

July 17, 2017

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101

RE: **Supplemental Comments of the Minnesota Department of Commerce, Division of
Energy Resources**
Docket No. E999/CI-17-284

Dear Mr. Wolf:

On July 6, 2017, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Supplemental Comment Period on Possible Distributed Generation Subcommittee under Minn. Stat. §216A.03, Subd. 8*. Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in this matter.

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ SUSAN L. PEIRCE
Public Utility Rates Analyst Coordinator

SLP/lt
Attachment



Before the Minnesota Public Utilities Commission

Supplemental Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E999/CI-17-284

I. BACKGROUND INFORMATION

On April 17, 2017, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Comment Period on Possible Distributed Generation Subcommittee under Minn. Stat. §216A.03, Subd. 8*. The Commission's Notice stated that it was considering creating a Distributed Generation (DG) subcommittee to consider and address customer complaints related to DG.

On May 22, 2017, the Department filed comments detailing a number of issues surrounding the subcommittee process that it felt needed clarification before adoption by the Commission.

On May 30, 2017, Commission Staff filed a response to the Department questions.

On June 2, 2017, the Department filed comments recommending adoption of a DG subcommittee process.

On July 6, 2017, the Commission issued a *Notice of Supplemental Comment Period* seeking comment on additional options for the subcommittee process. Specifically, the Commission seeks comment on:

1. Additional work that could be delegated to the subcommittee;
2. Creating the subcommittee process as a pilot program with evaluation;
3. Posting additional details on complaints as an alternative to the subcommittee process
4. Adopting processes used by other state commissions
5. Establishing a stakeholder Advisory Group.

II. DEPARTMENT ANALYSIS

With the clarifications provided by Commission Staff in response to the Department's initial comments in this proceeding, the Department recommended adoption of a subcommittee process. The Department continues to recommend adoption of a subcommittee process, and offers the following additional comments in response to the Commission's *Notice of Supplemental Comment*.

A. DELEGATION OF ADDITIONAL WORK TO THE SUBCOMMITTEE

In its Notice, Commission staff offered a number of possible additional issues that could be handled by the subcommittee including: objections to interventions in non-contested cases, requests for Administrative Law Judges (ALJs) to resolve discovery disputes, and requests for the Office of Administrative Hearings (OAH) to conduct public hearings. The Department understands that often these types of issues are currently delegated to the Executive Secretary to resolve. The Department does not object to delegating these types of issues to the subcommittee process.

B. CREATE THE SUBCOMMITTEE AS A PILOT PROGRAM

One option is to establish the subcommittee process as a pilot program for a period of 18 months, and include an evaluation of the process following the first year of implementation. The Department does not object to treating the subcommittee process as a pilot program or with seeking comments and evaluation on how the process is working following the first year of the process. However, requiring the subcommittee process to end after 18 months, without affirmative action from the Commission for it to continue, may not be necessary. As a practical matter, the Commission is free to solicit comment at any time on the workings of this process, whether designated as a pilot program or not, and to alter the process if necessary to improve it.

C. FORGO THE SUBCOMMITTEE PROCESS AND POST ADDITIONAL DETAILS ON COMPLAINTS

The Department does not support forgoing the subcommittee process. The purpose of the process, as the Department understands it, is to streamline complaint resolutions, specifically distributed generation complaints. Although posting additional details on these complaints and their resolution could potentially reduce the number of such complaints over time by offering utilities and consumers additional guidance, posting information alone will not resolve the complaints in a timely manner.

D. ADOPT PROCESSES USED BY OTHER COMMISSIONS

The Department understands that the subcommittee process is under consideration, in large part, because of the more complex nature of distributed generation complaints. Distributed generation complaints may involve concerns with the interconnection process, the cost of interconnection and other possible technical concerns that may require some technical expertise and understanding to resolve. The subcommittee process appears intended to facilitate involvement of staff with more understanding and expertise in distributed generation issues to resolve complaints involving those issues.

E. STAKEHOLDER ADVISORY GROUP

The Commission's *Notice* sought comment on whether a stakeholder advisory group would be useful in providing input on the Commission's complaint processes, scheduling, resource allocation and similar issues that do not involve substantive determination of law or policy. The stakeholder advisory group could be in addition or in lieu of a subcommittee.

A stakeholder advisory group would not be a substitute for the Commission's proposed subcommittee process. As noted above, the subcommittee process was proposed as a way resolving distributed generation complaints in a timely manner. While a stakeholder advisory group could offer input on the processes and/or issues, such input would not resolve specific complaints. The Department is generally indifferent to a stakeholder advisory group; however, if the Commission treats the subcommittee process as a pilot program with further evaluation of the process, a stakeholder group appears unnecessary at this time.

III. SUMMARY OF DEPARTMENT RECOMMENDATIONS

The Department recommends adoption of a subcommittee process for handling distributed generation complaints. The Department does not object to delegating other issues as determined by the Commission to the subcommittee for resolution, or establishing the subcommittee as a pilot program with an evaluation of the process after one year of operation.

/lt

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Supplemental Comments**

Docket No. E999/CI-17-284

Dated this 17th day of July 2017

/s/Sharon Ferguson

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