (1993); *Central Hudson Gas & Elec. Corp.*, 60 FERC ¶ 61,106, *reh'g denied*, 61 FERC ¶ 61,089 (1992)).

⁵ See *Carolina Power & Light Co.*, 84 FERC ¶ 61,103, at 61,522 (1998); *Entergy Svcs., Inc.*, 76 FERC ¶ 61,034, at 61,186 (1996).