

July 6, 2017

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

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E999/M-17-283

Dear Mr. Wolf:

On May 20, 2016, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Reporting Requirements and Comment Period in the Matter of Utilities' Annual Reports on Progress in Achieving the Solar Energy Standard (SES)*. Attached please find the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department).

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ SUSAN L. PEIRCE
Rates Analyst

SLP/lt
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E999/M-17-283

I. BACKGROUND INFORMATION

On April 14, 2017, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Reporting Requirement and Comment Period* directing utilities subject to the solar energy standard (SES) to file annual reports by June 1st, and requesting comments on whether the annual reports complied with the Commission's reporting requirements set forth in its April 25, 2014 and October 23, 2014 Orders in Docket No. E999/CI-13-542.

Minnesota Power (MP), Otter Tail Power Corporation (OTP) and Xcel Energy (Xcel) are subject to the SES and submitted annual reports.

On June 23, 2017, the Commission issued a *Notice of Extended Comment Period and Additional Topic Open for Comment*. The Commission requested additional comment on whether Xcel Energy should be allowed to count Community Solar Garden (CSG) subscriptions of less than 20 kW towards their Small Solar Carve Out under Minn. Stat. 216B.1691, Subd. 2f.

II. SUMMARY OF THE REPORTING REQUIREMENTS

Minn. Stat. §216B.1691 was amended by the 2013 Legislature to require public utilities to generate or procure 1.5 percent of their Minnesota retail electric sales from solar energy by 2020. The statute also requires utilities to meet a portion of their SES requirement from small solar facilities [small solar carve-out]. Xcel is required to obtain at least 10 percent of the 1.5 SES requirement from solar facilities of 20 kW capacity or less.

The 2017 Minnesota Legislature amended the SES Statute to require OTP and MP to obtain 10 percent of their 1.5 percent SES requirement from solar facilities with 40 kW capacity or less. In addition, the SES statute now permits MP and OTP to apply individual customer solar garden subscriptions of less than 40 kW towards their small solar carve-out requirement. The statute permits utilities subject to the SES to exclude retail sales to the mining and paper mill and wood products manufacturing industries from the calculation of their SES requirement.

The April 25th Commission Order requires utilities to submit the following information:

- Annual Minnesota retail sales;
- Annual excluded customer sales
- A list of customers requesting exclusion and their North American Industry Classification System (NAICS) code;
- Total Minnesota retail sales for customers excluded from the SES requirement;
- Annual solar generation, the total number of units registered in M-RETS (Midwest Renewable Tracking System) and total S-RECs (solar renewable energy certificates) generated from those units;
- Estimated amount of solar generation in MWs the utility would be required to obtain in 2020;
- Estimated solar energy requirements to meet the SES in 2020;
- A short summary of ongoing efforts to obtain solar energy, including the anticipated mix of project sizes for SES compliance;
- A summary of progress toward the 10 percent carve out for systems under 20 kW;
- A brief summary of the state(s) in which the solar generation is located or anticipated to be located;
- Purchases and sales of S-RECs to meet the SES.
- A breakdown of S-RECs from the following:
 1. Facilities receiving a Value of Solar rate;
 2. Community Solar Gardens;
 3. Facilities under a net metering tariff;
 4. Utility-owned solar projects;
 5. Solar facilities that have entered a purchased power agreement (PPA) with the utility;
 6. Facilities receiving an incentive such as Solar*Rewards or Made in Minnesota.

The October 23, 2014 Order in Docket E999/CI-13-542 required utilities subject to the SES to include the following:

1. Excluded sales only from customers that have requested and been approved by utilities for exclusion from the SES requirements;
2. Additional information supporting each utility's assumed capacity factor;
3. More detailed information on each utility's ongoing efforts to obtain solar energy on their systems;

4. Information on the effective load carrying capability and MISO capacity accreditation for existing or planned solar facilities;
5. Additional discussion on any challenges utilities face in registering small solar facilities; and
6. A discussion of how utilities weigh the uncertainty of the solar investment tax credit benefit to awaiting the potential for technology improvements which may reduce the costs of adding solar resources.

III. DEPARTMENT ANALYSIS

The Department has reviewed the annual SES reports and concludes that they include the requested information and comply with the Commission's Orders. In general, the three utilities subject to the SES continue to evaluate solar projects. Table 1 to these comments summarizes each utility's current SES reporting. The Department provides a brief summary of each utility's efforts to meet the 2020 SES requirement.

A. *OTTER TAIL POWER COMPANY (OTP)*

OTP continues to have discussions with developers regarding various possible solar projects with the goal of having them operational by the end of 2019 in order to utilize the 30 percent Investment Tax Credit (ITC). The Company's most recent Conservation Improvement Program (CIP) includes a project to provide incentives for Publically Owned Property Solar (POP Solar) projects to expand solar benefits within various communities. The Company recently worked with a local university to install a 20-kW solar PV system, and has approved several other applications through the POP Solar project that are expected to be constructed in 2017.

In its initial report, OTP stated that it was unlikely to meet the small solar carve out from its customers' small distributed generation (DG), and would most likely rely on purchasing S-RECs from small solar facilities registered in M-RETS. However, in its response to an information request issued by Commission Staff, OTP indicated that the increase in the size of facilities permitted to count towards the small solar carve-out from 20 kW to 40 kW would provide additional flexibility. OTP indicated that it had several customers who received incentives through the Made in Minnesota (MIM) program with facilities greater than 20 kW that would be eligible to count towards the small solar carve-out under the revised statute. Further, since MIM incentive payments were eliminated on a going-forward basis under the revised statute, OTP stated that it is considering modifying its Conservation Improvement Program (CIP) to use the funds previously earmarked for MIM incentives to fund its POP Solar program.

The Department concludes that OTP has met the compliance reporting requirements laid out in the Commission's SES Orders.

B. MINNESOTA POWER (MP)

Since its last SES report, MP's 10-MW Camp Ripley Solar Project was completed, and a 1.04-MW community solar garden is underway. MP also continues to offer its SolarSense Rebate program focused on assisting customers in installing rooftop solar. MP's most recent IRP requires the Company to add an additional 12 MW of solar by 2020, and 10 MW of solar by 2025.

In its update addressing the 2017 legislative changes, MP stated that its efforts to comply with the small solar carve-out will continue to focus on individual customer installations through its SolarSense program. MP continues to focus its efforts to meet the SES on a diverse set of solar offerings. The ability to count small community solar garden subscriptions is another tool to meeting SES requirements.

The Department concludes that MP has complied with the reporting requirements set forth in the Commission's Orders.

D. XCEL ENERGY

Xcel has two Power Purchase Agreements (PPAs) from solar projects totaling 162.25 MW that began commercial operation in late 2016, and an additional 100-MW project that is expected to come on-line in 2017. In its initial report, Xcel stated that it expects to be able to meet the small solar carve-out through DG obtained through its Solar*Rewards program through 2021, but expects difficulty in achieving compliance following 2021.

As for the 2017 Legislative changes,¹ Xcel expects the elimination of MIM incentives, coupled with an increase in funding for the Solar*Rewards program may encourage customers to install more solar facilities with less than 20 kW of capacity, and improve its ability to meet the small solar carve-out.

¹ The Department notes that the 2017 Legislative changes increasing the eligible capacity size for the small solar carve out from 20 kW to 40 kW and allowing solar garden subscriptions less than 40 kW to count towards SES compliance do not apply to Xcel.

1. *Xcel's CSG subscriptions and the Small Solar Carve-out*

On June 23, 2017, the Commission issued a *Notice of Extended Comment Period and Additional Topic Open for Comment*. Through this *Notice*, the Commission is seeking comment on Xcel's desire to count energy generated from CSG subscriptions of 20 kW or less, towards its small solar carve-out requirement.

Minn. Stat. § 216B.1691, Subd. 2f (b) states:

... at least ten percent of the 1.5 percent goal must be met by solar energy generated by or procured from solar photovoltaic devices with a nameplate capacity of 20 kilowatts or less.

The phrase "For a public utility with more than 200,000 retail electric customers" was added during the 2017 Legislative Session, resulting in this statutory provision applying only to Xcel. Language was also added (paragraph c of Minn. Stat §216B.1691 Subd. 2f) to permit MP and OTP to count some CSG subscriptions towards their small solar carve-out.

The Commission addressed the issue of applying individual CSG subscriptions towards the small solar carve-out requirement in its July 27, 2016 Order regarding Minnesota Power's CSG Pilot Program.² MP requested the ability to count its individual subscriptions of 20 kW or less towards its Small Solar Carve-out requirements under the SES Statute. At the time MP's solar garden proposal was considered by the Commission, however, the small solar carve-out as stated above applied to MP. Under Minn. Stat. §216B.1641, CSGs may have a nameplate capacity of no more than 1 MW. In its July 27, 2016 Order, the Commission rejected MP's request to allow CSG subscriptions of 20 kW or less to satisfy the small solar carve-out requirements, stating:³

Allowing projects with generating systems of this size to satisfy this small-scale requirement is inconsistent with the plain language of the statute, and the purpose of the requirement - to promote small scale (*e.g.*, rooftop) distributed solar generation. The statute provides a means by which the Commission may delay or modify standard obligations if doing so is in the public interest, [Minn. Stat. 216B.1691, subd. 2b] so effectively undermining the statute's goal

² *In the Matter of a Petition by Minnesota Power for Approval of a Community Solar Garden Pilot Program, Small-Scale Solar Energy Standard Compliance Eligibility, and a Method for Program Cost Recovery*, Docket No. E015/M-15-825, Order Approving Pilot Program with Modifications, July 27, 2016.

³ *Id.* at 9.

of promoting small-scale solar, in anticipation of a possible failure to meet the under-20-kW SES requirement, is unwarranted.

The Commission's reasoning from its July 27th Order continues to hold true for Xcel. The Department recommends that the Commission reject Xcel's request to count CSG subscriptions less than 20 kW towards its small solar carve-out requirements.

The Department has reviewed Xcel's compliance filing, and concludes that the Company has submitted the information required by the Commission's Orders.

IV. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission

1. Find the SES Reports in compliance with its Orders.
2. Deny Xcel's request to count CSG subscriptions less than 20 kW towards its small solar carve-out.

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Table 1: Summary of Utility Reporting on SES

	Otter Tail	Minnesota Power	Xcel
MN retail sales (MWh)	2,545,813	8,181,381	30,289,190
Excluded Sales	66,181	5,144,286	Exclusion began 6/1/2017
Annual solar generation (MWh)	96		
Est. solar capacity (MWs) needed to meet 2020 SES	30	30	236
Est. solar energy needed to meet 2020 SES (MWhs)	39,366	53,208	453,967
Breakdown of Solar RECs			
Year-end balance			
1. Utility-Owned projects	0	1,713	0
2. PPAs	0	0	18,911
3. Community Solar Gardens			
a. Applicable retail rate	0	0	245
b. Value of Solar	0	0	0
4. Net metered facilities	<u>18</u>	<u>347</u>	<u>13,373</u>
Total SRECs	18	2,066	32,529

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. E999/M-17-283

Dated this 6th day of July 2017

/s/Sharon Ferguson

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