

September 14, 2015



VIA ELECTRONIC FILING

Daniel Wolf
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

**Re: Reply Comments
Community Solar Garden Program
Docket No. E002/M-13-867**

Dear Mr. Wolf,

SunShare respectfully submits the attached *Reply Comments by SunShare, LLC* in response to the Commission's August 10, 2015 Notice of Comment Period filed in the above-mentioned docket.

Please do not hesitate to contact me if you have any questions.

Sincerely,

s/ Ross Abbey

Ross Abbey
SunShare, LLC
Director, Regulatory & Legal – MN

On behalf of SunShare, LLC

cc: Appended Service List

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

September 14, 2015

**In the Matter of the Petition of Northern States
Power Company, dba Xcel Energy, for Approval of
Its Proposed Community Solar Garden Program**

Docket No. E-002/M-13-867

REPLY COMMENTS IN RESPONSE TO THE COMMISSION'S AUGUST 10, 2015
NOTICE FOR COMMENTS BY SUNSHARE, LLC

SunShare respectfully submits these reply comments in response to the Commission's August 10, 2015 Notice for Comment (requesting comment on Xcel's July 24, 2015 letter filed in this docket).

SunShare agrees with the August 31, 2015 comments submitted by the Department of Commerce ("Department") and by Fresh Energy and the Environmental Law and Policy Center ("ELPC"). Fresh Energy and ELPC accurately characterized the issues listed in Xcel's July 24, 2015 letter in this docket as falling within the Commission's "quasi-legislative" authority, and therefore most usefully addressed using a notice-and-comment process that enables broad public participation.¹ We also agree that a notice-and-comment process "better meets Minn. R. Admin. 7829.0200, which states that "[t]his chapter must be construed to secure the just, speedy, and economical determination of issues before the Commission."²

In SunShare's initial comments, we said that we were "seeking more information on reasonable attorney costs for this sort of matter, and will endeavor to file Reply Comments (on this matter) regarding same if we are able."³ Fortunately, we were able to obtain such information from a multi-state law firm that specializes in regulatory policy and has handled contested cases in Minnesota in the past, but which has not been active in the CSG docket (13-867) to date.

Based on this information, SunShare conservatively estimates that active participation for a developer (such as SunShare) in Xcel's proposed contested case proceeding could take over 400 hours of attorney, paralegal, and staff time (including both outside counsel and internal staff), at an expected cost of over 90,000 dollars.

¹ Fresh Energy and Environmental Law & Policy Center Aug. 31, 2015 Comments, 13-867, at 1.

² *Id.*

³ SunShare, LLC Aug. 31, 2015 Comments, 13-867, at n.1.

Beyond the expected cost to SunShare, we are also concerned by the real “possibility that parties that have been active in the docket to date will be unable to participate in a contested case because of the resources required,” including Fresh Energy, ELPC, IREC and MnSEIA.⁴ There has been impressive participation in the CSG docket up to this point, with over 30 private (nongovernmental) stakeholders filing at least once.

It would thus be unfortunate to artificially restrict stakeholder diversity and engagement during the next phase of the CSG regulatory process (especially concerning open issues such as how to best enable customer participation for a broader section of Xcel’s customer base including minority and low-income individuals). We agree that ensuring broader participation is best addressed through a written comment process.⁵

Finally, despite Xcel’s characterization of its proposal as the “contested case proceeding that some developers and Xcel Energy jointly proposed,” it does not appear that any of the listed developers actually signed Xcel’s July 24, 2015 letter.⁶ Likewise, none of the allegedly supportive developers appear to have submitted comments in support of Xcel’s proposal. These players have also been relatively inactive in this docket to date, having filed just 25 comments of the approximately 180 comments filed by non-governmental/utility stakeholders to date. Of these 25 comments, the majority were filed by just one developer, MN Community Solar (“MNCS”), which is already on the record as advocating for less regulatory process (not more):

MNCS believes that it is sensible and appropriate to allow the development of CSGs under the adopted rules for some time before commissioning a new and sizable regulatory effort to design a substitute approach, especially since there is no operational data yet to suggest the existing program will be successful. . . . The resources of developers and NSP would be better spent making CSGs work, rather than in an unending argument about theoretically better approaches.⁷

s/ Ross Abbey

Ross Abbey
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⁴ Fresh Energy and Environmental Law & Policy Center Aug. 31, 2015 Comments, 13-867, at 3.

⁵ Dep’t of Commerce Aug. 31, 2015 Comments, 13-967, at 2.

⁶ Xcel Energy Sept. 10, 2015 Comments, 15-786, at 2.

⁷ MN Community Solar March 2, 2015 Reply Comments, 13-867, at 9.

s/ Jenny Monson-Miller

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CERTIFICATE OF SERVICE

I, Ross Abbey, hereby certify that on September 14, 2015, I served copies of the preceding document on the attached list of persons by electronic filing, certified mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail in Minneapolis, Minnesota.

REPLY COMMENTS IN RESPONSE TO THE COMMISSION'S AUGUST 10, 2015 NOTICE FOR COMMENTS BY SUNSHARE, LLC

Docket No. E002/M-13-867

Certified this 14th day of September, 2015

s/ Ross Abbey

Ross Abbey
SunShare, LLC
Director, Regulatory & Legal – MN

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On behalf of SunShare, LLC

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