

Ex Parte Communication Report

Date:

To: Public Ex Parte Communication File

Docket No:

Case Name:

From: PUC Staff:

RE: Permissible Ex Parte Communications Pursuant to Minn. Rules, Part 7845.7400.

1. Type of communication: (Oral or Written)

If written, attach the document.

If oral, Date:

Time:

NOTE: In both instances, please notify the Maker the communication has been submitted for inclusion in the record.

2. Maker of the Communication:

3. Recipient of the Communication:

4. For communications involving the setting of interim rates or the review of compliance filings, the topic was:

5. For all other permissible communications that are prohibited for the Commissioners under Minn. Rules, part 7845.7200, the substance of the communication was:

6. For oral permissible ex parte communications, has a copy of this memo been sent to the assigned Administrative Law Judge? Yes No N/A

From: [Katherine Hinderlie](#)
To: [Harsch, Trey \(PUC\)](#)
Cc: [Nikitas, Sophie \(She/Her/Hers\) \(PUC\)](#)
Subject: RE: ex parte #2: Docket 23-151
Date: Tuesday, June 11, 2024 11:07:20 AM

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Trey,

Please see the OAG's response to your question below. Please let me know if you need further clarification.

Question:

OAG recommended that the Commission allow CenterPoint to seek modification of Pilot I – upon completing its feasibility study – to increase the Pilot's budget to include the funds necessary for project implementation. In support of this recommendation, OAG explained that the NGIA contemplates ongoing review and modification of utility proposals through the annual review process.

In response, CenterPoint requested flexibility regarding when it may request the pilot modification, noting that the completion of the feasibility study may not align with its annual NGIA filings.

As it stands, OAG's recommendation does not limit CenterPoint to making its requested modification through annual status reports. Please explain OAG's position on CenterPoint's ability to file the proposed request outside of an annual status report.

Response:

In brief, CenterPoint may and should provide ongoing information regarding further development of Pilot I. However, the Commission should formalize any approval of a modification to Pilot I in its review of annual filings. This is because the clearest authority for the Commission to modify a pilot project after the initial plan is approved is through its review of utility annual filings. See *OAG Supplemental Comments at 18*. In that review, the Commission may "approve the continuation of a pilot program included in the plan, with or without modifications." Minn. Stat. 216B.2427, subd. 2(g). The OAG also believes this may be the most administratively efficient path that would allow stakeholders to comment on whatever more detailed proposal and budget increase that CenterPoint submits. That being said, nothing in the NGIA prevents CenterPoint from updating the Commission, early and often, on the progress of its feasibility study, site selection, etc. And the Commission may wish to seek additional comment on these updates outside of the annual filings. However, the ultimate

decision to modify a pilot and expand a pilot budget should be memorialized in the Commission's review of an annual filing to most closely adhere to the statutory structure.

Sincerely,

Katherine

Katherine Hinderlie (she/her)
Assistant Attorney General
Manager, Residential Utilities Division

OFFICE OF MINNESOTA ATTORNEY GENERAL KEITH ELLISON
445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131
Mobile: 651-728-7259
Office: 651-757-1468
katherine.hinderlie@ag.state.mn.us

From: Harsch, Trey (PUC) <trey.harsch@state.mn.us>
Sent: Saturday, June 8, 2024 2:41 PM
To: Katherine Hinderlie <Katherine.Hinderlie@ag.state.mn.us>
Cc: Nikitas, Sophie (She/Her/Hers) (PUC) <sophie.nikitas@state.mn.us>
Subject: ex parte #2: Docket 23-151

Hello again Katherine,

I have another question for OAG what would be considered as ex parte communication. Would it be possible to get a response by June 14th?

Question:

OAG recommended that the Commission allow CenterPoint to seek modification of Pilot I – upon completing its feasibility study – to increase the Pilot's budget to include the funds necessary for project implementation. In support of this recommendation, OAG explained that the NGIA contemplates ongoing review and modification of utility proposals through the annual review process.

In response, CenterPoint requested flexibility regarding when it may request the pilot modification, noting that the completion of the feasibility study may not align with its annual NGIA filings.

As it stands, OAG's recommendation does not limit CenterPoint to making its requested modification through annual status reports. Please explain OAG's position on CenterPoint's ability to file the proposed request outside of an annual status report.

Best,

Trey Harsch

Rates Analyst III | Economic Analysis Unit

Pronouns: He/Him

Minnesota Public Utilities Commission

121 7th Place E, Suite 350

Saint Paul, MN 55101-2147

O: 651-201-2232

Office of the Minnesota Attorney General Disclaimer: This e-mail is intended to be read only by the intended recipient. This e-mail may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this e-mail or any attachments is strictly prohibited, and you should refrain from reading this e-mail or examining any attachments. If you received this e-mail in error, please notify the sender immediately and delete this e-mail and any attachments. This electronic communication is available in alternative formats to individuals with disabilities by contacting the sender. Thank you.