

1.1 moves to amend H.F. No. 3296 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2025 Supplement, section 216B.2402, subdivision 10, is
1.4 amended to read:

1.5 Subd. 10. **Gross annual retail energy sales.** (a) "Gross annual retail energy sales" means
1.6 a utility's annual electric sales to all Minnesota retail customers, or natural gas throughput
1.7 to all retail customers, including natural gas transportation customers, on a utility's
1.8 distribution system in Minnesota. Gross annual retail energy sales does not include:

1.9 (1) gas sales to:

1.10 (i) a large energy facility;

1.11 (ii) a large customer facility whose natural gas utility has been exempted by the
1.12 commissioner under section 216B.241, subdivision 1a, paragraph (a), with respect to natural
1.13 gas sales made to the large customer facility; and

1.14 (iii) a commercial gas customer facility whose natural gas utility has been exempted by
1.15 the commissioner under section 216B.241, subdivision 1a, paragraph (b), with respect to
1.16 natural gas sales made to the commercial gas customer facility;

1.17 (2) electric sales to:

1.18 (i) a large customer facility whose electric utility has been exempted by the commissioner
1.19 under section 216B.241, subdivision 1a, paragraph (a), with respect to electric sales made
1.20 to the large customer facility;

1.21 (ii) a data mining facility, ~~if the facility~~ or a data center that:

1.22 (A) has provided a signed letter to the utility verifying the facility meets the definition
1.23 of a data mining facility or data center, as applicable; and

2.1 (B) imposes a peak electrical demand on a consumer-owned utility's system equal to or
2.2 greater than 40 percent of the peak electrical demand of the system, net of the peak demand
2.3 of facilities whose contributions to a utility's gross annual retail energy sales have been
2.4 exempted under section 216B.241, subdivision 1a, paragraph (a), or this subdivision,
2.5 measured in the same manner as the utility that serves the customer facility measures electric
2.6 demand for billing purposes; and

2.7 (iii) a qualified large-scale data center; or

2.8 (3) the amount of electric sales prior to December 31, 2032, that are associated with a
2.9 utility's program, rate, or tariff for electric vehicle charging based on a methodology and
2.10 assumptions developed by the department in consultation with interested stakeholders no
2.11 later than December 31, 2021. After December 31, 2032, incremental sales to electric
2.12 vehicles must be included in calculating a public utility's gross annual retail sales.

2.13 (b) Notwithstanding section 216B.02, subdivision 11, for the purposes of this subdivision,
2.14 "data center" means a facility whose primary purpose is the storage, management, and
2.15 processing of digital data via the interconnection and operation of information technology
2.16 and network telecommunications equipment, including all related facilities and infrastructure
2.17 for backup electricity generation, power distribution, environmental control, cooling, and
2.18 security."

2.19 Amend the title accordingly