

February 25, 2022

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

RE: **Supplemental Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/M-21-433

Dear Mr. Seuffert:

On February 2, 2022, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Supplemental Comment*, seeking comment on Xcel Energy's proposed modifications to its Uniform Statewide Contract for Cogeneration and Small Power Production Facilities.

Attached are the supplemental comments of the Minnesota Department of Commerce, Division of Energy Resources (Department). The Department recommends **approval with modifications** and is available to answer any questions the Commission may have

Sincerely,

/s/ SUSAN L. PEIRCE
Rate Analyst Coordinator

SLP/ja
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/M-21-433

I. BACKGROUND INFORMATION

On June 29, 2021, Xcel Energy (Xcel or the Company) filed a petition to amend its Interconnection Tariff to permit renters to benefit from net metering, including the PV Demand Credit Rider) when a property owner installs distributed solar generation (DG) on the property.

II. SUMMARY OF THE FILING

Xcel proposes to amend its tariff to permit a tenant to receive net metering and the PV demand credit for solar DG projects installed by the property owner at the building in which the tenant resides. The property/DG owner would sign the interconnection agreement, and the tenant would receive net metering benefits on their bill. Net metering would be available to both residential and commercial customers in situations where a landlord/property owner installed DG on a building, and the tenant is the named customer. Master metered multi-tenant buildings would not be eligible for the tenant net metering tariff.

The Company further indicates that in the absence of an affirmative net metering rate selection, the A50 net metering code shall apply, but could be changed by the tenant following contact with the Company. In addition, the monthly metering charges associated with the QF DER would apply to the tenant. Tenants will need to separately apply for the PV Demand Credit Rider.

The Commission met on December 24, 2022, to consider Xcel's proposal. At its December meeting, the Commission directed staff to issue a notice for Supplemental Comments to address revisions proposed by Xcel, and whether landlord owners should be offered additional flexibility in opting out of the program at some point in the future. The Department offers the following comments.

III. DEPARTMENT ANALYSIS

Xcel has revised its proposed tariff to clarify that named customers receiving net metering benefits do not have additional responsibilities under the Uniform Statewide Contract other than the net metering benefits less the metering charges, but remain subject to the terms, conditions and responsibilities to which all retail electric customers are subject. The Company also addressed Commission concerns about the net metering rates that would apply for systems greater than 40 kW.

In discussions at the December 22 meeting, Commission Schuerger expressed a desire to include additional language incorporating more flexibility in the assignment of net metering benefits and the ability to opt-out of an arrangement upon written notice. Specifically, Commissioner Schuerger proposed including the following language:

Where a landlord owner of a premises is the owner of a non-Solar*Rewards DER system that is the subject of a Section 10 tariff Interconnection Agreement or MN DIA, and that DER system is connected to the meter where a tenant is the named Customer receiving retail electrical service, then the landlord owner may decide to assign the benefits of net metering to a tenant. In that instance, the tenant and any subsequent tenant who is receiving electrical service at that premise shall be entitled to the net metering benefits as set forth in the Uniform Statewide Contract without the need for that tenant to sign the Uniform Statewide Contract. The landlord owner may opt out of the arrangement upon written request acknowledging the new program or rate offering the DER will participate in.

From the discussion at the December 22 meeting, the Department understands concern to be whether the landlord owner could assign all or a portion of net metering benefits to someone other than the named customer on the meter connected to the DER. The Department objects to assigning net metering benefits to individuals beyond the named customer on the meter, with one possible exception. Minn. Stat. §216B.164, subd. 2a (f) defines a customer as “the person who is named on the utility electric bill for the premises” and the designated meter as “a meter that is physically attached to the customer’s facility that the customer-generator designates as the first meter to which net metered credits are to be applied as the primary meter for billing purposes when the customer is serviced by more than one meter.”

The Department understands the net metering statute to require DER facilities to be connected to a specific customer meter, and for the benefits to accrue to that customer. If the landlord owner wishes to benefit from net metering, the landlord owner would either have to connect the DER facility to a meter in its name. For example, a DER facility could be placed at a larger apartment complex and used to offset generation for the common areas of the complex such as hallways and public areas. Xcel’s filing indicates the tariff does not apply to master metered buildings in which all apartments in the building are metered to a single meter in the landlord owner’s name, and electricity charges are included in the rent. The proposed language implies that if the landlord is the named customer on the bill, then the landlord, not the tenants would be the beneficiary of net metering.

The one instance for which the Department would not object to the assignment of benefits to the landlord and not the named customer is in the event of energy generation over a one year period exceeding energy usage resulting in a net bill credit. In the event of a net bill credit, The Department does not find it unreasonable to assign the credit to the landlord owner of the DER facility. Permitting landlord owners to receive payment for the excess energy could encourage some level of investment in

DER as it would assist in recovering the landlord's investment. The Department notes that DER must be sized to be no more than 120 percent of the named customer's on-site annual electric energy consumption (Minn. Stat. §216B. 164, Subd. 4c (2)), and should limit the incentive to size facilities to a level resulting in excess energy. Department does not recommend permitting landlord owners to assign net metering benefits under any other circumstances.

The Department would propose the amended language referenced above be modified to state:

Where a landlord owner of a premises is the owner of a non-Solar*Rewards DER system that is the subject of a Section 10 tariff Interconnection Agreement or MN DIA, and that DER system is connected to the meter where a tenant is the named Customer receiving retail electrical service, then ~~the landlord owner may decide to assign the benefits of net metering to a tenant. In that instance, the~~ tenant and any subsequent tenant who is receiving electrical service at that premise shall be entitled to the net metering benefits as set forth in the Uniform Statewide Contract without the need for that tenant to sign the Uniform Statewide Contract. In the event electric generation exceeds electric usage resulting in a credit balance, the credit balance may be assigned to the landlord owner.

In general, the Department does not object to the proposal to permit the landlord owner to opt-out of a net metering arrangement upon written notice and after identifying the program to which it will participate; however, a number of consumer protections should be included in any opt-out process. Specifically, the Department recommends the Commission require adequate notice (at least 30 days) to the named customer receiving net metering benefits of the change and any impact it will have on their bills. In addition, in the event such an opt-out requires changing the meter to which the DER is connected, the Department recommends the landlord owner bear the cost of that disconnection and reconnection.

The Department recommends the following modification to the proposed language:

The landlord owner may opt out of the arrangement upon written request acknowledging the new program or rate offering the DER will participate in **and upon notification to the named customer of the change in the net metering arrangement and the impact to their bill. Any costs resulting from a need to alter the existing metering arrangements will be borne by the landlord owner.**

III. DEPARTMENT RECOMMENDATIONS

The Department recommends the Commission approve Xcel's proposed tariff filing with the amended language from the Company's December 17, 2021 filing. In addition, the Department recommends adoption of the following amended language:

Where a landlord owner of a premises is the owner of a non-Solar*Rewards DER system that is the subject of a Section 10 tariff Interconnection Agreement or MN DIA, and that DER system is connected to the meter where a tenant is the named Customer receiving retail electrical service, then ~~the landlord owner may decide to assign the benefits of net metering to a tenant. In that instance, the~~ tenant and any subsequent tenant who is receiving electrical service at that premise shall be entitled to the net metering benefits as set forth in the Uniform Statewide Contract without the need for that tenant to sign the Uniform Statewide Contract. In the event electric generation exceeds electric usage resulting in a credit balance, the credit balance may be assigned to the landlord owner. The landlord owner may opt out of the arrangement upon written request acknowledging the new program or rate offering the DER will participate in, **and upon notification to the named customer of the change in the net metering arrangement and the impact to their bill. Any costs resulting from a need to alter the existing metering arrangements will be borne by the landlord owner.**

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
Supplemental Comments**

Docket No. E002/M-21-433

Dated this 25th day of February 2022

/s/Sharon Ferguson

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Ronald	Horman	rhorman@redwoodelectric.com	Redwood Electric Cooperative	60 Pine Street Clements, MN 56224	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Jan	Hubbard	jan.hubbard@comcast.net		7730 Mississippi Lane Brooklyn Park, MN 55444	Electronic Service	No	OFF_SL_21-433_M-21-433
Dean	Hunter	Dean.Hunter@state.mn.us	Minnesota Department of Labor & Industry	443 Lafayette Rd N St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_21-433_M-21-433
Steve	Huso	steve.huso@xcelenergy.com	Xcel Energy	G.O. 7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-433_M-21-433
Casey	Jacobson	cjacobson@bepc.com	Basin Electric Power Cooperative	1717 East Interstate Avenue Bismarck, ND 58501	Electronic Service	No	OFF_SL_21-433_M-21-433
Ralph	Jacobson	ralphj@ips-solar.com		2126 Roblyn Avenue Saint Paul, Minnesota 55104	Electronic Service	No	OFF_SL_21-433_M-21-433
John S.	Jaffray	jjaffray@jrpowers.com	JJR Power	350 Highway 7 Suite 236 Excelsior, MN 55331	Electronic Service	No	OFF_SL_21-433_M-21-433
Robert	Jagusch	rjagusch@mmua.org	MMUA	3025 Harbor Lane N Minneapolis, MN 55447	Electronic Service	No	OFF_SL_21-433_M-21-433
Chris	Jarosch	chris@carrcreekelectricservice.com	Carr Creek Electric Service, LLC	209 Sommers Street North Hudson, WI 54016	Electronic Service	No	OFF_SL_21-433_M-21-433
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Richard	Johnson	Rick.Johnson@lawmoss.co m	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
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Nate	Jones	njones@hcpd.com	Heartland Consumers Power	PO Box 248 Madison, SD 57042	Electronic Service	No	OFF_SL_21-433_M-21-433
Mahmoud	Kabalan	mahmoud.kabalan@stthom as.edu	University of St Thomas	2115 Summit Ave. Mail OSS100 School of Engineering Saint Paul, MN 55105	Electronic Service	No	OFF_SL_21-433_M-21-433
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Cliff	Kaehler	cliff.kaehler@novelenergy. biz	Novel Energy Solutions LLC	4710 Blaylock Way Inver Grove Heights, MN 55076	Electronic Service	No	OFF_SL_21-433_M-21-433
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Ted	Kjos	tkjos@mienergy.coop	MIEnergy Cooperative	31110 Cooperative Way PO Box 626 Rushford, MN 55971	Electronic Service	No	OFF_SL_21-433_M-21-433
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Burnell	Lauer	blauer.sundial@gmail.com	Sundial Solar	3209 W. 76th St #305 Edina, MN 55435	Electronic Service	No	OFF_SL_21-433_M-21-433
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Mark	Rathbun	mrathbun@greenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369	Electronic Service	No	OFF_SL_21-433_M-21-433
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John C.	Reinhardt	N/A	Laura A. Reinhardt	3552 26th Ave S Minneapolis, MN 55406	Paper Service	No	OFF_SL_21-433_M-21-433
Doug	Renier	doug.renier@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-433_M-21-433
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Michael	Riewer	MRiewer@otpc.com	Otter Tail Power Company	PO Box 4496 Fergus Falls, MN 56538-0496	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Glen	Skarbakka	glen@s-pllc.com	Skarbakka PLLC	5411 Bartlett Blvd Mound, MN 55364	Electronic Service	No	OFF_SL_21-433_M-21-433

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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