

State of Minnesota
Before the Public Utilities Commission

Katie Sieben	Chair
Hwikwon Ham	Commissioner
Valerie Means	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

In the Matter of Xcel Energy's Tariff Revisions
Updating Community Solar Garden Tariff
Providing Additional Protection in
Subscription Eligibility

Docket No. E002/M-21-695

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

**Reply Comments of the Citizens Utility Board of Minnesota, Mid-Minnesota Legal Aid, and
Legal Services Advocacy Project**

The Citizens Utility Board of Minnesota ("CUB"), Mid-Minnesota Legal Aid, and Legal Services Advocacy Project submit these brief, joint Reply Comments in response to the Commission's August 27, 2024 Notice of Supplemental Comment Period.¹

I. Analysis

As we noted in our prior joint comments, we believe legislative changes made during both the 2023 and 2024 Minnesota Legislative Sessions address many of the concerns raised in Docket 21-695. Northern States Power Company d/b/a Xcel Energy ("Xcel Energy" or the "Company") and the Office of the Attorney General, Residential Utilities Division ("OAG") came to similar conclusions. The Minnesota Department of Commerce (the "Department") reached somewhat different conclusions, though it is our understanding the Department may revise some of its analysis and recommendations in reply comments. As described below, we support several of the recommendations offered by Xcel Energy and the OAG.

¹ *In the Matter Xcel Energy's Tariff Revisions Updating Community Solar Garden Tariff Providing Additional Customer Protections in Subscription Eligibility*, Notice of Comment Period, Docket No. E002/M-21-695 (Aug. 27, 2024)

- A. The building subscription model (“BSM”) is incompatible with the new language in chapter 504B prohibiting landlords from removing directly metered tenants from their utility accounts.

The OAG recommended that the Commission find that the building subscription model (“BSM”) is incompatible with the new language in chapter 504B prohibiting landlords from removing directly metered tenants from their utility accounts.² For the reasons discussed in our October 3, 2024 joint comments, we agree with the OAG and support this recommendation.

- B. An additional compliance filing may not be necessary.

In our initial comments, we recommend that the Commission take one simple step to resolve this matter: require Xcel to file a brief additional compliance filing providing additional updates (if any) on its implementation of any further billing improvements or modifications in compliance with Order Point 3 in the Commission’s August 11, 2023 Order and consistent with recommendations shared in response to the Commission’s latest Notice of Comment period issued in this docket.

In Reply, the Company noted it had “reported on all progress thus far and does not see a need for further reporting in the future.”³ In light of this, we revise our recommendation: *if* the Commission orders the Company to take additional action to address the problems raised in this docket, then we recommend the Commission also require Xcel Energy to report on actions taken to comply with that order. If the Commission does not order the Company to take any additional action, we agree no additional compliance filing is necessary.

- C. We support the Company’s proposed tariff changes.

The OAG recommended that the Commission direct Xcel to propose revisions to its opt-in tariff provisions for consistency with recent changes to Minnesota Statutes, Chapter 504B.⁴ In reply, Xcel proposed changes to its tariff sheet 9-99.1 and 9-99.3 to make those tariffs consistent with recent legislative changes.⁵ We support Xcel’s proposed tariff changes, though we are open to additional discussion on potential further clarifications or suggestions offered by other parties in their reply comments.

² *In the Matter Xcel Energy’s Tariff Revisions Updating Community Solar Garden Tariff Providing Additional Customer Protections in Subscription Eligibility*, Comments of the Office of the Attorney General, Residential Utilities Division, Docket No. E002/M-21-695 (Oct. 3, 2024) (“OAG Comments”), p. 12.

³ *In the Matter Xcel Energy’s Tariff Revisions Updating Community Solar Garden Tariff Providing Additional Customer Protections in Subscription Eligibility*, Xcel Energy Reply Comments, Docket No. E002/M-21-695 (Oct. 24, 2024) (“Xcel Reply Comments”), p. 10.

⁴ OAG comments at 12.

⁵ Xcel Reply Comments at 9.

D. We support closing Docket 21-695 and continuing broader conversations about rebilling and tenant protections in other contexts.

The OAG recommended that the Commission redirect this docket to focus on increasing access to energy assistance for rebilled tenants in master-metered buildings and/or to address rebilling outside of Xcel's CSG program need access to energy assistance."⁶ Xcel Energy was open to this recommendation, and alternatively recommended closing or suspending this docket.⁷ We appreciate the OAG's suggestions for redirecting this docket and agree these topics warrant additional attention. However, we think a broader discussion addressing ongoing concerns about rebilling and tenant protections should involve more parties (including other utilities) and should not be intertwined with ongoing discussion of Xcel's community solar garden program. For this reason, we recommend closing Docket 21-695 and continuing those discussions elsewhere.

II. Conclusion

In conclusion, we recommend the Commission:

1. Allow Xcel to withdraw the in care of billing proposal;
2. [If the Commission orders the Company to take additional action] require Xcel Energy to file a compliance describing additional actions taken to address the problems raised in this docket;
3. Find that the building subscription model ("BSM") is incompatible with the new language in chapter 504B prohibiting landlords from removing directly metered tenants from their utility accounts;
4. Approve the tariff changes proposed in Xcel's Oct 24, 2024 comments; and
5. Close docket 21-695.

⁶ OAG initial comments at 10.

⁷ Xcel Reply Comments at 11.

Thank you for considering these joint comments.

Sincerely,

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