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May 23, 2016

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E015/M-16-226

Dear Mr. Wolf:

Attached are the Comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

Minnesota Power's Conservation Improvement Program Consolidated Filing
(*Petition*).

The *Petition* was filed on April 1, 2016 by:

Tina S. Koecher
Manager, Customer Solutions
Minnesota Power
30 West Superior Street
Duluth, MN 55802

Sincerely,

/s/ CHRISTOPHER T. DAVIS
Financial Analyst

CTD/lt
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

DOCKET No. E015/M-16-226

I. SUMMARY OF THE UTILITY'S PROPOSAL

On April 1, 2016, Minnesota Power (MP or the Company) submitted its annual Conservation Improvement Program (CIP) report (*Report or Petition*) for 2015 with the Minnesota Public Utilities Commission (Commission) in Docket No. E015/M-16-226. The *Petition* contains the following sections:

- proposed recoveries and expenditures in the Company's CIP tracker account during 2015;
- proposed Conservation Program Adjustment (CPA) for 2016/2017, and;
- request for approval of a proposed Demand Side Management (DSM) financial incentive of \$7,476.643 for 2015 CIP achievements.

The Company also filed its 2015 CIP Status Report (*Status Report*). The *Status Report* is intended to fulfill the requirements of the Minnesota Department of Commerce, Division of Energy Resources' (Department or DOC) annual CIP reporting rules contained in Minnesota Rules part 7690.0500. Since the Company's *Status Report* does not require Commission approval, this portion of the *Petition* has been assigned to a separate docket.¹

¹ See Docket No. E015/CIP-13-409.02.

II. COMMISSION'S 2015 ORDER

On September 16, 2015, the Commission issued its Order approving MP's 2015 Consolidated CIP filings, with the following findings:

1. The Commission approves Minnesota Power's 2014 CIP tracker account as summarized above in Table 1 [which resulted in December 31, 2015 tracker balance of (\$1,116,332.48)].
2. The Commission approves Minnesota Power's \$6,237,702 2014 financial incentive for CIP achievements.
3. The Commission varies Minnesota Rule 7820.3500 and 7825.2600 to allow Minnesota Power to combine the Conservation Program Adjustment with the fuel clause adjustment line item on customer's bills.
4. Minnesota Power shall calculate the carrying charge on its CIP tracker account using the rate from its multi-year credit facility. The modification shall be effective as of the date of this order.
5. Within 10 days of the date of this Order, Minnesota Power shall calculate and file in a compliance filing a CPA rate that:
 - uses a fiscal year approach, and
 - recognizes that it has been generating revenue since July 1, 2015, at the higher rate of \$0.003425.

On September 25, 2015, in compliance with Order Point 5, Minnesota Power submitted its calculation of a new CPA rate using a fiscal year approach and recognizing that Minnesota Power's CPA has been generating revenue since July 1, 2015, at the higher rate of \$0.003425. MP calculated a new CPA rate of \$0.000442 per kWh. On October 15, 2015 the Department submitted its compliance closure.

III. DEPARTMENT ANALYSIS

The Department's analysis of MP's *Petition* is provided below in the following sections:

- in Section III.A, Minnesota Power's proposed 2015 DSM financial incentive;
- in Section III.B, MP's proposed reconciliation for its 2015 CIP Tracker Account;
- in Section III.C, Minnesota Power's proposed CPA for 2016/2017;
- in Section III.D, Minnesota Power's request for a waiver from Minnesota Rules part 7820.3500 (K) and Minnesota Rules part 7825.2600 and its proposed notice of the rate increase; and
- in Section III.E, MP's historical CIP achievements and incentives.

A. *MINNESOTA POWER'S PROPOSED FINANCIAL INCENTIVE FOR 2015 CIP ACHIEVEMENTS*

1. *Background and Summary of MP's Proposed 2015 DSM Incentive*

The Shared Savings DSM financial incentive plan was approved by the Commission in Docket No. E,G999/CI-08-133 on January 27, 2010. On December 20, 2012 the Commission issued its *Order Adopting Modifications to Shared Savings Demand Side Management Financial Incentives* (Modification Order). The Shared Savings approach emphasizes a 1.5 percent energy savings goal, and ties the incentive earned by the utility to pursuit of the 1.5 percent savings goal. The incentive mechanism sets a specific dollar amount per unit of energy saved that each utility will earn at energy savings equal to 1.5 percent of annual non-CIP-exempt retail sales. That dollar amount is referred to as the incentive calibration. The higher the calibration, the higher the incentive will be at all energy savings levels after the threshold. Specifically, each electric utility's incentive is calibrated so that when the utility achieves energy savings equal to 1.5 percent of retail sales, electric utilities will earn an incentive equal to \$0.07 per kWh saved; gas utilities will earn \$5.50 per thousand cubic feet (Mcf) saved when the utility achieves energy savings equal to 1.0 percent. The Commission's Modification Order stated, in part:

The Commission hereby adopts the Department's proposal for the continuation of the new shared savings financial incentive with the following:

- A. A threshold set at half of the utility's average achievements from 2007 to 2011 for utilities with triennial CIPs beginning in 2013, removing both the maximum and minimum achievements, or at 0.4 percent of retail sales, whichever is lowest. For utilities with triennial Conservation Improvement Programs beginning in 2014, the threshold shall be set at half of the utility's average achievements from 2008 to 2012, removing both the maximum and minimum achievements, or at 0.4 percent of retail sales, whichever is lowest.
- B. The calibration at 1.5 percent of retail sales for each utility set as follows: (1) \$9.00 per Mcf for natural gas utilities, and (2) \$0.07 per kWh for electric utilities.
- C. A utility may not modify its incentive to correct for non-linear benefits.
- D. The incentive shall be capped at 20 percent of net benefits for all utilities except for Minnesota Power. The Commission will defer a decision on the application of the 20 percent cap of net benefits for Minnesota Power until 2013 to allow for the consideration of updated avoided cost information for this utility.
- E. The existing cap of 125 percent of a utility's 1.5 percent calibration level for the electric utilities (\$0.0875 per kWh)

- and a cap of 125 percent of the 1.0 percent target calibration for gas utilities (\$6.875) per Mcf are continued.
- F. The percentage of net benefits to be awarded to each utility at different energy savings levels will be set at the beginning of each year.
 - G. The CIP-Exempt Class shall not be allocated costs for the new shared savings incentive. Sales to the CIP-Exempt Class shall not be included in the calculation of utility energy savings goals.
 - H. If a utility elects not to include a third-party CIP project, the utility cannot change its election until the beginning of subsequent years.
 - I. If a utility elects to include a third-party project, the project's net benefits and savings will be included in calculation of the percentage of net benefits awarded at specific energy savings levels (calculated before the CIP year begins) and in the post CIP year calculations of net benefits and energy savings achieved and incentive awarded. In any case, the energy savings will count toward the 1.5 percent savings goal.
 - J. The energy savings, costs, and benefits of modifications to non-third-party projects will be included in the calculation of a utility's DSM incentive, but will not change the percent of net benefits awarded at different energy savings levels.
 - K. The costs of any mandated, non-third-party projects (e.g., Next Generation Energy Act assessment, University of Minnesota Institute for Renewable Energy and the Environment costs) shall be excluded from the calculation of net benefits awarded at specific energy savings levels (calculated before the CIP year begins) and in the post-CIP year calculations of net benefits and energy savings achieved and incentive awarded.
 - L. Costs, energy savings, and energy production from Electric Utility Infrastructure Projects (EUIC), solar installation and biomethane purchases shall not be included in energy savings for DSM financial incentive purposes.
 - M. The Department shall file a recommendation with the Commission on the application of a net benefits cap for Minnesota Power's incentive by October 1, 2013. The recommendation should be filed in Docket No. E,G-999/CI-08-133.
 - N. No adjustment will be made at this time to the calibration of the incentive mechanism for utilities that have Commission-approved decoupling mechanisms.
 - O. The new shared savings DSM incentive shall be in operation for the length of each utility's triennial CIP plan.

On October 19, 2013, the Commission issued its *Order in the Matter of Modifications to Minnesota Power's Shared Savings DSM Financial Incentive Mechanism*. In that Order, the Commission approved an incentive cap for MP's financial incentive of 30 percent of net benefits.

MP estimated that its 2015 achievements resulted in \$29,636,057 of net benefits. Based on the terms and conditions of its approved Shared Savings DSM incentive plan, Minnesota Power requests recovery of a DSM financial incentive of \$7,476,643 for 2015. MP also stated in its *Petition* that its CIP activities achieved energy savings in 2015 of 85,447,344 kWh. Minnesota Power's proposed incentive is equal to approximately 114 percent ($\$7,476,643/\$6,554,551$) of the Company's 2015 CIP actual expenditures.

2. *The Department's Review of MP's Proposed 2015 DSM Incentive*

Minnesota Power estimated that its 2015 performance should result in a Shared Savings DSM financial incentive of \$7,476,643.

The Department's engineering-oriented analysis of the demand and energy savings that underpin MP's proposed 2015 DSM financial incentive of \$7,476,643 is ongoing. In all likelihood, it will not be completed before the fall of 2016. The existence of this lag between the Company's request for recovery of the incentive and the completion of the DOC's engineering review is a recurring phenomenon.

In 2015, the Department compensated for this lag by simply assuming Minnesota Power's claimed energy savings for 2014 were correct as filed and planned to make in the instant filing any adjustments approved by the Deputy Commissioner of the Department. However, the Deputy Commissioner approved Minnesota Power's 2015 Status Report, covering 2014 CIP activity, without any adjustments in Docket No. E015/CIP-13-409.01,² and thus none need to be made this year.

In the event that the Deputy Commissioner of the Department approves different 2015 CIP energy savings or budget, the Commission can approve any adjustments to the Company's DSM financial incentive for 2015 achievements in the proceeding governing the Company's 2016 filing, which will be made March 31, 2017.

The Department recommends that the Commission allow MP to book a 2015 incentive of \$7,476,643 in the Company's 2016 CIP tracker account.

² Approved by the Department on June 30, 2015.

B. MINNESOTA POWER'S PROPOSED 2015 CIP TRACKER ACCOUNT

In its *Petition*, Minnesota Power requested approval of its report on recoveries and expenditures included in the Company's CIP tracker account balance during 2015. Activity in MP's CIP tracker account during 2015 is summarized below in Table 1.

Table 1: A Summary of MP's 2015 CIP Tracker Account

Description	Time Period	Amount
Beginning Balance	December 31, 2014	(\$1,116,332.48)
CIP Expenses	January 1 through December 31, 2015	\$6,554,550.61
DSM Financial Incentive	Approved in 2015 for 2014	\$6,237,702.00
Carrying Charges	January 1 through December 31, 2015	(\$210,949.00)
Base Rate Cost Recovery	January 1 through December 31, 2015	(\$9,367,416.77)
Conservation Program Adjustment Recovery	December 31, 2015	(\$4,904,645.27)
CIP Carrying Charge Recovered	December 31, 2015	\$157,343.00
Ending Balance	December 31, 2015	(\$2,649,747.91)

The Department reviewed MP's CIP Tracker account and concludes that the Company correctly calculated its CIP tracker account for 2015, resulting in a year-end balance of (\$2,649,747.91). The Department recommends that the Commission approve Minnesota Power's 2015 CIP Tracker account as summarized in Table 1 above.

C. MINNESOTA POWER'S PROPOSED UPDATED CIP RIDER AND CPA

MP's approved CPA (Conservation Program Adjustment) is \$0.000442 per kWh, as calculated in the Company's compliance filing of September 16, 2015 in Docket No. E015/M-15-80.

On page 14 of its instant filing, MP stated:

CIP costs are recovered by utilities through base rates via the Conservation Cost Recovery Charge (CCRC) and through an annual CIP adjustment factor called the Conservation Program Adjustment (CPA). Minnesota Power files a recalculation of its CPA each April as part of its CIP Consolidated Filing. Minnesota Power's CPA has previously been calculated by dividing the year-end CIP tracker balance of the previous year (2015 in this filing) by the forecasted sales (kWh) subject to CIP for the

current year (2016 for this filing). In accordance with the MPUC Order dated September 16, 2015, Docket No. E015/M-15-80, Minnesota Power adjusted its CPA calculation to use a fiscal year approach and provided calculation of a new CPA in its September 25, 2015, compliance filing. The proposed CPA for the 2016–2017 period follows the new fiscal year approach which is described further in the background section below. [Footnotes removed.]

For July 2016 through June 2017, Minnesota Power proposed an increase in the surcharge to \$0.002494/kWh or an increase of \$0.0024498 per kWh over the Company’s 2015/2016 CPA of \$0.0000442 per kWh.

Table 2 below delineates the Company’s calculation of its 2016/2017 CPA.

Table 2: MP’s 2016/2017 CPA Calculation

Line No.	Description	Time Period	Amount
1	Beginning Balance	31-Dec-15	(\$2,649,748)
2	CIP Program Expenses	Jan 2016-Jun 2016	\$3,018,284
3	CIP Costs Recovered Through Base Rates	Jan 2016-Jun 2016	(\$2,286,475)
4	CIP Costs Recovered Through Current CPA	Jan 2016-Jun 2016	(\$675,015)
5	Carrying Charges	Actuals through Feb 2016	(\$9,399)
6	Recoverable CIP Tracker Balance	30-Jun-16	(\$2,602,353)
7	DSM Financial Incentive	Approved in 2016 for 2015	\$7,476,643
8	CIP Program Expenses	July 2016-Jun 2017	\$7,307,641
9	CIP Costs Recovered Through Base Rates	July 2016-Jun 2017	(\$4,511,028)
10	Recoverable CIP Tracker Balance	30-Jun-17	\$7,670,903
11	kWh Sales Subject to CIP		3,075,480,000
12	Calculated CPA per kWh	Line 10/Line 11	\$0.002494

MP derived its proposed 2016/2017 CPA by dividing the recoverable CIP tracker balance (line 10) by the kilowatt hour sales subject to CIP over the corresponding time period (line 11). The result is the \$0.002494/kWh (\$7,670,903/3,075,480,000 kWh) CPA that the Company proposed.

Order Point 4 of the Commission's Order in Docket No. E015/M-15-80 required the Company to calculate the carrying charge on its CIP tracker account using the rate from its multi-year credit facility, effective upon the Commission's Order of September 16, 2015. In Exhibit 1, page 4 of its filing MP stated that the Company changed its monthly carrying charge rate from 0.9601% to 0.2813% for application beginning in September 2015. In Exhibit 1, page of its filing MP proposed to use a monthly carrying charge rate of 0.3021 percent effective July 1, 2016. The Department concludes that MP has complied with Order Point 4 of the Commission Order.

The Department recommends that the Commission approve MP's proposed 2016/2017 CPA of \$0.002494/kW

D. MP'S ANNUAL REQUEST FOR VARIANCES FROM COMMISSION RULES

Minnesota Power requested renewal of two variances:

- a variance from Minnesota Rules part 7820.3500 (K), which requires the Fuel Clause Adjustment (FCA) to be listed on customers' bills as a separate line item; and
- a variance from Minnesota Rules part 7825.2600, which states that the FCA should be stated on a per-kWh basis on customer bills.

MP indicated that it seeks a variance of these two rules so that the Company may calculate the CIP adjustment rate on a per-kilowatt-hour basis, and combine the FCA and CIP adjustment rate on one bill line-item called a "Resource Adjustment."

Minnesota Rules part 7829.3200 authorizes the Commission to grant a variance to its rules when:

- enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- granting the variance would not adversely affect the public interest; and
- granting the variance would not conflict with standards imposed by law.

The Department concludes that the criteria for granting the requested variances are met as follows:

- Excessive Burden: MP has been using the combined Resource Adjustment for several years. While this approach certainly can be changed if the Commission desires, requiring a change now, for an adjustment to go in effect soon, would create an administrative burden that is excessive.
- Public Interest: The variance would not adversely affect the public interest and could avoid confusion that might result from changing the presentation on bills at this time.
- Standards Imposed by Law: The separate line item requirement is created by Commission rule, and is not required by statute. Therefore, the requirement may be varied pursuant to Minnesota Rules pt. 7829.3200.

Therefore, the Department recommends that the Commission approve the variances requested by the Company.

Finally, MP indicated that it would notify customers of the CPA change by including a message in customer bills as follows:

Effective <DATE> the Resource Adjustment line item on your bill has <increased/decreased> due to a change in the Conservation Improvement Program (CIP) billing factor. The CIP portion of the Resource Adjustment is <CPA Factor> per kilowatt-hour (kWh)

The Department concludes that MP's proposed customer notification is reasonable.

E. HISTORY OF MINNESOTA POWER'S CIP ACHIEVEMENTS AND FINANCIAL INCENTIVES

The Department includes a summary of historical and forecasted CIP-related information for Minnesota Power in Attachment A. The information in Attachment A provides summary information for the period 2007 through 2015.

As indicated in the information in Attachment A, Minnesota Power's:

- 2015 energy savings are the highest the Company has ever achieved;
- Average cost per first-year energy savings are the lowest of the 8 previous years;
- Calculated incentive was 114% of its 2015 CIP expenditures and 25 percent of its net benefits.

IV. THE DEPARTMENT'S RECOMMENDATIONS

Based on the analysis provided above, the Department recommends that the Commission:

1. approve Minnesota Power's 2015 CIP tracker account, as summarized in Table 1 above, with a December 31, 2015 tracker balance of (\$2,649,747.91);
2. approve a 2016/2017 CPA of \$0.002494
3. approve an incentive of \$7,476,643 for Minnesota Power's 2015 CIP achievements;
4. grant Minnesota Power a variance to Minnesota Rules part 7820.3500 (K) and a variance to Minnesota Rules part 7825.2600 for one year after the issue date of the Commission's *Order* in the present docket; and
5. require Minnesota Power to submit a compliance filing, within 10 days of the issue date of the Order in the present docket, with revised tariff sheets reflecting the Commission's determinations in this matter.

/lt

Line No.		2007	2008	2009	2010	2011	2012	2013	2014	2015
1.	Achieved Energy Savings (kWh)	44,168,014	48,845,282	52,897,732	60,503,220	69,091,422	63,159,196	77,630,645	76,338,363	85,447,344
2.	CIP Expenditures	\$3,908,223	\$4,826,410	\$5,483,230	\$5,635,000	\$6,295,187	\$6,813,817	\$6,405,828	\$7,200,833	\$6,554,551
3.	Net Benefits	\$13,617,215	\$18,669,840	\$23,391,755	\$29,675,047	\$16,611,526	\$16,543,789	\$17,757,678	\$20,792,339	\$29,636,057
4.	DSM Financial Incentive	\$349,334	\$607,169	\$878,709	\$6,806,612	\$7,772,785	\$7,105,410	\$8,733,448	\$6,237,702	\$7,476,643
5.	Carrying Charges	\$37,945	\$100,453	\$97,222	\$42,425	(\$62,643)	\$87,535	(\$55,657)	(\$157,343)	(\$210,949)
6.	Year-End Tracker Balance	\$1,188,103	\$1,870,428	\$1,613,335	\$662,926	\$4,603,612	\$4,337,461	(\$495,816)	(\$1,116,332)	(\$2,649,748)
7.	Average Cost per first year kWh Saved	\$0.088	\$0.099	\$0.104	\$0.093	\$0.091	\$0.108	\$0.083	\$0.094	\$0.077
8.	Average cost per kWh Saved (including incentives)	\$0.096	\$0.111	\$0.120	\$0.206	\$0.204	\$0.220	\$0.195	\$0.176	\$0.164
9.	Incentive as a % of CIP Expenditures	9%	13%	16%	121%	123%	104%	136%	87%	114%
10.	Incentive as a % of Net Benefits	3%	3%	4%	23%	47%	43%	49%	30%	25%
11.	Incentive per first year kWh saved	\$0.008	\$0.012	\$0.017	\$0.112	\$0.113	\$0.113	\$0.113	\$0.082	\$0.088
12.	Carrying Charges as a % of Expenditures	1%	2%	2%	1%	-1%	1%	-1%	-2%	-3%
13.	Year-End Tracker Balance as a % of Expenditures	30%	39%	29%	12%	73%	64%	-8%	-16%	-40%

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. E015/M-16-226

Dated this 23rd day of May 2016

/s/Sharon Ferguson

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