

May 3, 2017

**Via Electronic Filing**

Mr. Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
121 East Seventh Place, Suite 350  
Saint Paul, MN 55101-2147

**Re: *In the Matter of the Formal Complaint and Petition for Relief by Minnesota Energy Resources Corporation Against Northern States Power Company d/b/a Xcel Energy for Violations of Minn. Stat. § 216B.01 and Commission Policy, Docket No. G-011, G-002/C-17-305***

**Initial Comments of Minnesota Energy Resources Corporation**

Dear Mr. Wolf:

In accordance with the Minnesota Public Utilities Commission's Notice of Comment Period dated April 21, 2017, please find enclosed the Initial Comments of Minnesota Energy Resources Corporation in the above-captioned matter.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

/s/ **Brian Meloy**

Brian Meloy

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

---

<i>In the Matter of the Formal Complaint and Petition for Relief by Minnesota Energy Resources Corporation Against Northern States Power Company d/b/a Xcel Energy for Violations of Minn. Stat. § 216B.01 and Commission Policy</i>	) ) ) ) ) ) ) )	MPUC Docket No. G-011, G-002/C-17-305  <b>INITIAL COMMENTS OF MINNESOTA ENERGY RESOURCES CORPORATION</b>
--	--------------------------------------	--

---

In accordance with the Minnesota Public Utilities Commission’s (“Commission”) April 21, 2017 *Notice of Comment Period* issued in the above-referenced docket, Minnesota Energy Resources Corporation (“MERC”) respectfully submits these Initial Comments. In its April 21 Notice, the Commission requested comment on whether it has jurisdiction over the subject matter of MERC’s Verified Complaint and Request for Expedited Action (“Complaint”); whether it is in the public interest for the Commission to investigate the allegations in the Complaint; and what procedures should be used to conduct such investigation. MERC briefly responds to these questions below, as well as Northern State Power Company dba Xcel Energy’s (“Xcel”) April 28, 2017 request to compress the Comment Period.

**I. BASES FOR THE COMMISSION’S JURISDICTION.**

As set forth in MERC’s Complaint, the Commission has jurisdiction over the subject matter of the Complaint under Minn. Stat. §§ 216A.05, 216B.01, and 216B.17. Minn. Stat. § 216B.17 authorizes the Commission to investigate and hold a hearing on any complaint made against a public utility by another public utility regarding, *inter alia*, “any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas . . . .” Minn. Stat. § 216B.01 informs the Commission as to the policies it should apply in regulating public utilities in the State. Minn. Stat. § 216A.05 further authorizes the Commission to, *inter alia*,

make investigations and determinations, hold hearings, and issue orders with respect to those matters within its jurisdiction.

**II. IT IS IN THE PUBLIC INTEREST FOR THE COMMISSION TO INVESTIGATE THIS MATTER.**

For the reasons set forth in the Complaint, it is in the public interest for the Commission to investigate the allegations in the Complaint. The Commission's determination in this matter will have statewide impact by addressing important policy issues related to how natural gas utilities compete with one another with respect to acquiring customers in another utility's natural service area and the resulting impact on utility customers. Guidance from the Commission is necessary so that all utilities fully understand their rights and obligations going-forward.

**III. THE COMMISSION SHOULD UTILIZE AN EXPEDITED PROCESS TO INVESTIGATE AND DECIDE THIS MATTER.**

As stated in its Complaint, MERC respectfully requests that this matter be handled on an expedited basis. Like Xcel, MERC believes that this matter can generally be decided on the basis of written comments and answers made during the established notice and comment period, with an opportunity for oral argument and deliberations before the Commission. However, MERC disagrees with Xcel's April 28, 2017 request that the Commission compress the comment period such that Reply Comments are due May 9, 2017 rather than May 15, 2017.

MERC has a number of pending discovery requests out to Xcel that have yet to be answered and MERC is preparing responses to requests from the Department of Commerce, which are not due until May 8, 2017. Such responses will facilitate in the explication of the issues in dispute and ultimately aid in the Commission's decision-making process. Importantly, Xcel's April 28, 2017 Answer alleges of facts that MERC disputes, and discovery is needed to determine the basis for Xcel's statements. Adhering to the existing Comment Period will enable the parties and stakeholders to review and respond to discovery yet still allow a Commission hearing occur on an expedited basis in June 2017.

**Dated: May 3, 2017**

**Respectfully submitted,**

***/s/ Brian Meloy***

Brian Meloy (#0287209)

Thomas Burman (#0396406)

STINSON LEONARD STREET LLP

150 South Fifth Street, Suite 2300

Minneapolis, Minnesota 55402

Telephone: (612) 335-1500

Facsimile: (612) 335-1657

brian.meloy@stinson.com

thomas.burman@stinson.com

***Attorneys for Complainant Minnesota  
Energy Resources Corporation***

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

*In the Matter of the Formal Complaint  
and Petition for Relief by Minnesota  
Energy Resources Corporation Against  
Northern States Power Company d/b/a  
Xcel Energy for Violations of Minn.  
Stat. § 216B.01 and Commission Policy*

MPUC Docket No. G-011, G-002/C-17-305

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of the **Initial Comments of Minnesota Energy Resources Corporation** have been served on this day by e-filing/e-serving to the following:

NAME	EMAIL	ADDRESS	SERVICE
Julia Anderson	<a href="mailto:julia.anderson@ag.state.mn.us">julia.anderson@ag.state.mn.us</a>	Office of the Attorney General – DOC 1800 BRM Tower 445 Minnesota Street St. Paul, MN 55101-2134	Electronic
Lester Bagley	<a href="mailto:bagleyl@vikings.nfl.net">bagleyl@vikings.nfl.net</a>	Minnesota Vikings N/A	Electronic
Thomas Burman	<a href="mailto:Thomas.burman@stinson.com">Thomas.burman@stinson.com</a>	Stinson Leonard Street LLP 150 S. 5 <sup>th</sup> St., Suite 2300 Minneapolis, MN 55402	Electronic
Carl Cronin	<a href="mailto:Regulatory.records@xcelenergy.com">Regulatory.records@xcelenergy.com</a>	Xcel Energy 7 <sup>th</sup> Floor 414 Nicollet Mall Minneapolis, MN 55401	Electronic
Ian Dobson	<a href="mailto:Residential.Utilities@ag.state.mn.us">Residential.Utilities@ag.state.mn.us</a>	Office of the Attorney General – RUD 1400 BRM Tower 445 Minnesota St. St. Paul, MN 55101-2130	Electronic
Sharon Ferguson	<a href="mailto:sharon.ferguson@state.mn.us">sharon.ferguson@state.mn.us</a>	Department of Commerce 85 – 7 <sup>th</sup> Place East, Ste. 280 St. Paul, MN 55101-2198	Electronic
Stacy Kotch	<a href="mailto:Stacy.Kotch@state.mn.us">Stacy.Kotch@state.mn.us</a>	MN Dept. of Transportation 395 John Ireland Blvd. St. Paul, MN 55155	Electronic
Allen Krug	<a href="mailto:allen.krug@xcelenergy.com">allen.krug@xcelenergy.com</a>	Xcel Energy 7 <sup>th</sup> Floor 414 Nicollet Mall Minneapolis, MN 55401	Electronic
Amber Lee	<a href="mailto:ASLee@minnesotaenergyresources.com">ASLee@minnesotaenergyresources.com</a>	MN Energy Resources Corp. 2665 145 <sup>th</sup> St. W Rosemount, MN 55068	Electronic

NAME	EMAIL	ADDRESS	SERVICE
Russ Matthys	<a href="mailto:matthys@cityofeagan.com">matthys@cityofeagan.com</a>	City of Eagan	Electronic
Brian Meloy	<a href="mailto:brian.meloy@stinson.com">brian.meloy@stinson.com</a>	Stinson, Leonard, Street LLP 150 S. 5 <sup>th</sup> Street, Suite 2300 Minneapolis, MN 55402	Electronic
Matt Smith	<a href="mailto:countyadmin@co.dakota.mn.us">countyadmin@co.dakota.mn.us</a>	Dakota County Administration Center 1590 Hwy 55 Hastings, MN 55033-2372	Electronic
Scott M. Wilensky	<a href="mailto:scott.wilensky@xcelenergy.com">scott.wilensky@xcelenergy.com</a>	Xcel Energy 7 <sup>th</sup> Floor 414 Nicollet Mall Minneapolis, MN 55401	Electronic
Daniel P. Wolf	<a href="mailto:dan.wolf@state.mn.us">dan.wolf@state.mn.us</a>	Public Utilities Commission 121 7 <sup>th</sup> Place East, Suite 350 St. Paul, MN 55101-2147	Electronic

Dated this 3<sup>rd</sup> day of May, 2017

/s/ Tammy J. Krause

Tammy J. Krause