

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben
Hwikwon Ham
Audrey C. Partridge
Joseph K. Sullivan
John A. Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

ISSUE DATE: March 5, 2025

In the Matter of the Application of Northern States Power Company, d/b/a Xcel Energy, for Authority to Increase Rates for Natural Gas Service in Minnesota

DOCKET NO. G-002/GR-23-413

In the Matter of a Petition by Northern States Power Company, d/b/a Xcel Energy, for Approval of a New Base Cost of Gas

DOCKET NO. G-002/MR-23-412

ORDER ACCEPTING AND ADOPTING AGREEMENT SETTING RATES

PROCEDURAL HISTORY

I. Initial Filings and Orders

On November 1, 2023, Northern States Power Company, d/b/a Xcel Energy (Xcel Energy or the Company), filed a request to increase its natural gas rates. Xcel Energy requested a \$59.03 million (or 9.6%) net rate increase. The petition also proposed that \$23.04 million currently being recovered in riders would be recovered through base rates moving forward.

On December 22, 2023, the Commission issued orders taking the following actions:

- Accepting Xcel Energy’s filing as complete and suspending its proposed permanent rate increase pending further examination.
- Approving Xcel Energy’s new base cost of gas but requiring the Company to provide updated information in the general rate case proceeding.
- Authorizing an interim rate increase of approximately \$51.2 million per year, with the requirement that Xcel Energy refund any amount of interim rates collected in excess of the permanent rate increase ultimately approved by the Commission.
- Referring the matter to the Office of Administrative Hearings to conduct a contested case proceeding and make recommendations.

The Office of Administrative Hearings assigned Administrative Law Judge (ALJ) Susan Todnem.

II. The Parties and their Representatives

The following parties appeared in this case:

- Xcel Energy, represented by Elizabeth M. Brama and Valerie T. Herring, Taft Stettinius & Hollister LLP; Eric F. Swanson, Winthrop & Weinstine, P.A.; Ian M. Dobson, Michael W. Kaphing, and Lauren Steinhäuser.
- The Department of Commerce, Division of Energy Resources (the Department), represented by Richard E. Dornfeld, Gregory R. Merz, Stephen D. Melchionne, and Katherine N. Arnold.
- The Office of the Attorney General – Residential Utilities Division (the OAG), represented by Katherine M. Hinderlie, Peter G. Scholtz, Travis C. Murray, and Joey D. Cherney, Assistant Attorneys General.
- The Citizens Utility Board of Minnesota (CUB), represented by Olivia J. Carroll, Brian C. Edstrom, and Brandon P. Crawford.
- The Laborers’ District Council of Minnesota and North Dakota, and the International Union of Operating Engineers Local 49 (collectively, LIUNA and Local 49), represented by Kevin Pranis, Market Manager.
- The Suburban Rate Authority (SRA), represented by Joseph L. Sathe and Joseph P. Weir, Kennedy & Graven, Chartered.

III. Proceedings Before the Office of Administrative Hearings

The ALJ held public meetings within Xcel Energy’s service territory during late April and early May of 2024, including at the following locations: Big Lake on April 30, 2024; St. Paul on May 1, 2024; Rosemount on May 2, 2024; Blaine on May 7, 2024; Woodbury on May 8, 2024; and Red Wing on May 9, 2024.

The ALJ also held two virtual public hearings on May 1 and May 8, 2024.

On May 24, 2024, the parties engaged in formal mediation that ultimately resulted in an all-parties, all-issues settlement.

The parties memorialized the terms of their agreement in a written settlement agreement filed on June 26, 2024.

On October 24, 2024, the ALJ filed Findings of Fact, Conclusions of Law, and Recommendation to Approve Settlement (ALJ Report).

When all parties to a utility rate case reach a settlement, the ALJ must present the settlement to the Commission for consideration under Minn. Stat. § 216B.16, subd. 1a(b). Accordingly, the ALJ excused the parties from further filings and returned the proceeding to the Commission.

IV. Comments

Thirty-one members of the public provided oral comments or asked questions at the public hearings in this matter.

The Commission also received 425 written comments from members of the public during the comment period.

Most of the commenters disapproved of the rate increase, and many expressed strong opposition to any rate increase. The comments fell into four general categories: (1) comments stating that rate increases would be unfair, unnecessary, unreasonable, or excessive; (2) comments urging the consideration of energy sources other than solar and wind, or other programs and tariff changes; (3) comments regarding concerns over corporate profit and executive compensation; and (4) comments that the information and data provided is poorly presented and misleading.

V. Proceedings Before the Commission

On February 13, 2025, the Commission heard oral argument from and asked questions of the parties and participants. The record closed under Minn. Stat. § 14.61, subd. 2, on that date.

FINDINGS AND CONCLUSIONS

Having examined the entire record in this case and having heard the arguments of the parties and participants, the Commission makes the following findings, conclusions, and order approving the proposed settlement of the rate case.

I. The Legal Standard

Under Minn. Stat. § 216B, a public utility seeking a rate increase has the burden to show that the proposed rate change is just and reasonable.¹ Any doubt as to reasonableness is to be resolved in favor of the consumer.²

Minn. Stat. § 216B.16 encourages parties to engage in settlement discussions and attempt to settle requests for general rate increases.³ Before beginning contested case proceedings on a general rate case, the ALJ is required to convene a settlement conference for the purpose of encouraging settlement of the issues in the case.⁴ If the parties do not reach a settlement before the contested

¹ Minn. Stat. § 216B.16, subd. 4.

² Minn. Stat. § 216B.03.

³ Minn. Stat. § 216B.16, subd. 1a(a).

⁴ *Id.*

case hearing, the ALJ may reconvene the settlement conference at any point before the case is returned to the Commission, either at the judge's discretion or at the request of any party.⁵

The Commission may accept a settlement agreement from the parties only upon finding that to do so is in the public interest and is supported by substantial evidence.⁶ If the Commission does not accept the settlement in its entirety, it may either reject the settlement or modify it subject to approval of the parties.⁷ If the Commission rejects the settlement, or if the Commission modifies the settlement and a party rejects the proposed modification within 10 days, then a contested case hearing must be completed to evaluate the rate increase request.⁸

The Commission recognizes that resolving disputed issues in rate cases is fundamentally different from resolving disputes between private litigants:

In deciding whether to accept [a settlement agreement], the Commission must apply a different standard than is normally used by the courts. Unlike the traditional function of civil courts, the Commission's primary function is not to resolve disputes between litigants. Instead, it is an affirmative duty to protect the public interest by ensuring just and reasonable rates.⁹

II. The Settlement

The settlement addresses financial issues, the class cost of service study, costs of capital, sales forecast, rate design, and general compliance issues. After reviewing the record, the ALJ noted how the settlement reflects the evidence and arguments raised by all parties and in public comments:

80. The Settlement succinctly presents the Parties' positions on each of the matters in dispute and explains the resolution of those issues. It also reflects the parties' communication, collaboration and compromises to achieve a global accord.

81. The Administrative Law Judge has reviewed the Settlement and commends the parties for their combined efforts to resolve the complicated matters in dispute.

⁵ *Id.*

⁶ *Id.* at subd. 1a(b).

⁷ *Id.*

⁸ *Id.*

⁹ *In the Matter of a Petition by the U.S. Department of Defense, the General Services Administration, and All Other Federal Executive Agencies of the United States Challenging the Reasonableness of the Rates Charged by Northwestern Bell Telephone Company*, Docket No. P-421/CI-86-354, Order Accepting Offer of Settlement at 3 (February 11, 1987); *see also In the Matter of the Application of Interstate Power Company for Authority to Change its Rates for Natural Gas Service in the State of Minnesota*, Docket No. G-001/GR-90-700, Order Accepting and Adopting Stipulation and Offer of Settlement at 5–6 (June 27, 1991).

82. The Administrative Law Judge finds the Settlement to be comprehensive and each of the disputed issues to be reasonably resolved based upon the record.

83. The Administrative Law Judge further recommends that the Commission find the Settlement to be in the public interest and supported by substantial evidence in the record. The rates that will result from implementing the Settlement will be just and reasonable.

84. The Administrative Law Judge recommends that the Commission approve the Settlement.

85. First, instead of the Company's initially proposed 9.6 percent rate increase, or \$59.03 million revenue deficiency, the Settlement proposes a net increase of 7.5 percent, or \$46.31 million, reducing the Company's test year revenue deficiency by \$12.72 million. The compromise figure reflects a 21.5 percent reduction from the Company's original proposal.

118. The record supports the resolution of disputed issues as set out in the Settlement. The Settlement's disposition of disputed issues resolves those matters consistent with evidence in the hearing record and the public interest.

119. Rates set in accordance with the Settlement would be just and reasonable.

On these grounds, the ALJ recommended that the Commission find the settlement to be in the public interest and supported by substantial evidence in the record and, therefore, approve and adopt the settlement.

III. Commission Action

A. Acceptance of the Settlement and Adoption of the ALJ Report

Having examined the entire record and having heard the arguments of the parties and commenters, the Commission finds that the settlement is supported by substantial evidence, is in the public interest, and should be approved.

The ALJ provided a thorough, well-reasoned report that summarizes the parties' positions on each disputed issue, cites evidence the parties offered to support their positions on each issue, and explains the parties' stipulated resolution of each issue. The Commission concurs with the parties and the ALJ that all settlement issues have been addressed in a manner that is supported by substantial evidence and on terms consistent with the public interest.

For these reasons, the Commission will accept the settlement and will adopt the ALJ Report to the extent it is consistent with this order.

B. Xcel Energy's Proposed Modification

Xcel Energy proposed one modification to the ALJ Report, Finding 96, to which all parties agreed. The modification is as follows:

96. ~~Additionally, the~~ These also include ~~Company withdrew~~ withdrawing it's the ~~Company's~~ proposals for: a separate tracker for manufactured gas plant expenses; implementing the Company's proposed participant compensation tracker; continuing the Company's credit card fee tracker; and updating the sales forecast for the test year to actual weather-normalized sales and customer counts under a one-time true-up of sales.

The Commission agrees with all parties that this modification is reasonable and will therefore adopt this proposed modification.

C. Additional Requirements

As detailed in the ordering paragraphs below, the Commission will establish certain filing requirements that have been identified as reasonable to facilitate efficient and accurate implementation of the approved rate changes. Xcel Energy did not oppose their adoption.

Any comments on compliance filings must be filed within 30 days of the compliance filing.

D. Financial Schedules

Since the settlement is accepted without modification, the financial schedules attached to the settlement will be adopted without modification and will not be reproduced here. The Commission will, however, direct Xcel Energy to make updated filings as set forth below, including those related to Xcel Energy's January 31, 2025 filing concerning actual weather normalized sales for 2024.

ORDER

1. The Commission accepts and approves the June 26, 2024, settlement agreement concerning the application of Northern States Power Company d/b/a Xcel Energy for authority to increase natural gas rates in Minnesota pursuant to Minn. Stat. § 216B.16, subd. 1, and adopts the ALJ Findings of Fact, Conclusions of Law and Recommendation to Approve Settlement.
2. The Commission adopts Xcel Energy's proposed modifications to the ALJ Report as follows:

96. ~~Additionally, the~~ These also include ~~Company withdrew~~ withdrawing it's the ~~Company's~~ proposals for: a separate tracker for manufactured gas plant expenses; implementing the Company's proposed participant compensation tracker; continuing the Company's credit card fee tracker; and updating the sales forecast for the test year to actual weather-normalized sales and customer counts under a one-time true-up of sales.
3. The Commission approves the following financial schedules as attached to the Settlement: the calculation of Xcel Energy's authorized cost of capital, rate base summary, operating income statement summary, gross revenue deficiency calculation, and statement of the total allowed revenues.

4. Notwithstanding the previous paragraph, for purposes of incorporating actual weather normalized sales for 2024 as filed by Xcel Energy on January 31, 2025, subject to the Department final review of Xcel Energy's January 31, 2025 filing which is currently ongoing, Xcel Energy is required to make a compliance filing within 30 days of the date of this order that provides, if applicable, revised schedules of rates and charges reflecting the revenue requirement and the rate design decisions herein, along with the proposed effective date, and including the following information:
 - a. Breakdown of Total Operating Revenues by type; and
 - b. Schedules showing all billing determinants for the retail sales (and sale for resale) of natural gas. These schedules shall include but not be limited to:
 - i. Total revenue by customer class;
 - ii. Total number of customers, the customer charge and total customer charge revenue by customer class; and
 - iii. For each customer class, the total number of commodity and demand related billing units, the per unit of commodity and demand cost of gas, the non-gas margin, and the total commodity and demand related sales revenues.
5. Xcel Energy shall make the following compliance filings within 30 days of the order:
 - a. A revised base cost of gas, supporting schedules, and revised fuel adjustment tariffs to take effect on the date final rates are implemented.
 - b. A summary listing of all other rate riders and charges in effect, and continuing, after the date final rates are implemented.
 - c. A computation of the Conservation Cost Recovery Charge (CCRC) based upon the decisions made herein.
 - d. A schedule detailing the Conservation Improvement Program (CIP) tracker balance at the beginning of interim rates, the revenues (CCRC and CIP Adjustment Factor) and costs recorded during the period of interim rates, and the CIP tracker balance at the time final rates become effective.
 - e. If final authorized rates are lower than interim rates, a proposal to make refunds of interim rates, including interest, to affected customers.
6. Any comments on compliance filings must be filed within 30 days of the compliance filing. The Commission delegates authority to the Executive Secretary to approve the compliance filings and to modify any comment deadlines in this docket.
7. Where not otherwise specified within this order, the Commission adopts the ALJ's Findings of Fact, Conclusions of Law, and Recommendations.

8. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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CERTIFICATE OF SERVICE

I, Anne Redmond, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission
ORDER ACCEPTING AND ADOPTING AGREEMENT SETTING RATES

Docket Number **G-002/GR-23-413; G-002/MR-23-412**
Dated this 5th day of March, 2025

/s/ Anne Redmond

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19	Katherine	Hinderlie	katherine.hinderlie@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	445 Minnesota St Suite 1400 St. Paul MN, 55101-2134 United States	Electronic Service		No	23-412MR-23-412
20	Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.		445 Etna Street Ste. 61 St. Paul MN, 55106 United States	Electronic Service		No	23-412MR-23-412
21	Richard	Johnson	rick.johnson@lawmoss.com	Moss & Barnett		150 S. 5th Street Suite 1200 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
22	Sarah	Johnson Phillips	sjphillips@stoel.com	Stoel Rives LLP		33 South Sixth Street Suite 4200 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
23	Michael	Kaphing	michael.w.kaphing@xcelenergy.com	Xcel Energy		414 Nicollet Mall (401-8th Floor) Minneapolis MN, 55401 United States	Electronic Service		No	23-412MR-23-412
24	Kyle R.	Kroll	kkroll@winthrop.com	Winthrop & Weinstine, P.A.		225 South Sixth Street Suite 3500 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412

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25	Nicolle	Kupser	nkupser@greatermngas.com	Greater Minnesota Gas, Inc.		1900 Cardinal Ln PO Box 798 Faribault MN, 55021 United States	Electronic Service		No	23-412MR-23-412
26	Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.		8300 Norman Center Drive Suite 1000 Bloomington MN, 55437 United States	Electronic Service		No	23-412MR-23-412
27	Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota Street, Suite W1360 St. Paul MN, 55101 United States	Electronic Service		No	23-412MR-23-412
28	Eric	Lipman	eric.lipman@state.mn.us		Office of Administrative Hearings	PO Box 64620 St. Paul MN, 55164-0620 United States	Electronic Service		No	23-412MR-23-412
29	Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc		414 Nicollet Mall 7th Floor Minneapolis MN, 55401 United States	Electronic Service		No	23-412MR-23-412
30	Greg	Merz	greg.merz@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		No	23-412MR-23-412
31	Joseph	Meyer	joseph.meyer@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	Bremer Tower, Suite 1400 445 Minnesota Street St Paul MN, 55101-2131 United States	Electronic Service		No	23-412MR-23-412
32	Kimberly	Middendorf	kimberly.middendorf@state.mn.us		Office of Administrative Hearings	PO Box 64620 600 Robert St N Saint Paul MN, 55164-0620 United States	Electronic Service		No	23-412MR-23-412
33	David	Moeller	dmoeller@allete.com	Minnesota Power			Electronic Service		No	23-412MR-23-412
34	Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP		33 South Sixth St Ste 4200 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
35	Travis	Murray	travis.murray@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	445 Minnesota St Ste 1400 Saint Paul MN, 55101 United States	Electronic Service		No	23-412MR-23-412
36	David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency		220 South Sixth Street Suite 1300 Minneapolis	Electronic Service		No	23-412MR-23-412

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						MN, 55402 United States				
37	Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company		200 1st Street SE PO Box 351 Cedar Rapids IA, 52406-0351 United States	Electronic Service		No	23-412MR-23-412
38	Greg	Palmer	gpalmer@greatermngas.com	Greater Minnesota Gas, Inc.		1900 Cardinal Ln PO Box 798 Faribault MN, 55021 United States	Electronic Service		No	23-412MR-23-412
39	Catherine	Phillips	catherine.phillips@wecenergygroup.com	Minnesota Energy Resources		231 West Michigan St Milwaukee WI, 53203 United States	Electronic Service		No	23-412MR-23-412
40	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	23-412MR-23-412
41	Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered		150 S 5th St Ste 700 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
42	Elizabeth	Schmiesing	eschmiesing@winthrop.com	Winthrop & Weinstine, P.A.		225 South Sixth Street Suite 3500 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
43	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall FL 7 Minneapolis MN, 55401-1993 United States	Electronic Service		No	23-412MR-23-412
44	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	23-412MR-23-412
45	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		No	23-412MR-23-412
46	Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP		2200 IDS Center 80 South 8th Street Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412
47	James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered		150 S 5th St Ste 700 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412

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49	Amelia	Vohs	avohs@mncenter.org	Minnesota Center for Environmental Advocacy		1919 University Avenue West Suite 515 St. Paul MN, 55104 United States	Electronic Service		No	23-412MR-23-412
50	Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine		225 South Sixth Street, Suite 3500 Minneapolis MN, 55402 United States	Electronic Service		No	23-412MR-23-412