

September 30, 2015



**VIA ELECTRONIC FILING – TRADE SECRETS REDACTED**

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

**RE: DOCKET NO. E002/M-13-867  
In the Matter of the Petition of Northern States Power Company, dba Xcel Energy,  
Requesting Approval of its Proposed Community Solar Gardens Program**

Dear Mr. Wolf,

Please find enclosed the public version of SunShare’s response to the Department of Commerce’s Information Request 4 in the above-mentioned docket. This submission includes a portion of the original Information Request response, with Exhibits (containing trade secrets) fully redacted.

Contact me at any time with questions regarding this submission.

Sincerely,

s/ Ross Abbey

Ross Abbey

SunShare, LLC  
Director, Regulatory & Legal – MN

609 S. 10<sup>th</sup> Street, Suite 210  
Minneapolis, MN 55404  
(612) 345-8331  
ross@mysunshare.com

*On Behalf of SunShare, LLC*

September 24, 2015



**DISCOVERY FILING IN RESPONSE TO SEPTEMBER 10 INFORMATION REQUEST  
CONTAINS TRADE SECRET DATA**

Connor Boler  
Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198

Susan Peirce  
Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul, MN 55101-2198

**RE: DOCKET NO. E002/C-15-786  
Complaint by SunShare, LLC Against Northern States Power Company dba Xcel Energy for  
Violations of Section 10 Interconnection Tariff and Related to Solar\*Rewards Community  
Program Rules**

Dear Mr. Boler and Ms. Peirce,

On August 27, 2015, SunShare filed a formal complaint with the Public Utilities Commission (“Commission”), alleging over 100 discrete tariff and order violations by Northern States Power (“NSP”) as of August 24, 2015. The Commission opened Docket E002/15-786 regarding our complaint on August 28, 2015.

On September 10, 2015, the Department of Commerce (“Department”) issued Information Requests (“IR”) in Docket E002/15-786 to both SunShare and NSP (asking the Company to provide, *inter alia*, its “response to each of the allegations contained in SunShare’s complaint”). IR 4 asked SunShare:

In its complaint, SunShare asserts that Xcel provided partial and/or incomplete engineering results for a number of its community garden projects. For each project SunShare asserts a partial or incomplete engineering study, please provide detailed information identifying the deficiencies in the study, and what SunShare believes is needed to deem the study ‘complete.’

The Department asked for a full response by September 21, 2015. It thereafter extended the deadline (by three business days) to September 24, 2015.

In response to the Department’s IR, we have outlined below the deficiencies in each engineering study we have received from NSP and any project-related Section 9 and/or 10 tariff violations below:

- Exhibit 1(a) outlines deficiencies and/or violations as of August 24, 2015 (the information cut-off date for our complaint).
- Exhibit 1(b) outlines the same as of today, September 24, 2015.
- Exhibit 2(a) outlines the steps needed to remedy deficiencies regarding partial or incomplete Section 10, Step 4 and 5 deliverables.
- Exhibit 2(b) is a list of outstanding SunShare engineering questions, as referenced by Exhibit 2(a).

For the Department's information, since the date of our complaint, NSP has continued to process our CSG applications in good faith and has provided a number of previously outstanding tariff-required deliverables.<sup>1</sup> More specifically:

- 1) On or about August 27, 2015, NSP deemed complete each of the 31 CSGs listed in Exhibit 3 in our complaint. (Each application was thus deemed complete 55 calendar days after the allowable-day timeline.)
- 2) On or about September 18, 2015, NSP delivered engineering study scope of work statements for each of the 34 CSGs listed in Exhibit 2 in our complaint.<sup>2</sup> (Each statement was thus delivered 151 business days after the allowable-day timeline.)
- 3) On September 18, 2015, NSP provided a draft hard copy of a revised engineering study report (with [some] Section 10, Step 5 deliverables) for 5 of the CSGs at one site listed in Exhibit 1 of our complaint, but admitted that the revision was not yet in complete and final form.

Although we are pleased to receive these materials, we must note the substantial project delay caused by NSP's timeline overruns. For example, we estimate the cumulative delay before NSP's August 27 delivery (noted above) to be 1,705 lost calendar days.<sup>3</sup> We estimate the cumulative delay before NSP's September 18 delivery (noted above) to be 5,134 lost business days.<sup>4</sup> (In total, the projects listed in our complaint have lost over 8,220 days due to alleged NSP violations.)

In addition, 33 of our projects continue to experience current and ongoing tariff and/or rule violations. (For each such project, Exhibit 2 below outlines the remedies needed for NSP to meet its obligations.)

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<sup>1</sup> We are satisfied to report that we have not experienced any retaliation from NSP as a result of our complaint to date.

<sup>2</sup> SunShare is currently reviewing these SOW statements for accuracy and completeness, and will communicate directly with NSP regarding any technical questions or apparent deficiencies.

<sup>3</sup> 31 projects x 55 calendar days = 1,705 calendar days.

<sup>4</sup> 34 projects x 151 business days = 5,134 business days.

In conclusion, we continue to request all the relief requested in our complaint, including ongoing oversight of NSP tariff and rule compliance by the Department and the Commission as to all CSGs at issue in SunShare's complaint.

Please do not hesitate to contact me with any questions.

Sincerely,

s/ Ross Abbey

Ross Abbey

SunShare, LLC  
Director, Regulatory & Legal – MN

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(612) 345-8331  
ross@mysunshare.com

*On Behalf of SunShare, LLC*

**[TRADE SECRET REDACTION BEGINS]**

**[TRADE SECRET REDACTION ENDS]**

CERTIFICATE OF SERVICE

I, Ross Abbey, hereby certify that on September 30, 2015, I served copies of the preceding document on the Public Utilities Commission by electronic filing, certified mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at Minneapolis, Minnesota.

Formal Complaint and Petition by SunShare, LLC Against Northern States Power Company - a Minnesota Corporation d/b/a Xcel Energy for Violations of its Section 10 Interconnection Tariff and Related Solar\*Rewards Community Program Rules

Certified this 30<sup>th</sup> 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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