

February 22, 2019

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

RE: **Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/M-13-867 and E002/M-18-714

Dear Mr. Wolf:

On February 12, 2019, the Minnesota Public Utilities Commission (Commission) issued a *Notice Clarifying Comment Period* seeking reply comments on Northern States Power Company d/b/a Xcel Energy's (Xcel or the Company) proposed revisions to its tariffs to incorporate the Minnesota Distributed Interconnection Process. (MN DIP)

The Minnesota Department of Commerce, Division of Energy Resources (Department) offers the attached reply comments in this matter. The Department is available to answer any questions the Commission may have.

Sincerely,

Susan L. Peirce
Public Utility Rate Coordinator

SLP/jl



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket Nos. E002/M-18-714 & E002/M-13-867

I. BACKGROUND INFORMATION

On August 13, 2018, the Minnesota Public Utilities Commission (Commission) issued its Order Establishing Updated Interconnection Process and Standard Interconnection Agreement *In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distributed Generation Facilities Established Under Minn. Stat. §216B.1611* in Docket No. E999/CI-16-512. In its Order, the Commission directed utilities to file tariff revisions to incorporate the Minnesota Distributed Interconnection Process (MN DIP).

On December 14, 2018, Northern States Power Company d/b/a Xcel Energy (Xcel or the Company) submitted tariff revisions to its Solar*Rewards Community (CSG) tariff to incorporate the MN DIP.

On February 4, 2019, parties filed initial comments. The Minnesota Solar Industries Association and CSG Developer Group each filed comments raising concerns with Xcel's proposal to replace the independent engineer dispute resolution process for CSG applications subject to the MN DIP with the dispute resolution process contained in the MN DIP.

The Department offers the following reply comments.

II. DEPARTMENT ANALYSIS

The independent engineer (IE) dispute resolution process was developed as part of a partial settlement agreement approved by the Commission in its August 6, 2015 Order Adopting Partial Settlement as Modified in Docket No. E002/M-13-867. Under the IE process, the Department issued a Request for Qualifications and maintained a list of qualified independent engineers who could review and make findings on engineering disputes between CSG developers and Xcel Energy. The IE process was intended to result in a short 30-calendar-day turnaround on disputes. In the event either party to the dispute disagreed with the findings of the IE, the IE's determination could be appealed to the Commission.

The MN DIP process approved by the Commission in its August 13, 2018 Order calls for Disputes to be set forth in writing and provided to the other party and to Commission's Consumer Affairs Office. The process calls for the parties to meet and attempt resolution. If a resolution is not reached within 30 business days from the date of notification, the parties may request mediation from the Commission's Consumer Affairs Office or an outside third-party mediator. The MN DIP dispute resolution process is intended to apply to all disputes involving distributed generation interconnections, whereas the IE process applied solely to CSG interconnection disputes.

In its comments, MNSEIA recommends that the Commission integrate the IE process with the MN DIP third-party mediator dispute resolution process. MNSEIA states that the IE process, "has been used by several CSG developers, and has helped them resolve multiple interconnection disputes with Xcel without ever having to bring the dispute before the Commission."

As the entity charged with maintaining a list of qualified independent engineers, the Department notes significant difficulty obtaining IEs willing and qualified to handle disputes. The Department initially had a list of four engineers able to handle disputes; however, that list has winnowed down to a single person. The Department has subsequently issued two RFQs which were not successful in obtaining additional engineers to handle disputes.

In addition, the process has tended to extend well beyond the 30-day timeframe anticipated in the settlement. Contrary to MNSEIA's statement that the IE process has resulted in a resolution without having to bring the dispute before the Commission, the Department notes that all of the IE disputes were ultimately appealed to the Commission for a ruling. Finally, the Department notes that in some instances parties raise legal issues with the IE that are beyond the scope of their engineering expertise. Keeping the Commission's Consumer Affairs Office involved in the dispute resolution process and using a mediator with skills in dispute resolution may result in a more timely resolution of the disputes.

The Department recommends adoption of Xcel's proposed tariff changes related to dispute resolution.

/jl

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Reply Comments**

Docket No. E002/M-13-867 and E002/M-18-714

Dated this 22nd day of February 2019

/s/Sharon Ferguson

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Ronald	Horman	rhorman@redwoodelectric.com	Redwood Electric Cooperative	60 Pine Street Clements, MN 56224	Electronic Service	No	OFF_SL_18-714_M-18-714
Lori	Hoyum	lhoyum@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_18-714_M-18-714

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Chris	Jarosch	chris@carrcreekelectricser vice.com	Carr Creek Electric Service, LLC	209 Sommers Street North Hudson, WI 54016	Electronic Service	No	OFF_SL_18-714_M-18-714
Brian	Jeremiason	bjeremiason@llec.coop	Lyon-Lincoln Electric Cooperative, Inc.	205 W. Hwy. 14 Tyler, MN 56178	Electronic Service	No	OFF_SL_18-714_M-18-714
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Ted	Kjos	tkjos@mienergy.coop	MiEnergy Cooperative	31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	OFF_SL_18-714_M-18-714

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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