

## Staff Briefing Papers

**Meeting Date** April 17, 2025

**Agenda Item 4\*\***

**Company** Northern States Power Co. d/b/a Xcel Energy

**Docket No.** E002/C-25-76

**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**

**Issues** Should the Commission investigate the Formal Complaint and Petition for Relief  
by SunShare LLC against Northern States Power Co. d/b/a Xcel Energy?

**Staff** Derek Duran Derek.Duran@state.mn.us 651-201-2206

✓ **Relevant Documents**

**Date**

SunShare LLC – Request for Relief Letter	December 31, 2024
MnSEIA – Comments	February 10, 2025
Xcel Energy – Comments	February 10, 2025
Department of Energy / Office of Attorney General – Comments	February 10, 2025
Xcel Energy – Reply Comments	February 20, 2025
SunShare LLC – Reply Comments	March 27, 2025
Coalition for Community Solar – Reply Comments	March 28, 2025
Xcel Energy – Motion to Allow Supplemental Comment or Motion to Strike	April 2, 2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

## I. Background and Docket History

### Procedural Background

On July 18, 2024, at the Commission Agenda Meeting, SunShare LLC (SunShare) and Xcel Energy (Xcel or the Company) agreed to file a formal settlement agreement to the Commission regarding disputes related to several Community Solar Garden (CSG) applications, co-location, and application portals for the Legacy and Low-to-Moderate Income (LMI) CSG program.

On August 30, 2024, SunShare filed the settlement agreement in conjunction with Xcel.

On December 31, 2024, SunShare filed a Complaint claiming Xcel breached the settlement agreement.

On January 10, 2025, the Commission filed a Notice of Comment Period.

On February 10, 2025, Xcel, Minnesota Solar Energy Industries Association (MnSEIA), and the Department of Commerce (the Department) filed initial comments.

On February 20, 2025, Xcel filed reply comments.

On February 20, 2025, and on March 6, 2025, SunShare requested an extension to the due date for reply comments.

On March 6, 2025, the Commission filed two Ex Parte Communications, one with Xcel and one with SunShare.

On March 27, 2025, SunShare filed late-filed reply comments.

On March 28, 2025, the Coalition for Community Solar Access (CCSA) filed late-filed reply comments.

On April 2, 2025, Xcel filed a Motion to Allow Supplemental Written Comments, or in the alternative, a Motion to Strike SunShare's reply comments from the record.

After briefly summarizing the record and decision before the Commission today, these briefing papers first address Xcel's two motions filed on April 2, 2025. Staff then describes the record through the comment period set in the January 10, 2025 Notice. If the Commission chooses to strike SunShare's late-filed reply comments (**Decision Option 3**), it should proceed to the decision option list at the end of the briefing papers and not take Section IV Subpart A of the Party Comments Summary or Section V Subpart A of the Staff Analysis into consideration. If the Commission chooses not to strike SunShare's late-filed reply comments (**Decision Option 4**),

the Briefing Papers in its entirety should be considered.

## II. Summary

In the Formal Complaint before the Commission, SunShare alleges that Xcel violated the Settlement Agreement the parties submitted to the Commission on August 30, 2024, by not curing its failure to implement the agreement in good faith. SunShare requests the Commission grant relief by ordering Xcel to issue conditional Interconnection Agreements (Conditional IAs) or, if the 2024 LMI CSG Program is filled, requests that the Department hold capacity in its 2025 LMI Program for these projects. The Department, MnSEIA, and CCSA (in a late-filed comment) support the notion that there are reasonable grounds to investigate the Formal Complaint and that it is in the public interest. Xcel disputes this and claims that it is not in the public interest and that there are not reasonable grounds to investigate. All parties write that the Commission has jurisdiction over the matter, however, the Department writes that holding capacity in the LMI CSG Program, as requested by SunShare, is their jurisdiction.

The decision before the Commission is to determine if it has jurisdiction over the matter, whether there are reasonable grounds and if it is in the public interest to investigate the matter, and to determine the Commission procedure should it go forward with the investigation. The Commission exercises this determination through the powers granted by Minn. Stat. § 216B.09 and 216B.17, and through the Formal Complaint procedures as laid out in Minn. R. 7829.1700 – 1900.

Staff notes that there is another open proceeding regarding how Midcontinent Independent System Operator (MISO) and Xcel-derived transmission studies operate within the MN DIP in Docket E999/CI-16-521. A Notice of Comment on the topic was filed on February 10, 2025, with reply comments due on April 17, 2025. Staff recommends any decisions related to those topics, mainly the Xcel internal transmission study process, be decided in that docket proceeding rather than the instant Formal Complaint proceeding.

### Motion Determination

Before deciding whether it has jurisdiction on the Formal Complaint, and if and how it should investigate, the Commission must first resolve the two motions filed by Xcel on April 2, 2025. Xcel motioned to allow for supplemental written comments to respond to SunShare's late-filed reply comments (**Decision Option 1**). In the alternative, should there be no supplemental written comment, Xcel motioned that the Commission strike SunShare's reply comments from the record (**Decision Option 3**). Xcel filed these motions according to Minnesota Rules 7829.0410.

## III. Xcel Motions

Xcel states that the late-filed reply comments filed by SunShare significantly expand the scope of the original complaint, exemplified by SunShare's two-page initial Complaint petition

compared to 90 pages of reply comments that did not respond to Xcel's initial comments. Xcel claims that SunShare's reply comments are more akin to a new Complaint that includes many new allegations and several new requests for relief. The Company points out that the Commission did not grant permission to SunShare to file a new or amended complaint and that the timing of these comments denies Xcel the ability to respond to the "what are nearly all new arguments."<sup>1</sup>

Xcel claims that SunShare's reply comments now include several alleged violations to the MN DIP, state law, and the Commission's March 31, 2022 Order in Docket E999/CI-16-521, and also includes new requests for relief, including a request to order Xcel to stay implementation of MISO's Distributed Energy Resources (DER) Affected System Studies (AFS) transmission studies. Xcel first motions to add a 28-day supplemental comment period to the record, or in the alternative strike SunShare's late-filed reply comments. On the latter, Xcel states that the Commission has the ability to exclude late-filed comments from the record via Minn. R. 7829.0420 on Untimely Filings, and that the conditions for doing so have been met. Minn. R. 7829.0420 includes the following:

**7829.0420 UNTIMELY FILINGS.**

**Subpart 1. When filings may be excluded.** On its own motion or at the request of any party or participant, the commission may exclude a filing from the record:

- A. when the filing was not made within a time period established by rule, notice, or commission order; and
- B. upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness.

The Commission may approve or deny Xcel's motion to allow supplemental comments to the record with a due date 28 days following a Commission decision (**Decision Options 1 and 2**). Instead, the Commission may approve or deny Xcel's motion to strike SunShare's reply comments from the record (**Decision Options 3 and 4**).

#### **IV. SunShare Petition**

On December 31, 2024, SunShare filed a complaint against Xcel and a petition for relief for "Xcel Energy's failure to implement the Settlement Agreement filed in this matter on August 30, 2024."<sup>2</sup> SunShare claims that they notified Xcel on November 27, 2024, pursuant to the settlement agreement, that SunShare failed to see sufficient efforts or progress in implementing the settlement agreement and that Xcel had not worked in good faith.

Note that the parties have designated the Settlement Agreement in its entirety as trade secret.

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<sup>1</sup> Xcel Energy, Motion Filing, P. 2, April 2, 2025

<sup>2</sup> SunShare, Petition, P. 1, December 31, 2024

Commissioners are directed to the trade secret filings in the record for more information.

SunShare claims that projects relevant to the settlement agreement were subjected to a MISO screening and likely will require an Xcel internal transmission study, both of which SunShare states have never been required for the projects before. SunShare states that it was unaware of the “new criteria for transmission studies” that would apply to all of its projects and that the MISO screening stage could add an additional six months to the interconnection process per project.<sup>3</sup> Given that the settlement agreement was executed on August 23, 2024, SunShare claims that Xcel knew or should have known that the Company would be unable to meet the criteria of the settlement agreement.

SunShare requests the Commission grant relief by ordering Xcel to issue conditional IAs so that SunShare can maintain its queue position in the Low-and-Moderate-Income Accessible Community Solar Program (LMI CSG Program).<sup>4</sup> If the 2024 LMI CSG Program queue is full, they request “the Department hold capacity in its 2025 LMI Program for these projects.”<sup>5</sup> SunShare states that conditional IAs have been used before, citing that Xcel created a “bridge” for projects that were submitted in 2016 and deemed completed by April 15, 2017 to be able to use the Applicable Retail Rate rather than the Value of Solar (VOS) rate despite the VOS January 1, 2017 effective date.<sup>6</sup>

## V. Party Comments

### Jurisdiction

All parties in the record submit that the Commission has authority over the subject matter of this Complaint<sup>7</sup> (**Decision Option 5**). The Department specifies that the Commission has jurisdiction over the interconnection agreement component of SunShare’s complaint but that the Department “retains exclusive authority to allocate LMI community solar gardens capacity to eligible community solar gardens.”<sup>8</sup>

### Grounds to Investigate

#### Xcel

Xcel states that there are no reasonable grounds to investigate the Complaint, nor is it in the

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<sup>3</sup> SunShare, Petition, P. 3, December 31, 2024

<sup>4</sup> SunShare, Petition, P. 2, December 31, 2024

<sup>5</sup> SunShare, Petition, P. 3, December 31, 2024

<sup>6</sup> SunShare, Petition, P. 3, December 31, 2024

<sup>7</sup> Xcel Energy, Initial Comments, P. 4, February 10, 2025;

<sup>8</sup> The Department of Commerce, Initial Comments, P. 2, February 10, 2025

public interest, and should therefore be dismissed by the Commission.<sup>9</sup> Xcel claims that, “consistent with the Settlement Agreement, the Company has followed the MN DIP process and timelines for studying SunShare projects.”<sup>10</sup> Xcel claims that SunShare implies that sending their projects to MISO for transmission review after meeting MISO’s trigger for review violates the MN DIP but that SunShare does not “point out or identify any specific MN DIP rule or timeline that [the Company] would have allegedly violated in processing its applications.”<sup>11</sup>

The Company posits that at the time the settlement agreement was executed, none of SunShare’s projects had yet performed any System Impact Studies (SIS) or engineering analysis, so the Company did not know if SunShare’s projects would trigger a screening for a DER AFS transmission study. Xcel states that of the 10 projects relevant to the settlement agreement, six met the MISO DER AFS trigger and that SunShare “signed the MN DIP Transmission Impact Study Agreements between October and December 2024, agreeing to move forward and pay the necessary fees to the Company for the MISO analysis.”<sup>12</sup> Xcel provided Table 1 below listing the current stage of SunShare’s projects.

Table 1: Current Stage of SunShare Projects

Current Stage	# of Projects
Cluster SIS / Phase II Analysis	4
MISO Screening Q1 2025	1
MISO DER AFS Full Study (Sub-totals below)	5
MISO AFS Q4 2024 – Paid and in analysis	1
MISO AFS Q4 2024 – MISO deposit not paid and therefore no longer are in MISO full study queue	4

#### *MISO DER AFS Process*

Xcel states that in sending the applications that met MISO’s trigger for transmission review to MISO, the Company was following MN DIP section 4.26 which has Xcel coordinate with the appropriate Transmission Provider.<sup>13</sup> MISO’s threshold for review is triggered when the aggregate DER exceeds the substation Peak Load by at least 1 MW,<sup>14</sup> and Xcel claims that six of SunShare’s projects met that threshold but the Company only knew that after the projects went through the SIS process.

Five of the projects were included in the MISO Fourth Quarter 2024 cadence with one project to be included in the MISO First Quarter 2025 due to an error by the Company missing the MISO deadline. Xcel states that MISO screening indicated that all five projects met the full study

<sup>9</sup> Xcel Energy, Initial Comments, P. 3-4, February 10, 2025

<sup>10</sup> Xcel Energy, Initial Comments, P. 5, February 10, 2025

<sup>11</sup> Xcel Energy, Initial Comments, P. 5, February 10, 2025

<sup>12</sup> Xcel Energy, Initial Comments, P. 6, February 10, 2025

<sup>13</sup> Xcel Energy, Initial Comments, P. 6, February 10, 2025

<sup>14</sup> Per MISO Business Practice Manual 015-Generation Interconnection

requirements, that SunShare was notified of this on December 17, 2024, and that payment was due within 10 business days of that notification per the Transmission Study SIS Agreement (which SunShare signed). The Company states that payment for only one of the five projects was made and that the four unpaid projects should accordingly be removed from the interconnection queue.<sup>15</sup>

#### *Notice of MISO Transmission Study Process*

Regarding SunShare's claim that they were not made aware of the potential for a MISO transmission study for their projects, Xcel claims that the MISO review process is not new and that the Company has been communicating and providing updates to DER developers about the process since 2022. The Company provides several excerpts in Attachment C of their comments that illustrate the referenced updates.<sup>16</sup> Additionally, Xcel states that the MISO DER AFS was formally implemented in Q4 2023, and that the first MISO DER AFS report was published on June 11, 2024, both of which were before the execution of the Settlement Agreement.

#### *Relief Requested*

Lastly, Xcel claims that the "only relief that can be provided by the Commission is governed by Par. 4 of the Settlement Agreement" and that SunShare's requested relief is not within the scope of remedies set forth in the Settlement Agreement.<sup>17</sup>

Additionally, the Company posits that the MN DIP does not contemplate a conditional IA, and that granting one would violate the MN DIP as well provide an "unfair advantage over other projects in queue awaiting MISO DER AFS results."<sup>18</sup>

Xcel also believes that the Commission could not grant SunShare's request that their projects be held by the Department for its 2025 LMI CSG Program as "Minn. Stat. § 216B.1641 gives the Department broad authority on how it administers the application process and other aspects of the LMI CSG Program."<sup>19</sup>

The Company requests the Commission dismiss SunShare's Complaint and not investigate further (**Decision Option 8**). However, if the Commission does take further action, the Company believes "it would be appropriate to open a new generic docket inviting all other similarly situated developers/projects to participate, so that all similarly situated developers can be treated similarly"<sup>20</sup> (**Decision Option 10**).

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<sup>15</sup> Xcel Energy, Initial Comments, P. 7-8, February 10, 2025

<sup>16</sup> Xcel Energy, Initial Comments, P. 9, February 10, 2025

<sup>17</sup> Xcel Energy, Initial Comments, P. 10, February 10, 2025

<sup>18</sup> Xcel Energy, Initial Comments, P. 10, February 10, 2025

<sup>19</sup> Xcel Energy, Initial Comments, P. 11, February 10, 2025

<sup>20</sup> Xcel Energy, Initial Comments, P. 12, February 10, 2025

In their reply comments, Xcel reiterates the points made in their initial comments; that the Company followed the terms of the Settlement Agreement and followed the MN DIP. The Company adds that the MN DIP “recognizes that the Midcontinent Independent System Operator (MISO) may need to study potential adverse transmission system impacts from distributed energy resources (DER) and the Company is obligated to follow the review process established by MISO.”<sup>21</sup>

### The Department

The Department states that the Commission has reasonable grounds to investigate the complaint; that SunShare “raised concerns that implicate the Commission’s authority over interconnection agreements and could impact the state’s progress towards meeting applicable renewable energy standards” and that resolution of the complaint will “support the successful implementation of the [LMI CSG program].”<sup>22</sup> The Department believes that the relevant facts appear undisputed and so recommends the matter be resolved through the informal notice-and-comment process. However, if the facts are in dispute, the Department recommends the Commission refer the matter to the Office of Administrative Hearings for a contested case proceeding.<sup>23</sup>

### MnSEIA

MnSEIA writes in support of SunShare’s request for relief. MnSEIA states that while it can’t comment on the specifics referenced in the Settlement Agreement, it can “convey the widespread frustration by its members related to the confusion, excessive costs, and unnecessary delays in Xcel executing interconnection agreements with community solar developers” and that the MISO screening process combined with Xcel’s internal study process have “indefinitely delayed the deployment of community solar capacity otherwise authorized by Minn. Stat. § 216B.1641.”<sup>24</sup>

MnSEIA also references the process of working through Xcel’s internal transmission studies which is being addressed in Docket E999/CI-16-521 via a Notice of Comment filed on February 10, 2025. MnSEIA states that between the two transmission processes “virtually every community solar project going forward” will require either MISO’s or Xcel’s transmission study review. MnSEIA claims that the confusion and delays caused by Xcel’s study process have resulted in 18MW of the 100MW cap for the LMI CSG program in 2024 going unfulfilled. Due to these impacts, MnSEIA states the “Commission should intervene at this point to address the interconnection issues, including but not limited to SunShare’s request for relief.”<sup>25</sup>

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<sup>21</sup> Xcel Energy, Reply Comments, P. 1-2, February 20, 2025

<sup>22</sup> The Department of Commerce, Initial Comments, P. 3, February 10, 2025

<sup>23</sup> The Department of Commerce, Initial Comments, P. 3, February 10, 2025

<sup>24</sup> MnSEIA, Initial Comments, P. 1, February 10, 2025

<sup>25</sup> MnSEIA, Initial Comments, P. 2, February 10, 2025



**A. Late-Filed Reply Comments, if the Commission chooses not to strike from the record or issue a Supplemental Notice of Comment**

SunShare Reply Comments

In their late-filed reply comments, SunShare expands the requested relief to include an order requiring Xcel to stay the implementation of the MISO DER AFS transmission studies “until Xcel and stakeholders have a better understanding of the processes, including whether to pursue an optout provision as some other jurisdictions are examining.”<sup>26</sup>

Additionally, SunShare alleges that Xcel never received approval from the Commission to implement the MISO DER AFS (MISO DER Affected Systems Study). SunShare argues that the Commission stayed the Xcel and MISO agreements (Transmission Affected System Impact Study, i.e. Tasis/ASIS) in its March 31, 2022, Order in Docket E999/CI-16-521 (Docket 16-521). The Order specifically states the following:

13. Xcel Energy must stay implementation of the Affected System Study Agreement until a comment period regarding the following issues has concluded:
  - a) Whether the Agreement between Xcel Energy and the Midcontinent Independent System Operator requires changes to MN DIP or to a tariff;
  - b) What those changes might be;
  - c) Whether any changes to the Agreement should be requested;
  - d) Whether any jurisdictional issues exist; and
  - e) Any other related issues

A notice of comment period was filed by the Commission to this end on February 17, 2022, with initial and reply comments due on March 21, and March 31, 2022, respectively. Additionally, the DGWG hosted a meeting on this topic on February 25, 2022.<sup>27</sup>

SunShare alleges that this was the last action by the Commission on the topic and never reversed the stay on the Tasis agreement and did not approve the MISO DER AFS that Xcel began implementing in Q3 of 2023. SunShare characterizes it by alleging MISO “formally adopted the ASIS Agreement as its new DER AFS in its Business Practice Manual.”<sup>28</sup>

SunShare adds that in the implementation process of the MISO DER AFS, MISO requested “electric distribution utilities and state Commissions revamp existing programs to accommodate its new program.”<sup>29</sup> SunShare ultimately alleges that Xcel did not receive

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<sup>26</sup> SunShare, Reply Comments, P. 3, March 28, 2025

<sup>27</sup> Slides filed on October 25, 2023, in Docket E999/CI-16-521

<sup>28</sup> SunShare, Reply Comments, P. 6, March 28, 2025

<sup>29</sup> SunShare, Reply Comments, P. 7, March 28, 2025

permission to implement the MISO DER AFS and that it also did not acquiesce to MISO's request to revamp its existing program (the MN DIP) to accommodate the new process.

SunShare also reiterates that they were not aware of how expansive the MISO DER AFS was going to be when the Settlement Agreement was forged, and that Xcel should have known at the time that it was never going to be able to meet the goals of the Settlement Agreement.<sup>30</sup> Additionally, SunShare states that due to confusion in payment deadlines, Xcel only gave SunShare 13 minutes to pay for eight of its projects MISO study deposits (amounting \$480,000).<sup>31</sup>

### CCSA

CCSA supports SunShare's request for relief.<sup>32</sup> CCSA relays that while this Complaint refers to specific projects, the Complaint "demonstrates the actual impact of Xcel Energy's unilateral changes to the interconnection study process" citing the MISO Affected System Impact Study Agreement and Xcel's internal transmission studies.

## **VI. Staff Analysis**

### Jurisdiction

Staff agrees with the parties that the Commission has jurisdiction over the interconnection process component of this Complaint. Staff also agrees with the Department and Xcel that SunShare's requested relief to have their projects' capacity held for the 2025 LMI CSG program is a request that falls under the Department's jurisdiction. (**Decision Option 5**)

### Reasonable Grounds or in the Public Interest

Staff begins by acknowledging, as noted above, that the specific details of the Settlement Agreement are not publicly available because the agreement was filed as trade secret information. However, Staff can state that one of the stipulations of the agreement was that the specified interconnection applications would be processed using the MN DIP, as all interconnection applications under PUC-regulated jurisdictions must. Staff will speak to the publicly available arguments in this proceeding.

SunShare claims that it was not made aware of the potential for their applications to be impacted by the MISO DER AFS and the time requirement that these studies would have on the interconnection process. However, Xcel points out that these transmission studies have been discussed several times beginning in 2022 and in 2023 via their stakeholder workgroups and

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<sup>30</sup> SunShare, Reply Comments, P. 10, March 28, 2025

<sup>31</sup> SunShare, Reply Comments, P. 11, March 28, 2025

<sup>32</sup> Coalition for Community Solar Access, P. 1-2, Reply Comments, March 28, 2025

other communications to solar developers as well as the MISO DER AFS report published on June 11, 2024. Staff is unconvinced of the argument that SunShare would not have known of the potential for a transmission-related study for their applications.

SunShare also argues that Xcel should have known that the proposed applications would be unable to meet the timelines of the Settlement Agreement given the potential for transmission-related studies for their applications. Staff agrees with Xcel on the point that the Company would not know the need for transmission system impact studies until distribution system impact studies were conducted. At the time of the Settlement Agreement none of the projects had yet proceeded to the System Impact Study stage of the interconnection process. Staff agrees with SunShare in that the MISO DER AFS does add significantly to the timelines of the interconnection process, but Staff is also of the opinion that it is upon the two sophisticated parties to come up with realistic timelines in any settlement agreement. Staff believes that sufficient discussion about the timelines referenced in the agreement should have been thoroughly explored between the two parties before the agreement's execution.

Staff also believes that SunShare's request for relief to order Xcel to issue conditional IAs is not an action contemplated by the MN DIP. SunShare's reference to Xcel creating a "bridge" for CSG projects in 2017 is an action that was done before the MN DIP was enacted as the formal rules for interconnection. Additionally, Staff agrees with the Department that SunShare's request that capacity be held for 2025 in the LMI CSG Program is a program under the Department's jurisdiction.

Under these circumstances, Staff does not believe there are reasonable grounds to investigate the Complaint nor is it in the public interest (**Decision Option 8**). However, if the Commission does continue with an investigation, Staff believes opening a new docket on the topic would be preferred (**Decision Option 10**) as some of the claims made by SunShare are similar for other developers and so a response that is more systemic and holistic in nature may be more appropriate. Alternatively, rather than a new docket, a supplemental comment period could be added to the open proceeding in Docket 16-521, which is currently focused on the Xcel internal transmission study process, specifically, rather than the MISO DER AFS (**Decision Option 11**).

#### **A. Staff Analysis if SunShare Reply Comments are in the Record**

Should the Commission choose to allow SunShare's reply comments to remain in the record and also not issue a supplemental comment period, Staff offers the following analysis.

Staff reiterates most of the same analysis pertaining to the specific settlement agreement written above. However, SunShare does point out a seeming lack of clarity from the Commission on its stance regarding the implementation of the MISO DER AFS. The Commission did not have an agenda meeting regarding the Notice of Comment Period filed on February 17, 2022, and closed on March 31, 2022, after ordering Xcel to stay the TASIS agreement on March

31, 2022, pending conclusion of a comment period. As noted above, there is an open proceeding in Docket No. 16-521 on the Xcel internal transmission studies that is related to the MISO DER AFS. The Commission could open a supplemental comment period based on the MISO DER AFS in this related proceeding if it would like to address this development (**Decision Option 11**).

## VII. Decision Options

### **Xcel Motion; Supplemental Comment: The Commission may choose Decision Options 1 or 2**

1. Grant Xcel's motion to allow for Xcel to file supplemental comments and to give the Company 28 days following the Commission's decision.

OR

2. Deny Xcel's motion to allow for Xcel to file supplemental comments and to give the Company 28 days following the Commission's decision.

### **Xcel Motion; Striking SunShare's Reply Comments from the Record: The Commission may choose Decision Options 3 or 4**

3. Grant Xcel's motion to strike SunShare's Reply Comments from the record pursuant to Minn. R. 7829.0420.

OR

4. Deny Xcel's motion to strike SunShare's Reply Comments from the record.

## **Jurisdiction**

5. Find the Commission has jurisdiction over the issues raised in the Complaint filed by SunShare. (*Sunrise, Xcel Energy, Department*)

OR

6. Find the Commission does not have jurisdiction over the matter and dismiss the Complaint.

## **Reasonable grounds or in the public interest**

7. Find that there are reasonable grounds to investigate the allegations in the Complaint and proceed with an investigation pursuant to Minn. Rules 7829.1900. (*SunShare, MnSEIA, Department, CCSA*)

OR

8. Find that there are not reasonable grounds to proceed with an investigation of the Complaint pursuant to Minn. Rules 7829.1900 and dismiss the Complaint. (*Xcel*)

**Commission procedure if the Complaint is not dismissed**

9. Continue with the procedure outlined in Minn. Rules 7829.1700-1900 and require Xcel to file and serve its answer to the complaint within 20 days after service of the complaint and order.

**Additional Actions in Other Dockets**

10. Open a new generic docket inviting all other similarly situated developers/projects to participate in the complaint investigation. (*Xcel*)
11. Delegate authority to the Executive Secretary to issue a Supplemental Comment Period pertaining to implementation of the MISO DER AFS to the existing docket proceeding linked to the Notice of Comment Period filed by the PUC in Docket E999/CI-16-521 on February 10, 2025. (*Staff alternative to DO 9*)