



414 Nicollet Mall
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September 10, 2015

—Via Electronic Filing—

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: COMMENTS
FORMAL COMPLAINT AND PETITION BY SUNSHARE, LLC FOR RELIEF
UNDER MINN. STAT. § 216B.1641 AND SECTIONS 9 AND 10 OF XCEL
ENERGY'S ELECTRIC TARIFF BOOK
DOCKET NO. E002/M-15-786

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits the enclosed Comments to the Minnesota Public Utilities Commission in response to the Commission's September 1, 2015 Notice of Comment Period regarding SunShare LLC's Formal Complaint and Petition.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact me at aakash.chandarana@xcelenergy.com or (612) 215-4663 if you have any questions regarding this filing.

Sincerely,

/s/

AAKASH CHANDARANA
REGIONAL VICE PRESIDENT
RATES AND REGULATORY AFFAIRS

Enclosure
c: Service List

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STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

IN THE MATTER OF A FORMAL
COMPLAINT AND PETITION BY
SUNSHARE, LLC FOR RELIEF UNDER
MINN. STAT. § 216B.1641 AND SECTIONS
9 AND 10 OF XCEL ENERGY'S ELECTRIC
TARIFF BOOK

DOCKET No. E002/M-15-786

COMMENTS

INTRODUCTION

Northern States Power Company, doing business as Xcel Energy, submits these Comments to the Minnesota Public Utilities Commission (Commission) in response to the Commission's September 1, 2015 Notice of Comment Period regarding SunShare LLC's Formal Complaint and Petition (Complaint).

Xcel Energy is a renewable energy leader. In total across our operating companies, we have approximately 6,750 MW of renewable capacity serving our systems, including about 327 MW of solar power. Xcel Energy has been the number one utility wind provider for eleven consecutive years and is widely recognized as a national leader in renewable energy, with over 50 percent of our Minnesota generation coming from carbon-free sources. Xcel Energy is a top-ten utility for solar power. In addition to past achievements, our renewable profile is growing. In our current Resource Plan, we propose significant increases for both solar and wind. In short, Xcel Energy has a proven track record of successfully partnering with the renewable development community to deliver renewable energy solutions to our customers.

The Company brought that same level of energy and commitment to the Solar*Rewards Community (S*RC) program. The unexpected volume of applications, the unanticipated size and complexity of proposed garden projects, an extended regulatory process, and the Company's own learning curve, however, have contributed to an imperfect roll-out. The impending decrease in federal tax benefits for developers overlays the situation with a sense of urgency. It is within this context,

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and despite these challenges, that we have worked diligently to process applications, issue statements of work, complete studies, and execute interconnection agreements with solar garden developers. The first community solar garden went “live” this week and we look forward to adding to that number.

At this critical juncture, the Company believes the public interest is best served by focusing our efforts on administering the program rather than diverting resources to respond to an investigation. To the extent that the SunShare Complaint raises programmatic issues, these issues should be referred to the contested case proceeding that some developers and Xcel Energy jointly proposed for addressing program issues on a prospective basis.

In this Reply, we provide background on the new program implementation challenges that the Company has observed, acknowledge the Commission’s jurisdiction in this matter, and discuss why we believe the public interest does not support an investigation of SunShare’s allegations.

I. BACKGROUND

Before addressing the Commission’s Notice, we provide background on the status of our program administration to contextualize the issues raised by SunShare. Namely, we believe there are certain “growing pains” associated with implementing a new program—particularly one with exceptionally high and unexpected volume that presents non-standard technical challenges.

Unanticipated Volume. When the Company first proposed its program two years ago, we suggested that moderating the roll-out of the program through quarterly capacity targets would ease initial implementation and program uptake challenges.¹ When the proposed capacity targets were rejected, and the bill credit rate was later set at approximately \$.14 per kWh, it became increasingly clear that the response to the program would be more significant than initially contemplated. Even so, the Company’s estimates of 100 MW of S*RC applications vastly underestimated the market response. On December 12, we received more than 400 MW of applications. By June of this year, that volume had grown to over 1,000 MW.²

¹Initial Petition, Docket No. E002/M-13-867, IN THE MATTER OF THE PETITION OF NORTHERN STATES POWER COMPANY FOR APPROVAL OF ITS PROPOSED COMMUNITY SOLAR GARDENS PROGRAM, September 30, 2013.

²For context, in our June 2, 2014 SES Annual Report in Docket No. E999/M-14-321 we reported generating 22 solar Renewable Energy Credits in the second half of 2013. Similarly, the largest

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The Company has mobilized significant resources to respond to the program’s unanticipated volume. We redeployed our distribution engineering staff and retained contract engineering firms to assist with the engineering studies and reviews. Despite these efforts, the Company’s administration of the program, to date, has been imperfect. As we have seen with other new programs, however, the early days of program administration—while challenging—help inform program implementation as it evolves. SunShare, as an early applicant, has been a part of that evolution.

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Refinements through Experience. In the earliest days of implementation, the Company deemed applications complete with less information than it now requires to obtain that designation. As we garnered more experience with implementing the program, the Company realized it could more efficiently move applications through the latter stages of the interconnection process if it obtained more information on the front end. Accordingly, SunShare’s initial applications proceeded differently than its later applications. Some of the allegations in SunShare’s Complaint are driven by this element of the Company’s learning curve.

We acknowledge that situations like this are part of the learning process of administering a new program, and we have watched other entities navigate similar implementation challenges. For example, the Midcontinent Independent System Operator (MISO) has been through numerous rounds of queue reform.³ The first MISO queue reform was triggered by renewable energy standards enacted in many states, including here in Minnesota. At one time, the MISO queue had tens of thousands of MW of interconnection requests and it was anticipated that a request would take multiple years to process.

projects in the state at the time (the Ikea rooftop installation in Bloomington, MN and the Slayton Project) were one or two MW in size. The Solar*Rewards Community launch represented an increase in our solar footprint by an order of magnitude.

³ MISO is currently working on a fourth round of queue following FERC Order No. 2003, Standardization of Generator Interconnection Agreements and Procedures. This follows the third round of reform filed in 2011, the second round filed in 2009, and the first round filed in 2008.

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Wind projects were the primary subjects of the queue reform effort, and we note that then, as now, wind projects were also subject to potential expirations of tax credits on several occasions. The focus of MISO's queue reform throughout these iterative efforts has been on getting the rules right. After multiple rounds of reform, interconnection wait times have been reduced, though some generator-customers remain in queue for years. We find the ongoing MISO queue reform efforts to be instructive, as we share a focus on getting the rules right.

We recognize that, just as the Company was in a learning phase during the early stages of program implementation, so, too were SunShare and other developers. For example, after SunShare's applications were deemed complete but before the engineering studies began, SunShare requested a change from secondary service voltage to primary service voltage. This modification was significant and required substantial additional review of the revised applications before the applications could advance to detailed engineering study. At the time, we worked with SunShare to make the change without removing the applications from the queue. The delay that resulted from this accommodation appears to form the basis of one alleged tariff violation and had a cascading effect on SunShare's co-located applications.

Other aspects of the SunShare Complaint highlight a deficiency in the communications between the parties regarding the application of tariffed timelines between various stages of review. The Company is redoubling its efforts to communicate clearly and transparently with applicants and will soon be offering enhanced functionality in the developer web portal of our online application system that will provide developers with up-to-date information regarding the status of their applications. The Company will introduce enhancements in the Implementation Workgroup. Thereafter, developers will have access to queue status, critical due dates, and be alerted to actions required on their applications.

Non-Standard Technical Challenges. The Company and the developers are also working through non-standard engineering challenges. Xcel Energy is recognized as an industry leader for reliable service. The Company can offer that level of service because we adhere to technical standards in both interconnecting with generators and with constructing facilities on our system. Certain of SunShare's projects require non-standard engineering solutions for interconnection. In reviewing requests for accommodations, the Company must assess and document any variance from our standard Interconnection Agreement, including an assessment of costs for non-standard materials and future maintenance. Analyzing non-standard solutions and their impact on the system grid—upon which all of our customers rely—must be

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done in a thoughtful, rigorous way and, in our view, should not elevate speed over safety, power quality, and reliability.

That said, greatly improved processing protocols are in place and the Company is poised to expedite application processing and facilitate construction. We are ready to move the program forward and are committed to making it a success. It is our belief that shifting resources and focus away from our forward-looking efforts to administer the program, at this critical juncture, would prove counterproductive. For these reasons, we do not believe there is a need for an investigation at this time.

II. JURISDICTION

A. Minn. Stat. § 216B.17

On its face, SunShare’s complaint does not trigger jurisdiction under Minn. Stat. § 216B.17, which requires 50 customers to join the complaint. SunShare is not a customer, but a third-party vendor to Xcel Energy. Even if SunShare were a customer, 49 other customers would need to join the Complaint to meet the statutory threshold.

Although SunShare’s Complaint does not trigger customer-complaint jurisdiction, the Commission clearly has jurisdiction to investigate this matter on its own motion. However, given the time constraints that have been acknowledged by all of the participants in this docket, we do not think that it would be in the public interest to commence an investigation to address the issues raised in SunShare’s Complaint. This is particularly true where, as here, there are already sufficient avenues for resolution, including the program-specific tools set forth in the Commission’s August 6 Order, and the contested case proceeding requested by the Company and some developers.

III. INVESTIGATION IS NOT IN THE PUBLIC INTEREST

“Section 216B.17 reflects a clear legislative intent to grant the agency substantial discretion to determine the necessity of a hearing.”⁴ Specifically, the statute permits the Commission to dismiss any complaint without a hearing if in the Commission’s

⁴ *Minn. Pub. Interest Research Grp. v. N. States Power Co.*, 360 N.W.2d 654, 657 (Minn. Ct. App. 1985).

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opinion a hearing is not in the public interest. The Commission generally frames this issue as whether there are “reasonable grounds to investigate the matter.”⁵

The Company believes the public is best served when the focus of all parties is on building community solar gardens before the Investment Tax Credit step-down at the close of 2016. The Commission should conclude that the best use of all parties’ time and resources at this point is not a backward-looking investigation and painstaking review of the trajectory of individual applications. Instead, the best use of all parties’ time is a singular focus on getting projects built.

A. Parties’ Discussions are Ongoing

First, to extent the issues raised by SunShare in its Complaint have not already been resolved, the Company and SunShare are actively working together to resolve them. Indeed, the parties have had numerous in-person meetings, including as recently as September 3, and have agreed to continue to work toward resolution. The next steps include scheduling an engineering scoping meeting to address technical interconnection issues. We wish to see these productive talks continue, rather than divert time and attention responding to a backward-looking investigation.

B. Procedural Channels for Unresolved Issues

To the extent the parties cannot reach resolution on all fronts, the remaining issues are most efficiently addressed through the new processes established in the August 6 Order, which were tailored to address the very types of issues contained in SunShare’s Complaint. Specifically, allegations regarding the timeliness of application processing can be resolved through the Department of Commerce’s application-tracking process and corresponding investigation authority. Similarly, technical issues concerning the interconnection studies can be addressed by the independent engineer appointed by the Department. Additionally, any outstanding non-technical issues related to program design (such as application requirements or business rule refinements) can be directed to the contested case process currently under consideration at the Commission. Finally, for other complaints that do not fall within one of these categories, the existing tariff provides a dispute resolution process.⁶ The tariff provides for dispute resolution through mediation.

⁵ *Concrete Prods. of New London, Inc. v. Kandiyohi Power Coop.*, Docket No. E-118/C-07-180, Order Dismissing Compl. & Statute Identifying Relevant Statutes and Rules at 3 (May 2, 2007).

⁶ Xcel Energy Tariff, Section 10, Sheet 85.

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With all of these avenues for resolution, a separate investigation is not only unnecessary and unsupported by the public interest, but it may serve to undermine the objective shared by all of the stakeholders that are a party to this docket—getting community solar gardens built. As we highlighted in our September 8, 2015 Answer to the Petitions for Reconsideration, we believe giving the newly-ordered procedural channels a meaningful opportunity to be developed and used is a superior path forward.

CONCLUSION

The commencement of a separate investigation in response to the Complaint filed by SunShare is not in the public interest. The contested case proceeding under consideration by the Commission and the dispute resolution processes resulting from the Commission’s August 6 Order are better suited to resolving SunShare’s allegations and to moving the program forward.

Dated: September 10, 2015

Northern States Power Company

CERTIFICATE OF SERVICE

I, Jim Erickson, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

Docket No. E002/M-15-786

Dated this 10th day of September 2015

/s/

Jim Erickson
Regulatory Administrator

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