



ENERGY  
CENTS  
COALITION  
Commit Energy Now to Survive

414 Nicollet Mall  
Minneapolis, MN 55401

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St. Paul, MN 55106

March 22, 2024

—Via Electronic Filing—

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

RE: REPLY COMMENTS  
PROPOSED COMMUNITY SOLAR GARDEN PROGRAM AND TARIFF REVISIONS UPDATING  
COMMUNITY SOLAR GARDEN TARIFF PROVIDING ADDITIONAL CUSTOMER PROTECTIONS IN  
SUBSCRIPTION ELIGIBILITY  
DOCKET NO. E002/M-13-867 & E002/M-21-695

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission these Reply Comments in response to Comments received from various parties on March 8, 2024 in the matter of our October 27, 2023 and January 16, 2024 compliance filings, and these are jointly filed with the Energy CENTS Coalition (ECC).

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. If you have any questions regarding this filing, please contact me, Bridget Dockter or George Shardlow.

Sincerely,

/s/

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/s/

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Enclosures  
cc: Service List

STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Hwikwon Ham	Commissioner
Valerie Means	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

IN THE MATTER OF THE PETITION OF  
NORTHERN STATES POWER COMPANY /  
D/B/A XCEL ENERGY, FOR APPROVAL  
OF ITS PROPOSED COMMUNITY SOLAR  
GARDEN PROGRAM

DOCKET NO. E002/M-13-867 &  
E002/M-21-695

**REPLY COMMENTS**

IN THE MATTER OF XCEL ENERGY'S  
TARIFF REVISIONS UPDATING  
COMMUNITY SOLAR GARDEN TARIFF  
PROVIDING ADDITIONAL CUSTOMER  
PROTECTIONS IN SUBSCRIPTION  
ELIGIBILITY

**INTRODUCTION**

Northern States Power Company, doing business as Xcel Energy (Xcel Energy or The Company) and the Energy CENTS Coalition (ECC) submit these Joint Reply Comments in response to the Minnesota Public Utility Commission's (Commission) February 9, 2024 Notice of Comment Period (Notice) regarding Xcel Energy's January 16, 2024 compliance filing.

In Compliance with the Commission's Order Point 3 of its August 11, 2023 Order in the above-referenced dockets, the Company submitted two filings. The first compliance filing was submitted on October 27, 2023. In that filing, we discussed changes to our billing system associated with billing credits for PowerON benefits. We estimated a production timeline of March 1, 2024 for this improvement.<sup>1</sup> The second, is our January 16, 2024 filing, referenced in the Notice. The January 16, 2024 filing includes a proposal for an *In Care of Billing* option that, amongst other things, allows our customers to remain the customer of record, and have a hard copy of their

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<sup>1</sup> This billing system update is now scheduled for April, 2024.

monthly bill sent to their landlord while retaining their ability to receive affordability assistance.

Specifically, Order Point 3 states:

3. *Xcel must work with the Department of Commerce’s Energy Development Office on programmatic improvements to its billing system to accomplish the goals of Community Solar Garden legislation passed in the 2023 legislative session, and the goals previously set forth in ordering paragraph 2B of the Commission’s June 24, 2022, Order. Before implementing changes, Xcel shall report back to the Commission no later than January 15, 2024 on details, including but not limited to: the necessary changes to its billing system, the incremental costs thereof, an analysis of what data sharing requirements will be necessary, and the estimated number of tenants/ households that would benefit.*

Referenced Order Point 2B from the Commission’s June 24, 2022 Order states:

2. *Regarding its PowerOn Program, Medical Affordability Program, Gas Affordability Program, and Low-Income Discount Program, Xcel shall do the following:*
  - B. *Xcel shall propose a modification to its tariffs for these programs to allow low-income renters who are subject to third party billing to access these programs.*

## **COMMENTS**

Comments were submitted by the Department of Commerce, the Energy CENTS Coalition (ECC), the Citizens Utility Board (CUB), and Mid-Minnesota Legal Aid and Legal Service Advocacy Project (MMLA/LSAP) on March 8, 2024. The Company and ECC submit our joint reply here.

### **I. COMPLIANCE WITH COMMISSION’S ORDER**

The Company worked with the Department of Commerce’s Energy Development Office (Department) in accordance with the Commission’s Order to find what we believed to be a reasonable solution to meet the requirements of Order point 3. We also worked with ECC and CUB to discuss the bill enhancement for PowerON customers. We appreciate the time and expertise the Department, ECC, and CUB provided while developing the *In Care of Billing* and bill enhancement options as well as their respective levels of support for each concept. We would also like to express our gratitude to ECC, CUB, and MMLA/LSAP for their extensive work with us as the four original “joint petitioners” to this matter.

The Department, ECC, and CUB all support the Commission approving Xcel Energy’s compliance filing. The parties that support approval of the Company’s compliance filing believe we met the requirements set forth in the Commission’s August 11, 2023 Order. With respect, the MMLA/LSAP appear to not support approval of the compliance filing because they interpreted the *In Care of Billing* option to mean that customers would transfer their account into the landlord’s name, amongst other concerns with the unregulated billing practices of a landlord using the Building Subscription Model (BSM).<sup>2</sup> That is not the Company’s proposal here, the *In Care of Billing* option maintains the account in the customer name, but sends the bill “In Care Of” (or c/o) to a designated third party. The MMLA/LSAP cited unresolved concerns over the Building Subscription Model and third-party re-billing itself stating, “there are billing problems for tenants ranging from, generally, indecipherable bills, runaway charges creating debt traps, and increased threats of eviction<sup>3</sup> – in fact settings where these problems would not occur if the regulated utility provider were including solar energy billing in its existing billing infrastructure and process.”<sup>4</sup>

#### **A. Bill Enhancement**

In our October 27, 2023 compliance, we offered a cost-effective, easy to understand improvement to customer bills who are participating in the PowerON Program. This billing system change provides customer clarity and decreases the administrative burden of our third-party implementer by reflecting the adjusted amount due from a customer on the current month’s bill in the “Please Pay” field, after their PowerON adjustment has been calculated and applied. We will also include a bill message each month explaining their budget amount and credits versus the current practice of a single letter at enrollment. This is a post hoc solution that does not require a full system change or IT replacement request. The Company estimates the cost to allow the billing changes discussed here to be \$15,000.

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<sup>2</sup> The Building Subscription Model (BSM) is a term used by landlords and third-party re-billers. As applied here, in BSM or third-party re-billing situations, customers who are enrolled in the Company’s electric Energy Affordability programs such as PowerON, Low Income Discount (LID), and Medical Affordability Program (MAP) are removed from our billing system because they are no longer the customer of record. The apartment unit they rent has been enrolled in a Community Solar Garden (CSG) subscription and/or the building is now under a third-party re-billing contract. As part of their lease agreement, these customers have been required to transfer their electrical account to either the landlord or the third-party re-biller who in turn, provides one monthly bill for each tenant that includes rent, utilities, and if applicable, a net CSG bill credit after applying a CSG subscription cost.

<sup>3</sup> Customer access to crisis funding is impacted by third party re-billing. In these situations, the property owner is paying the customer bill, making them far less likely to fall past due, and therefore less likely to be eligible for crisis funding through the Department of Commerce.

<sup>4</sup> March 8, 2024 Comments of Mid-Minnesota Legal Aid and Legal Service Advocacy Project, page 3.

The PowerON credit is calculated based on household income, using the customers' actual annual electric bill, reducing the annual electric bill to three percent of the customer's household income, providing a credit for the difference, and requiring the customer to make a levelized, monthly payment amount. This bill enhancement provides customer protections in a third-party re-billing scenario by ensuring it has the information on the customer bill to charge the customer according to the PowerON Program parameters.

Both ECC and CUB commented on and expressed their support of this billing improvement.

## **B. In Care of Billing**

After further discussions, the Company and ECC do not believe any variation of *the In Care of Billing* option is plausible, because, by statute, the Community Solar Garden (CSG) program requires a subscriber to be the customer.

*Under Minnesota Statute 216B.1641 COMMUNITY SOLAR GARDEN  
Subd. 2. Definitions.*

*(g) "Subscriber" means a retail customer who owns one or more subscriptions of a community solar garden interconnected with the retail customer's utility*

Under the *In Care of Billing* proposal, the tenant remains the Xcel Energy customer. Under the CSG Building Subscription Model, the landlord is the solar garden subscriber, and, as required by statute, the Xcel Energy customer of record.

Because Xcel Energy and ECC now recognize that the *In Care of Billing* proposal in the Company's initial filing and as modified by ECC, is inconsistent with Minnesota's CSG Statute, Xcel Energy and ECC recommend withdrawing the *In Care of Billing* proposal and ECC's edits to that proposal and, instead, propose to evaluate the effectiveness of the current tariff opt-in and opt-out provisions. To reinforce the tariff requirement<sup>5</sup>, on an annual basis, Xcel Energy will notify all Garden Operators of these requirements and request developers to identify all Building Subscription properties. Once these buildings are identified, the Company will request reports described in the tariff. To date, the Company has not received any reports from operators identifying the number of tenants who have opted in or out of the building

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<sup>5</sup> See, tariff sheet 9-99.1, par. 4 (d), which states: "*The Community Solar Garden Operator will provide a report to the Company by the 10th day of each month certifying the tenants who have opted in and opted out during the previous calendar month. This report will include the Company account number for the building, the tenant's name, and the premise number associated with that tenant's unit.*"

CSG. The Company is committed to following this process and will report our progress as part of our CSG Annual Report filed in Docket No. E002/M-13-867 on June 1 of each year.

### **CONCLUSION**

The Company is appreciative of the collaborative work by commenting parties that supports a solution to comply with Order Point 3 of the Commission's August 11, 2023 Order. We believe we have met the requirements of Order Point 3 and request approval of our October 27, 2023 Compliance filing regarding the Bill Enhancement. However, after extensive further discussion, the Company, and ECC conclude there is no option that allows the landlord and the tenant to be the customer of record in our billing system that satisfies both MN Statute 216B.1641, subd. 2(g) and maintains tenant access to their account, Xcel Energy's Affordability Programs, and consumer protections.

Dated: March 22, 2024

Northern States Power Company

## CERTIFICATE OF SERVICE

I, Christine Schwartz, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx by electronic filing

**Docket No. E002/M-13-867 & E002/M-21-695**

Dated this 22nd day of March 2024

/s/

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Christine Schwartz  
Regulatory Administrator

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Pat	Treseler	pat.jcplaw@comcast.net	Paulson Law Office LTD	4445 W 77th Street Suite 224 Edina, MN 55435	Electronic Service	No	OFF_SL_13-867_Official
Gary	Van Winkle	gvanwinkle@mylegalaid.or g	Mid-Minnesota Legal Aid	111 N Fifth St Ste 100  Minneapolis, MN 55403	Electronic Service	No	OFF_SL_13-867_Official
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Kevin	Walker	KWalker@beaconinterfaith. org	Beacon Interfaith Housing Collaborative	N/A	Electronic Service	No	OFF_SL_13-867_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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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-695_21-695
Kevin	Cray	kevin@communitysolaraccess.org	CCSA	1644 Platte St  Denver, CO 80202	Electronic Service	No	OFF_SL_21-695_21-695
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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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Matthew	Melewski	matthew@nokomisenergy.com	Nokomis Energy LLC & Ole Solar LLC	2639 Nicollet Ave Ste 200  Minneapolis, MN 55408	Electronic Service	No	OFF_SL_21-695_21-695
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Kristel	Porter	kristel@mnrenewablenow.org	MN Renewable Now	N/A	Electronic Service	No	OFF_SL_21-695_21-695
Paula	Prahl	paula.prahl@dominiuminc.com	Dominium	2905 Northwest Blvd Ste 150 Plymouth, MN 55441	Electronic Service	No	OFF_SL_21-695_21-695
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_21-695_21-695
Isabel	Ricker	ricker@fresh-energy.org	Fresh Energy	408 Saint Peter Street Suite 220 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-695_21-695
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Whitney	Terrill	whitney@mnipl.org	Minnesota Interfaith Power & Light	N/A	Electronic Service	No	OFF_SL_21-695_21-695
Anna	Tobin	atobin@greeneespel.com	Greene Espel PLLP	222 South Ninth Street Suite 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-695_21-695
Zack	Townsend	zachary.townsend@brookfielddrenewable.com	Brookfield Renewable	200 Liberty St FL 14 New York, NY 10281	Electronic Service	No	OFF_SL_21-695_21-695

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John	Vaughn	Nik@rreal.org	Rural Renewable Energy Alliance	3963 8th Street SW  Backus, MN 55435	Electronic Service	No	OFF_SL_21-695_21-695
Kevin	Walker	KWalker@beaconinterfaith.org	Beacon Interfaith Housing Collaborative	N/A	Electronic Service	No	OFF_SL_21-695_21-695