

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

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**In the Matter of a Formal Complaint by
Larry Rauenhorst against Renville Sibley
Cooperative Power Association**

INITIAL COMMENTS

March 16, 2026

PUC Docket Number: E136/C-26-113

Larry Rauenhorst (“Larry”) respectfully files these Initial Comments in response to the Minnesota Public Utilities Commission’s (“Commission”) Notice of Comment Period issued on February 13, 2026. Larry appreciates the Commission’s consideration of this important issue, affecting not only him but every member/owner of the Renville Sibley Cooperative Power Association (“RSCPA”), and opportunity to provide comments.

The Notice of Comment Period states that the issue is whether the Commission should investigate the Formal Complaint by Larry against RSCPA and listed the following topics as open for comment:

- 1) Does the Commission have jurisdiction over the subject matter of the Complaint?
- 2) Are there reasonable grounds for the Commission to investigate these allegations?
- 3) Is it in the public interest for the Commission to investigate these allegations?
- 4) If the Commission chooses to investigate the Complaint, what procedures should be used to do so?
- 5) Are there other issues or concerns related to this matter?

COMMENTS

Larry provides the following comments in response to the topics open for comment.

1) Yes, the Commission has jurisdiction over the subject matter of this dispute.

Yes, the Commission has jurisdiction over the subject matter of this dispute. When read together, Minn. Stat. § 216B.17, subd. 1 and subd. 6a, state, in relevant part, that on the

commission's own motion or upon a complaint made against cooperative electric association with “respect to service standards and practices,” “the commission shall proceed, with notice, to make such investigation as it may deem necessary.” Refusing to compensate Larry at RSCPA’s average retail rate because his QF is not located at this home, but rather his farmland, appears to be a service standard or practice that violates the plain language of Minn. Stat. § 216B.164, which should warrant an investigation.

It is also worth noting that even if the Commission did not want to initiate an investigation on its own motion, the Minnesota Department of Commerce (“Commerce”) could bring a complaint under this subdivision as well.¹ Commerce also is responsible for enforcement of Chapter 216B under Minn. Stat. § 216A.07, subd. 2, and would, presumably be interested in investigating a clear violation of Chapter 216B pursuant to Minn. Stat. § 216A.07, subd. 4. And, the Commission or Commerce could also refer this matter for legal action by the Office of Attorney General.²

This matter is similar to the complaint recently filed by the Upper Sioux Community against Minnesota Valley Cooperative Power & Light Association (“Minnesota Valley”).³ In that matter, like this matter, Minnesota Valley refused to allow the Upper Sioux Community to interconnect its solar energy generating system to the cooperative’s distribution system in violation of Minn. Stat. § 216B.164. Minnesota Valley argued that it was not subject to the Commission’s jurisdiction because it was a “cooperative electric association organized under Minnesota Chapter 308A and furnishes electric service.”⁴ All the commenters filing comments, including Commerce, disagreed

¹ See Minn. Stat. § 216B.17, subd. 1 (stating that the Commission “shall proceed” with an investigation “on the commission's own motion or upon a complaint made against any public utility by,” among other parties, the Minnesota Department of Commerce).

² See *In the Matter of a Formal Complaint by the Upper Sioux Community Against Minnesota Valley Cooperative Light & Power Association*, Dkt. 25-219, Minn. Pub. Util. Comm., ORDER REQUESTING SPECIALIZED SERVICES, REFERRING MATTER TO OFFICE OF THE ATTORNEY GENERAL, AND NOTICE OF AND ORDER FOR HEARING, p. 2 (Aug. 13, 2025) (“Cooperative Jurisdiction Order”).

³ *Id.*

⁴ *In the Matter of a Formal Complaint by the Upper Sioux Community Against Minnesota Valley Cooperative Light & Power Association*, Dkt. 25-219, Minn. Valley Coop. Light & Power Assoc., COMMENTS, p. 1 (June 17, 2025).

with Minnesota Valley.⁵ The Commission also disagreed, stating, “The Community’s complaint involves the reasonableness of the Cooperative’s standards and practices regarding customer-sited solar generation.”⁶ Larry’s Formal Complaint also “involves the reasonableness of the Cooperative’s standards and practices regarding customer-sited solar generation.”

But this is not the only statute that provides the Commission with jurisdiction over disputes between a utility and its customers. Minn. Stat. § 216A.05 also provides the Commission with broad quasi-judicial functions. It states that the Commission “may adjudicate all proceedings brought before it in which the violation of any law or rule administered by the Department of Commerce is alleged.”⁷ As noted above, Commerce is responsible for enforcement of, among other laws, Chapter 216B,⁸ and Larry has alleged a violation of Chapter 216B. Accordingly, the Commission would also have jurisdiction under this statute.

The Commission appears to agree that it has broad authority over disputes under Minn. Stat. § 216A.05 because it passed a rule stating, “In case of a dispute between a utility and a qualifying facility or an impasse in the negotiations between them, either party may request the commission to determine the issue. When the commission makes the determination, the burden of proof must be on the utility.”⁹ Under Minnesota Rules, for purposes of Minn. R. 7835.4500, a utility is defined as, “any public utility, including municipally owned electric utilities or cooperative electric associations, that sells electricity at retail in Minnesota.”¹⁰ No one disputes that Larry’s facility is a QF under Minnesota law, RSCPA is a cooperative electric association, and there is a dispute or impasse in negotiations between them. Accordingly, this provision would also appear to provide

⁵ Commission Cooperative Jurisdiction Order, p. 2.

⁶ *Id.*

⁷ Minn. Stat. § 216A.05, subd. 1.

⁸ *See* Minn. Stat. § 216A.07, subd. 2,

⁹ Minn. R. 7835.4500.

¹⁰ Minn. R. 7835.0100, subp. 24; *see also* Minn. R. 7829.0100, subp. 23 (defining “utility” to mean, among other things, an “electric service provider”).

the Commission with jurisdiction over this dispute.

2) Yes, there are reasonable grounds for the Commission to investigate the allegations in the Formal Complaint.

Yes, there are reasonable grounds to investigate the allegations in the Formal Complaint. There is no dispute that RSCPA is refusing to compensate Larry at RSCPA's average retail utility energy rate ("average retail rate") for the net input of his QF into RSCPA's system even though Larry's QF has a capacity of less than 40 kW, which is a clear violation of the explicit language of Minn. Stat. § 216B.164, subd. 3. No one appears to dispute that RSCPA is violating the plain language of Minnesota law.

3) Yes, it is in the public interest to investigate the allegations in the Formal Complaint.

Yes, it is in the public interest to investigate the allegation in the Formal Complaint. No reasonable person would presumably dispute that it is in the public interest for utilities to comply with Minnesota law. The Minnesota Legislature surely expects member/owners of electric cooperatives to have the same rights and protections as every other Minnesotan, especially considering that utilities in Minnesota are monopolies, making it impossible for any utility customer to choose another electric service provider if theirs is violating rights guaranteed to them under Minnesota law or otherwise harming them. While RSCPA may not like Minnesota's long established net metering law, and has actively advocated to change it, any reasonable person would presumably agree that, if and until the law is change, RSCPA is required to comply with it.

This matter is particularly important to the public interest because it is not just about a farmer trying to stabilize his energy costs and investigate an innovative way to transform farming operations. His solar facility is part of a University of Minnesota study to investigate agrivoltaics. Agrivoltaics is the integration of solar energy production into farming operations. There is constant concern that the installation of solar, especially large scale solar, it taking prime farmland out of

production. Agrivoltaics provide a way to integrate solar energy generation into farm operations without taking farmland out of production.

However, farmers, out of necessity, are financially shrewd. Farming is a business with narrow margins. As such, farmers will not try a new approach until it has been proven, or at least demonstrated, that this new approach is financially responsible. Larry is trying to demonstrate that agrivoltaics are financially responsible, providing not just him, but all farmers with a way to make their farming operations more efficient and resilient. So RSCPA is not only violating Larry's rights under Minnesota law, it is taking away the opportunity to explore a way for every farmer in Minnesota to make sure their farm will last for generations to come.

4) The Commission Should Follow the Most Efficient Process Established by Minnesota Rules.

Because the Commission has jurisdiction over this dispute, there is a reasonable basis to investigate the allegations, and it is in the public interest to ensure that all utilities are complying with the law, the Commission should use the procedure established by Minn. R. 7829.1800. After the Answer is filed, the Commission should proceed with either an informal or expedited proceeding under Minn. R. 7829.1900 because there are no material facts in dispute and RSCPA is undisputably violating the plain language of Minn. Stat. § 216B.164, subd. 3.

CONCLUSION

Thank you for the opportunity to provide these comments regarding this important issue.

Respectfully Submitted,

/s/ Curtis P. Zaun

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