



ENVIRONMENTAL LAW & POLICY CENTER
Protecting the Midwest's Environment and Natural Heritage

September 8, 2015

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

Re: Community Solar Gardens
Docket No. E002/M-13-867

Dear Mr. Wolf:

The Environmental Law & Policy Center submits the attached letter in response to the Minnesota Department of Commerce, Division of Energy Resources' August 26, 2015 Request for Clarification.

Please feel free to contact me with any questions you may have regarding this filing.

Respectfully Submitted,

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**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

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**In the Matter of the Petition of Northern
States Power Company, d/b/a Xcel
Energy, for approval of its proposed
Community Solar Gardens Program**

Docket No. E-002/M-13-867

**RESPONSE TO THE REQUEST FOR CLARIFICATION OF THE MINNESOTA
DEPARTMENT OF COMMERCE, DIVISION OF ENERGY RESOURCES**

The Environmental Law & Policy Center (ELPC) respectfully supports the Minnesota Department of Commerce, Division of Energy Resources (Department's) August 26, 2015 Request for Clarification regarding certain aspects of the Commission's Order Adopting Partial Settlement as Modified (August 6 Order) in this docket.

While ELPC supports all four of the Department's suggested topics for potential clarification in its August 26th Request, we write in particular to support the Department's suggestion that the Commission consider clarifying or removing the ambiguous one-million dollar cap on the costs of interconnection for community solar garden (CSG) projects. We agree with the Department that the one-million dollar cap is not necessary to implement the Commission's apparent policy goal to limit the overall size and impact of CSG projects and that the one-million dollar cap will introduce further uncertainty and ambiguity into the CSG development process. The cap is not necessary to protect other ratepayers, as the costs of interconnection are paid for by project applicants and not ratepayers in general. Moreover, the one-million dollar cap will result in multiple interconnection pathways for renewable energy

projects in Minnesota that vary on whether a project intends to participate in the CSG program or not. This will introduce unnecessary complexity into a process that, ideally, would be uniform and consistent throughout the state for all state jurisdictional facilities.

ELPC has worked on interconnection standards in several states over the past eight years, including current rulemaking dockets to update interconnection standards in Illinois and Iowa. We are not aware of any other state that relieves a utility from the obligation to upgrade its distribution facilities to accommodate the interconnection of customer generation *even where the customer is willing and able to pay for the reasonable and necessary system upgrade costs*, as Xcel has apparently interpreted the Commission's August 6 Order. Instead, interconnection standards are typically designed to provide project applicants with a transparent and reasonable cost estimate for distribution upgrades and an opportunity to decide whether or not to proceed at their own expense. This is consistent with PURPA and FERC regulations that provide qualified facilities with a right to interconnect, provided that they agree to pay for the reasonable costs of interconnection assessed by the State regulatory authority. *See* 18 C.F.R §§ 292.303(c) (“obligation to interconnect”) and 292.306 (“interconnection costs”).

ELPC respectfully recommends that the Commission clarify its August 6 Order in the manner recommended by the Department and initiate a new proceeding to update and streamline the state's interconnection standards for all state jurisdictional facilities, as ELPC and other parties have recommended in previous filings in this docket.

Dated: September 8, 2015

Respectfully submitted,

/s/ Brad Klein

Bradley Klein

Senior Attorney

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CERTIFICATE OF SERVICE

I, Brad Klein, hereby certify that a true and accurate copy of the foregoing letter on behalf of the Environmental Law & Policy Center has been served upon all parties of record in the above-mentioned case, electronically by eService, e-mail, or by depositing the same in an envelope with postage paid in the United States mail at Chicago, Illinois, this 8th day of September 2015.

/s/ Brad Klein
Bradley Klein
Environmental Law & Policy Center

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