



October 7th, 2024

William Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place E., Suite 350
St. Paul, MN 55101

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Valerie Means	Commissioner
Hwikwon Ham	Commissioner
Joseph K. Sullivan	Commissioner
John Tuma	Commissioner

RE: Cooperative Energy Futures' Reply Comments In the matter of the Petition of Northern States Power Co. d/b/a Xcel Energy for Approval of its Proposed Community Solar Garden Program. (Docket No. E002/CI-13-867)

Issue: Was Xcel Energy's ARR Compliance filing on July 31, 2024 properly filed by the process established in the July 22, 2022 Commission order.

Topic(s) Open for Comment:

- Does Xcel Energy's February 1, 2024 compliance filing and subsequent July 31, 2024 compliance filing align with the requirements of the Commission's July 22, 2022 Order?
- Should the Commission require Xcel Energy to adjust the effective date to the originally filed April 1, 2024 date as requested by the letter submitted by Cooperative Energy Futures?
- Are there other issues or concerns related to this matter?



Dear Mr. Seuffert,

Cooperative Energy Futures (“CEF”) appreciates the opportunity to submit reply comments to the Public Utilities Commission (the “PUC” or the “Commission”) regarding Xcel Energy’s ARR Compliance filing on July 31, 2024.

Does Xcel Energy’s February 1, 2024 compliance filing and subsequent July 31, 2024 compliance filing align with the requirements of the Commission’s July 22, 2022 Order?

As indicated by our 8/13/24 letter¹ to the PUC, CEF agrees with both Xcel’s (“Xcel” or “the Company”) 9/24/24 initial comments² and the Department of Commerce’s (“the Department”) 9/24/24 initial comments³ concluding that Xcel did not align with the Commission’s 8/22/22 order when the Company filed its 10/1/24 and subsequent 7/31/24 compliance filings. CEF appreciates the Company’s willingness to admit its mistake and propose a solution.

Should the Commission require Xcel Energy to adjust the effective date to the originally filed April 1, 2024 date as requested by the letter submitted by Cooperative Energy Futures?

In our initial 8/13/24 letter to the Commission, which instigated this comment period, CEF requested that the Company amend the effective date to April 1, 2024. On 9/9/24, CEF had a meeting with the Company’s staff (Jessie Peterson and Nick Paluk) regarding this matter. At this meeting the Company proposed the solution that it further elaborated on in the Company’s 9/24/24 initial comments. We would like to express our appreciation for the Company’s willingness to meet with us and we are satisfied with the company’s proposed solution as laid out in its 9/24/24 initial comments.

CEF agrees with the Company that “adjusting the effective date of the credit presents considerable practical problems for the Company and result (sic) in needless delays.”⁴ This is the primary reason CEF agrees with the Company’s proposed solution. CEF does **not** concur with the Company’s legal reasoning for why it should not adjust the effective date of the credits. We agree with the Commission’s staff when it states in its 8/23/24 Notice of Comment Period

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<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={50F45091-0000-CA1C-8D7D-B1E0FDAF04E4}&documentTitle=20248-209462-01>

2

<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={90C2592-0000-C811-B9BD-E9B522F690B5}&documentTitle=20249-210453-01>

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<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={F04B8091-0000-CC10-9003-5DC73F5D73A8}&documentTitle=20248-209741-01>

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<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={90C2592-0000-C811-B9BD-E9B522F690B5}&documentTitle=20249-210453-01>, page 2.



that “Minn. Stat. § 216B.23, subd. 1a allows the Commission to require a public utility to refund customer revenues that the Commission determines were collected in violation of a Commissioner Order, and that this portion of statute should not be construed as retroactive ratemaking.”⁵

Are there other issues or concerns related to this matter?

CEF does not have any other issues or concerns related to this matter.

Conclusion

CEF is satisfied with the Company’s proposed solution for adjusting the 2024 ARR bill credits to Community Solar Gardens. We agree with, and appreciate, the practical problems that would arise if the Company retroactively adjusted the bill credit rates, however, we disagree with the Company’s legal reasoning for not wanting to retroactively adjust the bill credit rates and agree with the Commission’s staff that doing so should not be construed as retroactive ratemaking.

Cooperative Energy Futures appreciates the Commission and its staff for its hard work and dedication to this important issue of establishing the correct 2024 ARR for the Community Solar Program and negotiating a solution to apply it in a manner that is satisfactory to most stakeholders.

Sincerely,

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<https://www.edockets.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={F04B8091-0000-CC10-9003-5DC73F5D73A8}&documentTitle=20248-209741-01>, page 2.