

September 17, 2024

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

RE: **Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources
Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net
Metering Eligibility for Rate-Regulated Utilities**
Docket No. E002, E111, E017, E015/CI-24-200

Dear Mr. Seuffert:

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

In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. §
216B.164 and Associated Rules on Net Metering Eligibility for Rate-
Regulated Utilities

The Department clarifies its recommendation in the attached comments. The Department is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. Sydnie Lieb
Assistant Commissioner of Regulatory Analysis

DT/ad
Attachment



Before the Minnesota Public Utilities Commission

Reply Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002, E111, E017, E015/CI-24-200

I. INTRODUCTION

The Department provides the following reply comments In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities.

In the context of net-metered rate eligibility, capacity represents the capability of an interconnected distributed energy resource (DER) system to produce, transmit, or deliver electric energy to the utility system. Nameplate rating may represent this capability, but it will not be representative in all situations. Instead, maximum export capacity represents the capability of the system to produce, transmit, or deliver electric energy to the utility system.

The Department maintains its position from initial comments that the governing statute is clear that capacity is defined at the point of interconnection with the utility system with respect to net-metered rate eligibility. The Department wishes to clarify its recommendation from initial comments to read that utilities should apply the definition of capacity for purposes of net-metered rate eligibility as the maximum export capacity of the DER system at the point of interconnection, consistent with the governing statute.

II. PROCEDURAL HISTORY

On May 22, 2024, the Commission issued its Order initiating a proceeding into the application of the definition of “capacity.”¹

On June 4, 2024, the Commission issued a Notice of Comment Period² in the present docket requesting that parties comment on the following:

How should the Commission apply the definition of “capacity” in Minn. Stat. § 216B.164 and Associated Rules without creating reliability problems related to net-metering rate eligibility for rate-regulated utilities?

¹ Order Initiating Proceeding Into Definition of “Capacity” – In the Matter of Dakota Electric’s Updates to Specific Distribution Interconnection Process and Interconnection Agreement; In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distribution Generation Facilities Established Under Minn. Stat. § 216B.1611, Docket Nos. E111/M-18-711, E999/CI-16-521 (May 24, 2024). (eDocket No. [20245-207026-02](#)). Hereinafter “May 22, 2024 Order.”

² Notice of Comment Period - In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (June 4, 2024). (eDocket No. [20246-207384-01](#)). Hereinafter “Notice.”

The Notice identified the following topics open for comments:

- How should the Commission consider the “capacity” definition in Minn. Stat. § 216B.164 and associated rules on net metering eligibility for rate-regulated utilities?
- What should the Commission consider regarding the definition of “capacity” as it relates to reliability and net metering rate eligibility?
- Are there other issues or concerns related to this matter?

On July 30, 2024, the Commission extended the comment period at the request of the Minnesota Rural Electric Association (MREA), DEA, MnSEIA, Xcel Energy, Minnesota Power, and Otter Tail Power.³

On September 3, 2024, the following parties, including the Department, submitted initial comments in this proceeding:

- Dakota Electric Association (DEA);⁴
- Minnesota Power (MP);⁵
- Minnesota Rural Electric Association (MREA);⁶
- Minnesota Solar Energy Industries Association (MnSEIA);⁷
- Nokomis Energy (Nokomis);⁸
- Northern States Power Company, dba Xcel Energy (Xcel);⁹ and,
- Otter Tail Power Company (OTP).¹⁰

³ Notice of Extended Comment Period - In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (July 30, 2024). (eDocket No. [20247-209118-01](#)).

⁴ Comments, Dakota Electric Association, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209935](#)). Hereinafter “DEA Comments.”

⁵ Comments, Minnesota Power, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209946-01](#)). Hereinafter “MP Comments.”

⁶ Comments, Minnesota Rural Electric Association, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209951-01](#)). Hereinafter “MREA Comments.”

⁷ Comments, Minnesota Solar Energy Industries Association, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209948-01](#)). Hereinafter “MnSEIA Comments.”

⁸ Comments, Nokomis Energy, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209950-01](#)). Hereinafter “Nokomis Comments.”

⁹ Comments, Northern States Power Company, dba Xcel Energy, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209949-01](#)). Hereinafter “Xcel Comments.”

¹⁰ Comments, Otter Tail Power Company, In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities, Docket No. E002, E111, E017, E015/CI-24-200 (September 3, 2024). (eDocket No. [20249-209944-01](#)). Hereinafter “OTP Comments.”

III. DEPARTMENT ANALYSIS

The Department appreciates the opportunity to further comment on the notice topics put forth by the Commission and provides its comments in response to select topics addressed by parties in reply comments. The Department observes three interrelated areas of discussion throughout the initial comments submitted by multiple parties. First, parties raised the issue of the location at which the definition of capacity applies, namely the distinction between the point of DER connection (PoC) and the point of common coupling (PCC).¹¹ Second, parties raised concerns with the inclusion of customer load in defining capacity as its variability causes the energy exported to the utility system to fluctuate.¹² Third, parties emphasized the need for a fixed value to determine net-metered rate eligibility.¹³

A. *THE LOCATION TO APPLY THE CAPACITY DEFINITION*

The distinction raised by parties between the PoC and PCC is important to the discussion of the definition of capacity. The location at which the definition of capacity applies is particularly relevant to the discussion of the impact of customer load upon energy exported to the utility system. However, the distinction between PoC and PCC is somewhat muddled by the varying language used across Minn. Stat. § 216B.164, Minn. R. 7835, MN DIP, and stated industry practice.

Minn. Stat. § 216B.164, Subd. 2a(c) defines capacity “at the point of interconnection.”¹⁴ In the rules promulgating Minn. Stat. § 216B.164, Minn. R. 7835.0100, Subp. 4 defines capacity “at the point of common coupling,”¹⁵ which is further defined as “the point where the qualifying facility’s generation system, including the point of generator output, is connected to the utility’s electric power grid.”¹⁶ Taken together, the “point of interconnection” appears to be synonymous with the “point of common coupling” for purposes of net-metered rate eligibility.

MN DIP provides additional language for the “point of DER Connection” (PoC), in which PoC is defined as “the point where an individual DER is electrically connected in a Local EPS [Electric Power System] and meets the requirements of this standard exclusive of any load present in the respective part of the Local EPS.”¹⁷ Meanwhile, MN DIP defines PCC as “the point where the Interconnection Facilities connect with the Area EPS Operator’s Distribution System.”¹⁸ In the context of MN DIP, the PoC is distinct from the PCC. A key element of the distinction between the PoC and PCC is customer load,

¹¹ DEA Comments at 6, MP Comments at 2, OTP Comments at 2, Nokomis Comments at 2, MnSEIA Comments at 4, Xcel Comments at 3.

¹² DEA Comments at 9-10, MP Comments at 3-4, OTP Comments at 7, MREA Comments at 5-6, 8.

¹³ DEA Comments at 5, 11; MP Comments at 3-4, OTP Comments at 7, MREA Comments at 8.

¹⁴ [Minn. Stat. § 216B.164, Subd. 2a\(c\)](#)

¹⁵ [Minn. R. 7835.0100, Subp. 4](#)

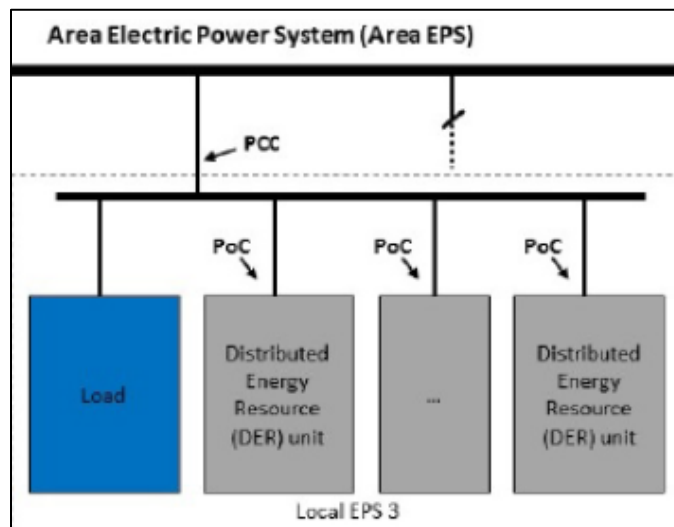
¹⁶ [Minn. R. 7835.0100, Subp. 17a](#)

¹⁷ [MN DIP Glossary of Terms at 5.](#)

¹⁸ [MN DIP Glossary of Terms at 4.](#)

namely that PoC is exclusive of customer load while the PCC is inclusive of load. The Department provides Figure 1 below, a portion of the figure presented in MN DIP to depict the relationship of the terms:

Department Figure 1: Point of DER Connection (PoC) and Point of Common Coupling (PCC)¹⁹



The language around the point at which the definition of capacity applies is further confounded by stated industry practice. Multiple parties stated in comments that the industry understands “point of interconnection” to be synonymous with “point of DER connection.”²⁰ This understanding creates a conflict with the terminology of the net-metered statute and associated rules, in which PCC is used rather than PoC. DEA proposes a resolution to this conflict in stating “the Commission likely understood the ‘point of common coupling’ (PCC) to be what is now referred to as the ‘point of DER connection’ (PoC) under the MN DIP.”²¹ The Commission may wish to clarify whether DEA’s understanding is accurate, as DEA’s understanding as stated would indicate that the current language of PCC in the rules associated with net-metering is not consistent with the definition of PCC used in MN DIP.

B. CUSTOMER LOAD AND EXPORT CAPACITY

The location at which the definition of capacity applies is relevant to the consideration of customer load. The inherent variability of customer load impacts the amount of energy exported to the utility system at the PCC. Multiple parties raised concerns with the inclusion of customer load in determining capacity for purposes of net-metered rate eligibility due to the impractical outcome and administrative challenges of determining eligibility based on an ever-changing value.²² The Department agrees that a

¹⁹ MN DIP Figure 1, Glossary of Terms at 4.

²⁰ DEA Comments at 6, MP Comments at 2, OTP comments at 2.

²¹ DEA comments at 9.

²² DEA Comments at 5, 9-10; MP Comments at 3, OTP Comments at 7, MREA Comments at 8.

variable capacity would be impractical to determine eligibility and would be an absurd outcome. Determination of eligibility requires a fixed value for capacity.

The Department observes, however, that this concern may arise from different interpretations among parties of export capacity. Utilities appear to interpret MnSEIA's position as export capacity at the PCC on a variable basis with fluctuations in customer load.²³ In the Department's review of MnSEIA's comments filed in this proceeding, it is not clear that fluctuations in customer load are relevant to MnSEIA's position regarding the definition of capacity for purposes of net-metered rate eligibility. However, the Department notes that multiple parties, including utilities and MnSEIA, discussed their participation in an *ad hoc* workgroup to understand issues of disagreement pertaining to this proceeding and representations made during those discussions may have informed party comments.²⁴ The workgroup meetings are not part of the formal record, and the Department was not a participant in the workgroup—and so relies on the comments submitted by parties.

The Department offers that it is helpful to differentiate between the maximum export capacity and the amount of energy exported to the utility's system at a moment in time. While the amount of energy exported may fluctuate, the capacity, or the maximum capability to do so remains fixed. Fluctuations in customer load should not factor into net-metering eligibility. In essence, when customer load is zero, the DER system would be at its maximum export capacity, as there is no customer load to offset the DER system production. Thus, customer load does not impact the maximum export capacity, and the maximum export capacity of the system would be the same regardless of the point of measurement, whether at the PoC or the PCC. Customer load and its fluctuations impact the amount of energy exported to the utility's system at any moment in time. In turn, the cumulative amount of energy exported, the net input to the utility system, determines the compensation received by the system owner.

The definition of capacity in Minn. R. 7835.0100, Subp. 4 states: "'Capacity' means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric system."²⁵ The "capability to produce, transmit, or deliver electric energy" can be reasonably understood to refer to a maximum threshold, consistent with the need for a fixed value to determine eligibility. This maximum capability, however, will not be achieved at all times. Just as solar panels are capable of producing a maximum amount of energy yet will often be producing less than that maximum, the energy exported to the utility system will often be less than the maximum.

The capacity of a DER system is its capability to produce, transmit, or deliver electric energy to the utility system. Multiple parties indicated the use of nameplate rating as the only appropriate method

²³ DEA Comments at 5, MP Comments at 3, OTP Comments at 7.

²⁴ OTP Comments at 1, MnSEIA Comments at 6, Nokomis Comments at 2, DEA Comments at 3, Xcel Comments at 2.

²⁵ [Minn. R. 7835.0100, Subp. 4](#)

to define capacity.²⁶ Particular emphasis was placed on nameplate rating as a means of determining production capability at a fixed value.

Nameplate rating will often represent the maximum capability of a DER system, but there are cases in which the nameplate rating will diverge from the maximum. Inverter settings can be adjusted to de-rate the device, setting the maximum operating threshold at a fixed value below that of the nameplate rating. In addition, power control limiting can establish DER capacity below that of nameplate capacity, as defined in MN DIP 5.14.3 and described in further detail in the Technical Interconnection and Interoperability Requirements (TIIR) section 11.²⁷ Such instances of limiting the capability of a DER system “to produce, transmit, or deliver electric energy” are relevant to the application of the definition of capacity.

DEA discusses the use of power control limiting, using a Power Control System (PCS), “to establish an export capacity different than its nameplate capacity.”²⁸ DEA notes that export capacity is limited by adjusting the output of the DER based on the measurement of the current load on the local system. DEA also notes concerns regarding reliability impacts due to the time delay for the PCS to adjust DER output and the potential for PCS failure.²⁹ MN DIP and the TIIR provide for the use of a PCS, permitting their use and granting utilities the discretion to ensure safety and reliability concerns are sufficiently addressed prior to interconnection. If the proposed operation of a DER system using a PCS satisfies utility concerns and the operator and utility complete an interconnection agreement, then the limited export capacity, below that of nameplate capacity, should determine net-metered rate eligibility, as well. If the use of a PCS can never fully address the reliability concerns raised by utilities, then further updates to MN DIP and the TIIR may be needed.

C. THE TREATMENT OF STORAGE SYSTEMS

The treatment of solar and storage applications for purposes of net-metered rate eligibility remains on the periphery of the initial comments submitted by parties in this proceeding. OTP, DEA, and Xcel noted that the topic was discussed as part of the *ad hoc* workgroup but consensus regarding its treatment was not reached.³⁰ Both Xcel and DEA noted the Commission’s April 15, 2024 Order in Docket No. E999/CI-16-521 directed the Distributed Generation Workgroup (DGWG) to explore issues related to battery storage systems and evaluation under MN DIP:

The Commission directs the DGWG to explore if and how battery storage systems should be evaluated under the MN DIP. Topics to discuss would include: should the battery storage and DER generation be studied on a combined basis in the interconnection process, and whether or not net-

²⁶ DEA Comments at 11, OTP Comments at 8, MP Comments at 4, MREA Comments at 2.

²⁷ [MN DIP 5.14.3 at 29-30](#), [TIIR Section 11 at 35](#).

²⁸ DEA Comments at 14.

²⁹ DEA Comments at 15.

³⁰ DEA Comments at 3, OTP Comments at 1, Xcel Comments at 2.

metered DER plus storage applications should be treated differently under the MN DIP than non-exporting DER plus storage applications.³¹

The Commission's directive to the DGWG is in the context of the interconnection docket and, accordingly, focused on the interconnection process rather than net-metered rate eligibility. As such, it is not clear to the Department that the DGWG directive would fully address the issues in question in the current proceeding. The Commission may wish to clarify whether the directive to the DGWG is intended to encompass the treatment of battery storage systems for purposes of net-metered rate eligibility.

Insofar as the current proceeding remains the appropriate venue, the previous discussion of the "capability to produce, transmit, or deliver electric energy"³² is relevant to the treatment of battery storage systems for purposes of net-metered rate eligibility. The potential distinction in treatment of exporting and non-exporting battery systems appears to have been a topic of discussion in the *ad hoc* workgroup, as noted by OTP,³³ DEA,³⁴ and MnSEIA.³⁵ Ultimately, it is the maximum export capacity of the system that is determinative of the net-metered rate eligibility, as this represents the system's capability to produce, transmit, or deliver electric energy to the utility system. Broadly speaking, battery storage paired with solar placed behind an inverter, it is the maximum export capacity of the combined system—not the aggregate nameplate capacity of the system components—that should be utilized to determine net-metered rate eligibility.

The maximum export capacity of a combined solar and battery storage system may be below the aggregate nameplate capacity of the components of the combined system. Therefore, capacity for purposes of net-metered rate eligibility may be distinct from the capacity considered for interconnection under MN DIP. This distinction between capacity in different contexts would not alter the current process established in MN DIP and create reliability risks, as the definition of capacity as it applies to the interconnection process laid out in MN DIP would control in that context. Utilities would review the interconnection application and address the safe and reliable interconnection of the proposed system per the process provided in MN DIP, and nothing about the capacity of the system for purposes of net-metered rate eligibility would alter that process.

Accordingly, the Department notes that this proceeding is focused on the application of the definition of capacity without creating reliability problems, as stated in the Notice. Applying the definition of

³¹ *Order Establishing a Two-Queue System, Directing Further Discussions, and Addressing Miscellaneous Matters – In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distribution Generation Facilities Established Under Minn. Stat. § 216B.1611, Docket No. E999/CI-16-521 (April 15, 2024).* (eDocket No. [20244-205355-01](#)). Order Point 7.

³² [Minn. R. 7835.0100, Subp. 4](#)

³³ OTP comments at 1.

³⁴ DEA comments at 3.

³⁵ MnSEIA comments at 7.

capacity consistent with the language of Minn. Stat. § 216B.164 and associated rules should not present reliability risks beyond those already addressed in the interconnection process.

The Department maintains its position from initial comments that the governing statute is clear that capacity is defined at the point of interconnection with the utility system with respect to net-metered rate eligibility. The Department wishes to clarify its recommendation from initial comments to read that utilities should apply the definition of capacity for purposes of net-metered rate eligibility as the maximum export capacity of the DER system at the point of interconnection, consistent with the governing statute.

IV. CONCLUSION AND RECOMMENDATION

The Department appreciates the opportunity to provide additional comments for Commission consideration in this matter. The Department maintains its position from initial comments that the governing statute is clear that capacity is defined at the point of interconnection with the utility system with respect to net-metered rate eligibility. The Department wishes to clarify its recommendation from initial comments to read that utilities should apply the definition of capacity for purposes of net-metered rate eligibility as the maximum export capacity of the DER system at the point of interconnection, consistent with the governing statute.

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
Reply Comments**

Docket No. E002, E111, E017, E015/CI-24-200

Dated this **17th** day of **September 2024**

/s/Sharon Ferguson

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David	Freestate	dfreestate@epri.com	EPRI	942 Corridor Park Blvd Knoxville, TN 37932	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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