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February 10, 2014



Dr. Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101-2147

**Re: In the Matter of the Implementation of Solar Energy Standards Pursuant to 2013  
Amendments to Minnesota Statutes, Section §216B.1691  
Docket No. E999/CI-13-542  
REPLY COMMENTS**

Dear Dr. Haar:

Otter Tail Power Company submits the enclosed Reply Comments in response to the initial comments filed on January 31, 2014 in the above-captioned matter.

We have electronically filed this document with the Commission, which also constitutes service on the Minnesota Department of Commerce, Division of Energy Resources and the Office of the Attorney General, Antitrust and Utilities Division. A copy of this filing has been served on all parties on the official service list in this docket.

Please contact me at (218) 739-8956 or [cstephenson@otpc.com](mailto:cstephenson@otpc.com) if you have any questions.

Sincerely,

*/s/ CARY STEPHENSON*  
Cary Stephenson  
Associate General Counsel

jce  
Enclosures  
By electronic filing  
c: Service List

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Implementation of Solar  
Energy Standards Pursuant to 2013  
Amendments to Minnesota Statutes, Section  
§216B.1691

Docket No. E999/CI-13-542

**OTTER TAIL POWER COMPANY  
REPLY COMMENTS**

**Background**

On December 30, 2013, the Minnesota Public Utilities Commission (“Commission”) issued its “Notice for Comment Period for Annual Report Contents, S-REC Tracking and Shelf-Life, and Other Clarifications on Implementing SES” with Comment due January 31, 2014 and Reply Comments due February 10, 2014. Otter Tail Power Company (“Otter Tail” or the “Company”) now submits the following comments in reply to the initial comments filed on January 31, 2014.

**REPLY COMMENTS**

**S-REC Shelf-Life**

Otter Tail agrees with commentators taking the view that the Commission should clarify that S-RECs meeting the requirements under subd. 2f have an unlimited shelf life for purposes of meeting the SES. The positions of commentators recommending that the Commission adopt a limited shelf life for S-RECs are reasonable, but we believe the statute’s construction evidences a contrary intent.

If the Commission is inclined to adopt a shelf-life to S-RECs, we support the Department of Commerce, Division of Energy Resources (“DOC”) recommendation that the Commission adopt an extended shelf life for S-REC’s generated between the statute’s effective date and 2020. We do, however, differ with the DOC’s position in that we believe the extended shelf-life should apply to S-RECs generated between effective date of the statute and 2020, regardless of whether the S-REC’s were generated in Minnesota or outside Minnesota. As we understand the DOC’s position, it would not apply the extended shelf life to credits installed and generated outside of Minnesota based on the “in Minnesota” reference in Minn. Stat. § 216B.1691, subd.2f(f). We

believe Minn. Stat. § 216B.164 Subd. 4 requires equal treatment of RECs, including S-RECs, regardless of the location where the energy is generated. Other commentators have noted practical and Constitutional problems associated with differential treatment. In our view whatever shelf-life the Commission assigns to S-RECs (if any) the shelf-life should not make distinctions based on whether the credits were produced in or outside of Minnesota.

### **Tracking Systems**

The commenters appear to be in general agreement that an additional tracking system outside of MRETS is not necessary or warranted. Otter Tail reaffirms its earlier comments that S-RECs should be managed and tracked solely through MRETS.

### **Information in Annual Reports**

Otter Tail supports satisfying the reporting requirement under Minn. Stat. § 216B.1691, subd. 2f(g) by including SES information with our annual RES filing due June 1 of each year. We concur with the DOC's recommendations concerning the nature and scope of the information that should be included in the SES report. Xcel's suggestion to also include SES compliance information in utilities' biennial reports is not unreasonable. Otter Tail, however, sees more administrative efficiency in the simple approach of using the annual RES report as the sole vehicle to satisfy the statute.

Dated: February 10, 2014

Respectfully submitted,

OTTER TAIL POWER COMPANY

By: /s/ CARY STEPHENSON

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## **CERTIFICATE OF SERVICE**

**RE: In the Matter of the Implementation of Solar Energy Standards Pursuant to 2013  
Amendments to Minnesota Statutes, Section §216B.1691  
Docket No. E999/CI-13-542**

I, Jana Emery, hereby certify that I have this day served a copy of the following, or a summary thereof, on Dr. Burl W. Haar and Sharon Ferguson by e-filing, and to all other persons on the attached service list by electronic service or by First Class mail.

**Otter Tail Power Company  
Reply Comments**

Dated this **10th** day of **February 2014**.

/s/ JANA EMERY

Jana Emery  
Regulatory Filing Coordinator  
Otter Tail Power Company  
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