

**MINNESOTA PUBLIC UTILITIES COMMISSION
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John Tuma	Commissioner
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In the Matter of a Formal Complaint and
Petition for Relief by SunShare LLC
Against Northern States Power Co. d/b/a
Xcel Energy Regarding Settlement
Agreements

Docket No. E-002/C-25-76

**INITIAL COMMENTS OF THE
MINNESOTA DEPARTMENT
OF COMMERCE**

INTRODUCTION

The Minnesota Department of Commerce respectfully submits the following initial comments in response to the Commission’s amended January 23, 2025, comment period notice. The Public Utilities Commission should find that it has jurisdiction over the subject matter of the complaint regarding interconnection agreements. The Commission does have reasonable grounds to investigate these allegations and doing so would be within public interest. Because this question is within the Commission’s jurisdiction and the material facts appear undisputed, the Commission should proceed using the informal notice-and-comment process to facilitate timely resolution.

BACKGROUND

In December 2024, SunShare filed a complaint with the Commission alleging that Xcel failed to implement their settlement agreement.¹ As part of its complaint, SunShare requested that the Commission order Xcel to issue conditional interconnection agreements for the projects that

¹ SunShare Request for Relief Letter (Dec. 31, 2024) (eDocket No. 202412-213429-01) (“SunShare Complaint”).

SunShare submitted to the 2024 low- to moderate-income-accessible (“LMI”) community solar garden program on December 30, 2024. SunShare also requested that the Department either allow these projects to remain in the 2024 LMI community solar garden program queue or hold capacity in its 2025 LMI program for these projects. On January 10, the Commission issued a notice of comment period seeking comments regarding SunShare’s complaint.

ANALYSIS

I. THE COMMISSION HAS JURISDICTION OVER SOME OF THE MATTERS ALLEGED IN THE COMPLAINT

The Commission has general authority to investigate companies providing regulated services.² The Commission also has jurisdiction over the interconnection agreement component of SunShare’s complaint.

Specifically, the Commission has authority over interconnection and operation standards for distributed energy resources of 10MW or less, including those proposed by SunShare.³ The Commission also has jurisdiction over the legacy community solar garden program, and authority over billing and compensation in connection with the LMI community solar garden program.⁴ The Department, however, retains exclusive authority to allocate LMI community solar gardens capacity to eligible community solar gardens.⁵ In sum, the Commission should find it has jurisdiction over the complaint except with respect to SunShare’s LMI community solar garden capacity queue position.

² Minn. Stat. § 216B.14 (2024).

³ Minn. Stat. § 216B.1611 (2024).

⁴ Minn. Stat §216B.1641 (2024).

⁵ *Id.*, subd. 4(a)(3).

II. THERE ARE REASONABLE GROUNDS TO INVESTIGATE SUNSHARE'S COMPLAINT AND DOING SO WOULD BE IN THE PUBLIC'S INTEREST.

The Commission has reasonable grounds to investigate this complaint. SunShare has raised concerns that implicate the Commission's authority over interconnection agreements and could impact the state's progress towards meeting applicable renewable energy standards.⁶ Resolution of SunShare's complaint also will support the successful implementation of the LMI community solar garden program.

The Commission has reasonable grounds to investigate this Complaint and doing so would be in the public's interest.

III. THIS MATTER SHOULD BE CONDUCTED USING THE INFORMAL NOTICE AND COMMENT PROCESS.

Because the relevant facts appear undisputed, the Department recommends that the Commission resolve this matter through the informal notice-and-comment process.⁷ However, if the Commission concludes there are there are material facts in dispute, the Commission should refer this matter to the Office of Administrative Hearings for a contested-case proceeding.⁸

CONCLUSION

For these reasons, the Department recommends that the Commission find that it has jurisdiction over the allegations in the complaint, there are reasonable grounds to investigate, and proceed using the informal notice-and-comment process.

⁶ Minn. Stat. § 216B.1691, subd. 2f (2024)

⁷ Minn. R. 7829.1200 (2023).

⁸ Minn. R. 7829.1200.

Dated: February 10, 2025

Respectfully submitted,

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