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November 10, 2016



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

**RE: In the Matter of a Commission Inquiry into Fees Charged on Qualifying Facilities
Docket No. E999/CI-15-755
Reply Comments to the Supplemental Comments**

Dear Mr. Wolf:

Otter Tail Power Company (Otter Tail) hereby submits its Reply Comments to the Supplemental Comments to the Minnesota Public Utilities Commission (Commission) in the above referenced matter.

Otter Tail has electronically filed this document with the Commission and is serving a copy on all persons on the official service list for this docket. A Certificate of Service is also enclosed.

If you have any questions regarding this filing, please contact me at 218-739-8956 or at cstephenson@otpc.com.

Sincerely,

/s/ CARY STEPHENSON
Cary Stephenson
Associate General Counsel

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Enclosures
By electronic filing
c: Service List

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

In the Matter of a Commission
Inquiry into Fees Charged on
Qualifying Facilities

Docket No. E999/CI-15-755

**OTTER TAIL POWER
COMPANY'S REPLY COMMENTS
TO SUPPLEMENTAL COMMENTS**

Otter Tail Power Company (Otter Tail or the Company) appreciates the opportunity to submit these reply comments to the supplemental comments. Otter Tail addresses the following issues raised by the Minnesota Department of Commerce, Division of Energy Resources (the Department) in the Department's October 17, 2016 Comments: (1) Interconnection Costs and the Uniform Statewide Contract, (2) Annual Cogeneration and Small Power Production Filings and Commission Approval, and (3) Initial QF fee implementation and approval dates for Otter Tail's Simultaneous Purchase and Sale Rate and Time of Day Purchase Rate.

Interconnection Costs and Statewide Contract

The Department noted the following in its October 17, 2016 Comments:

In its initial comments, the Department raised concerns about the recovery in perpetuity of one-time costs through a monthly charge. After reviewing several cost studies related to these costs, the Department does not object to the use of a monthly fee for recovery, but expects the costs to be reflected in the Uniform Statewide Contract presented to QF providers. In addition, the Department expects IOUs to abide by the terms of the Uniform Statewide Contract provision that the permits the QF options regarding how those costs are paid.¹

The Department also noted the following about investor-owned utilities' compliance with the Uniform Statewide Contract:

Additionally, the Department is concerned that the IOUs' tariffs do not comply with the terms of the Uniform Contract. The Uniform Contract permits the QF to choose the method under which it will pay its interconnection costs while the

¹ Comments of the Minnesota Department of Commerce, Division of Energy Resources, October 17, 2016 at 7, MPUC Docket No. E999/CI-15-755.

IOUs' tariffs did not include terms that allowed the QF to so choose. Specifically, by implementing a monthly QF fee for the recovery of metering costs associated with the interconnection of a QF, the utilities did not provide QF customers with the options required by the Uniform Contract. Xcel, MP and OTP have all filed revised tariffs to comply with the revision of Minnesota Rules 7835. The Department will discuss this QF choice regarding its interconnection payment options further in the following dockets: Docket No. E002/M-16-280 (Xcel), E017/M-16-280 (OTP), and E015/M- 6-204 (MP).²

Otter Tail believes that the Department's concern is misplaced. As required by the Uniform Statewide Contract, Otter Tail attaches a copy of its applicable rate schedule to the agreement.³ The terms of Otter Tail's rate schedule are incorporated into the agreement, and among those terms is Otter Tail's customer charge. The customer charge is part of the rate⁴ selected by the customer. Customers retain their ability to select the rates in the categories defined by the contract.⁵

Section 12 of the current version of the Uniform Statewide Contract (previously section 8) states:

12. The QF is responsible for the actual, reasonable costs of interconnection which are estimated to be \$_____. The QF will pay the Utility in this way:

_____.

The monthly metering charge need not be included in Section 12 when it is also provided as part of an attachment to the contract. As noted above Otter Tail attaches the applicable rate tariff to the agreement. Otter Tail believes section 12 of the Statewide Contract is intended to address the interconnection charges that are not incorporated in a tariff. In general these are charges incurred as part of the interconnection process for distributed generation systems, to include interconnection application fee charges, engineering study charges, and similar charges that vary on the type of interconnection and size of generation system size. As a practical matter it would be very difficult to administer a system where the payment terms for metering costs typically

² Id. at 11.

³ The terms "[a] copy of the presently filed rate schedule" is included in sections 3, 4, and 5 of the current Uniform Statewide Contract set forth in Minnesota Rules 7895.9910

⁴ This is consistent with the definition of "Rate" under Minn. Stat. §216B.02, subd 5: "Rate" means every compensation, charge, fare, toll, tariff, rental, and classification, or any of them, demanded, observed, charged, or collected by any public utility for any service and any rules, practices, or contracts affecting any such compensation, charge, fare, toll, rental, tariff, or classification.

⁵ Related to this, if Otter Tail's customer charge is considered a provision that does not conform to the statewide contract, such non-conformance has been approved by the Commission, consistent with Minnesota Rule 7835.9920.

recovered through a tariffed-based monthly customer charge (and payable per a utilities' standard payment terms) were subject to customer choice or negotiation. This would add expense to the process without any corresponding benefit. Also it would introduce issues of possible rate discrimination among customers.

Approval of Interconnection Costs

The Department recommends that the Commission “[d]etermine whether the utilities are permitted to place QF fees filed in their Annual Cogeneration and Small Power Production Filings into effect within 60 days unless an objection is filed, or determine that implementing and changing QF fees requires affirmative Commission approval.”⁶

With respect to retroactive application, in its October 16, 1984 Order in Docket No. E999/R-84-105 (*In the Matter of the Proposed Adoption of Amendments to the Rules of the Minnesota Public Utilities Commission Governing Cogeneration and Small Power Production*), the Commission approved the process whereby a utility's annual tariff is in effect unless the Commission takes subsequent action.⁷ Therefore this question should be limited to prospective application. Prospectively Otter Tail urges the Commission to avoid any process which adds significant expense or administrative burden.

Additional Information from Otter Tail

The Department requested Otter Tail to “specify the initial QF fee implementation and approval dates under Otter Tail's Simultaneous Purchase and Sale Rate and Time of Day Purchase Rate.”⁸ Otter Tail's QF fee is referred to as a “customer charge” in Otter Tail's Small Power Producer Riders.⁹

⁶ Comments of the Minnesota Department of Commerce, Division of Energy Resources, October 17, 2016 at 24, MPUC Docket No. E999/CI-15-755.

⁷ Xcel Energy extensively briefed this issue in Attachment C to its July 6, 2016 Reply Comments in this Docket.

⁸ Id. at 25.

⁹ Otter Tail's Small Power Producer Riders are set forth in its electric rate schedules as (a) Section 12.01 - Net Energy Billing Rate, (b) 12.02 - Simultaneous Purchase and Sale Rate, and (c) 12.03 Time of Day Purchase Rate.

Otter Tail's Simultaneous Purchase and Sale Rate and Time of Day Rate customer charges¹⁰ were most recently approved on April 25, 2011 in Docket No. E017/GR-10-239.¹¹ Before that approval the Commission approved Otter Tail's customer charges effective April 27, 1987 in Docket E017/GR-86-380. Prior to the 1986 rate case docket Otter Tail's customer charges were approved in Dockets E017/CG-85-148 and E017/CG-84-385. Otter Tail's customer charges for firm service for the Simultaneous Purchase and Sale Rate and Time of Day Rate have not changed since 1984. Otter Tail's customer charges for non-firm service for Simultaneous Purchase and Sale Rate and Time of Day Rate were introduced in 1994 and have not changed since then.¹²

Dated: November 10, 2016

Respectfully Submitted,

OTTER TAIL POWER COMPANY

By: /s/ CARY STEPHENSON

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¹⁰ The customer charge for the Simultaneous Purchase and Sale Rate is \$8.87 firm power/\$1.40 non-firm. The customer charge for Time of Day Rate is \$8.87 firm power/\$3.25 non-firm.

¹¹ The customer charges for Simultaneous Purchase and Sale Rate and Time of Day Rate were not altered in Otter Tail's 2010 rate case. Those charges remained what they were before the rate case. The customer charge for Otter Tail's Net Energy Billing Rate increased from \$1.40 to \$3.70.

¹² Otter Tail's records indicate that non-firm power customer charge for Simultaneous Purchase and Sale Rate (\$1.40) and Time of Day Rate (\$3.25) were introduced in 1994, presumably through Otter Tail's Annual Cogeneration and Small Power Production Filing.

CERTIFICATE OF SERVICE

**RE: In the Matter of a Commission Inquiry into Fees Charged on Qualifying Facilities
Docket No. E999/CI-15-755**

I, Jana Hrdlicka, hereby certify that I have this day served a copy of the following, or a summary thereof, on Daniel P. Wolf and Sharon Ferguson by e-filing, and to all other persons on the attached service list by electronic service or by First Class Mail.

**Otter Tail Power Company
Reply Comments to Supplemental Comments**

Dated this **10th** day of **November, 2016**

/s/ JANA HRDLICKA

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Donna	Pickard	dpickardgsss@gmail.com	Citizen	1215 Lilac Lane Excelsior, MN 55331	Electronic Service	No	OFF_SL_15-755_Official Service List _PUC
David G.	Prazak	dprazak@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_15-755_Official Service List _PUC
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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