

May 20, 2021

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

RE: **Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket Nos. E999/CI-16-521, E999/CI-01-1023

Dear Mr. Seuffert:

On November 13, 2020, the Minnesota Public Utilities Commission (Commission) issued a *Notice for Comment* seeking comment on whether the Commission should revise or replace Attachment 6 of the Commission's September 28, 2004 Order in Docket No. E999/CI-01-1023.¹ Attached please find the reply 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
Rate Analyst Coordinator

SLP/ja
Attachment

¹ *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212, ORDER ESTABLISHING STANDARDS*, Docket No. E999/CI-01-1023, September 28, 2004.



Before the Minnesota Public Utilities Commission

Reply Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket Nos. Docket Nos. E999/CI-16-521, E999/CI-01-1023

I. BACKGROUND INFORMATION

On September 28, 2004, the Minnesota Public Utilities Commission (Commission) issued an *Order Establishing Standards* in Docket No. E999/CI-01-1023. The September 2004 Order established the interconnection process, technical requirements, standard Interconnection Agreement, and methodology for calculating rates for Distributed Generation (DG) Systems

In 2016, the Commission commenced the current proceeding to update the generic standards for the interconnection and operation of DG facilities established under §Minn. Stat. §216B.1611. To date, the Commission has issued an *Order Establishing Updated Interconnection Process and Standard Interconnection Agreement* (August 13, 2018), and an *Order Establishing Updated Interconnection and Interoperability Requirements* (January 22, 2020).

On August 28, 2020, the Commission issued a *Notice of Comment Period* seeking comment on whether the Commission should revise or replace Attachment 6 of the September 28, 2004 Order in Docket No. E999/CI-01-1023 (2004 Order) which creates the guidelines for establishing the terms of the financial relationship between an electric utility and a distributed generation customer with no more than 10 MW of capacity.

On October 28, 2020, the Minnesota Department of Commerce, Division of Energy Resources (Department) submitted comments recommending the Commission defer consideration of Attachment 6 revisions for at least six months.

On November 13, 2020, the Commission issued a Notice of Comment extending the comment period of the revision of Attachment 6 until April 30, 2021.

II. SUMMARY OF PARTY POSITIONS

A. MINNESOTA RURAL ELECTRIC ASSOCIATION (MREA)

MREA stated its belief that the existing Attachment 6 parameters “still comport with the Commission’s legislative mandate and are consistent with industry practice”. As a result, MREA asserts there is no “compelling need to devote the substantial and resources that would be required to revise or replace Attachment 6.”

B. DAKOTA ELECTRIC ASSOCIATION (DEA)

DEA highlighted its unique position as the only rate-regulated electric cooperative in Minnesota, as well as being a full requirements customer of Great River Energy Cooperative (GRE). DEA indicated its existing relationship with GRE and the associated tariffs governing DG purchases all comport with FERC's PURPA Qualifying Facility Joint Implementation Plan.

C. XCEL ENERGY

In its October 30, 2020 comments, Xcel stated that Attachment 6 is no longer consistent with Minn. Stat. §§ 216B.161 and 216B.164, or with Minn. Rules pt. 7835. Specifically, Xcel argues inconsistencies exist regarding the size of the resources to which Attachment 6 should apply, the costs and benefits appropriately considered in setting rates, the methodology for calculating avoided energy and capacity costs; the terms relevant to standby service, and whether specific renewable avoided cost rates must be offered. Xcel cites recent revisions to FERC Rules governing PURPA to support its arguments. In response to the question of whether an IRP could provide insight into the appropriate avoided capacity costs paid for DG, Xcel stated that since IRPs are only filed every 2-3 years, the pricing information would become outdated fairly quickly. Xcel stated the results from a competitively sourced RFP for wind or solar resources would be more appropriate and provide more timely information.

D. MINNESOTA POWER

MP agreed with Xcel that Attachment 6 is inconsistent with existing statute and rules in terms of the size of resources, considerations in setting rates, methodologies for calculating avoided energy and capacity costs, terms of standby service and whether a specific renewable avoided cost rates must be offered.

E. OTTER TAIL POWER (OTP)

In its October 30, 2020 comments, OTP highlighted recent FERC revisions to the PURPA rules governing treatment of qualifying facilities.

F. MINNESOTA SOLAR INDUSTRY ASSOCIATION (MNSEIA)

MNSEIA argues Attachment 6 needs only moderate revisions to reflect appropriate compensation for distribution and environmental benefits pricing, to use system-wide line-losses, align avoided capacity costs with IRP planning horizons of 15 years. In addition, MNSEIA was critical of the lack of transparency provided in pricing DG, and the inability to obtain sufficient pricing information without a Legally Enforceable Obligation (LEO).

III. DEPARTMENT COMMENTS

Since Attachment 6 was promulgated the development of a value of solar methodology for pricing community solar gardens has been developed, revisions to the use and pricing for standby service has occurred, and a MISO capacity market has been more fully developed. Finally, new rules for qualifying facilities have been developed at FERC.

The Department agrees that a review of Attachment 6 is warranted given the changes in state and federal rules since its adoption in 2004. As noted in our October 29, 2020 comments, revisions to Attachment 6 must be done in consideration of more current proceedings and methodologies such as VOS in order to ensure consistency.

The Department recommends the Commission undertake review of Attachment 6 in discrete steps in order to keep the proceeding manageable given ongoing proceedings and resource constraints. To that end, the Department recommends the Commission more fully identify and evaluate areas where federal rules and statutes may conflict with the existing Attachment 6. For example, the utilities cited recent FERC revisions to rules governing PURPA as resulting in the need for modification to Attachment 6. MNSEIA cited to Minnesota Statutes §§216B.1611 and 216B.264 for differences in the treatment of avoided cost. As a first step, the Department recommends the Commission undertake additional comments to address some of the legal questions about conflicts between the various statutes and rules more fully. A full understanding of the areas of conflict could assist in narrowing the issues and provide guidance in the final calculation methodology.

The Commission could conclude its review and update of Attachment 6 after that first step, or it could then proceed to a second step, to consider additional updates beyond what may be necessary to align Attachment 6 to current federal and state law. This second step may require considerably more record development and resources, as the parties would be recommending updates based on policy. If the Commission proceed to this second step, the Department does not recommend using the IRP process for pricing distributed generation. Resource planning is a modeling process aimed at determining a range of least cost resources needed to meet projected load, and the size, type and timing of those resources. Resource plans are filed every few years and are subject to revision as conditions change. Rather than rely on such plans, the Commission should address the possible use of MISO market pricing for capacity needs.

Finally, the Department recommends the Commission consider procedures that will provide additional transparency to DG pricing.

In summary, the Department recommends the Commission undertake a review of Attachment 6 in discrete steps. The Department appreciates the Commission's attention to these issues and is available to answer any questions the Commission may have.

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
Reply Comments**

Docket No. E999/CI-16-521 and E999/CI-16-1023

Dated this 20th day of May 2021

/s/Sharon Ferguson

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Sarah	Johnson Phillips	sarah.phillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
Nate	Jones	njones@hcpd.com	Heartland Consumers Power	PO Box 248 Madison, SD 57042	Electronic Service	No	OFF_SL_16-521_Official Service List PUC

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Michael	Kampmeyer	mkampmeyer@a-e-group.com	AEG Group, LLC	260 Salem Church Road Sunfish Lake, Minnesota 55118	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
Jack	Kegel	jkegel@mmua.org	MMUA	3025 Harbor Lane N Suite 400 Plymouth, MN 55447-5142	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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Brad	Klein	bklein@elpc.org	Environmental Law & Policy Center	35 E. Wacker Drive, Suite 1600 Suite 1600 Chicago, IL 60601	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Steve	Kosbab	skosbab@meeker.coop	Meeker Cooperative Light and Power	1725 US Hwy 12 E Litchfield, MN 55355	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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Michael	Krikava	mkrikava@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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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_16-521_Official Service List PUC

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Dean	Leischow	dean@sunrisenrg.com	Sunrise Energy Ventures	315 Manitoba Ave Wayzata, MN 55391	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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Annie	Levenson Falk	annief@cupminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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Brian	Lydic	brian@irecusa.org	Interstate Renewable Energy Council, Inc.	PO Box 1156 Latham, NY 12110-1156	Electronic Service	No	OFF_SL_16-521_Official Service List PUC

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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David G.	Prazak	dprazak@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Peter	Reese	preese@sundialsolarenergy.com	Sundial Energy, LLC	3363 Republic Ave Saint Louis Park, MN 55426	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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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_16-521_Official Service List PUC
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Isabel	Ricker	ricker@fresh-energy.org	Fresh Energy	408 Saint Peter Street Suite 220 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
Kristi	Robinson	krobinson@star-energy.com	STAR Energy Services, LLC	1401 South Broadway Pelican Rapids, MN 56572	Electronic Service	No	OFF_SL_16-521_Official Service List PUC

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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Rafi	Sohail	rafi.sohail@centerpointenergy.com	CenterPoint Energy	800 LaSalle Avenue P.O. Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_16-521_Official Service List PUC
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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