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Minneapolis, MN 55401

September 17, 2024

—Via Electronic Filing—

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

RE: REPLY COMMENTS
CAPACITY DEFINITION AND NET METERING
DOCKET NO. E002, E111, E017, E015/CI-24-200

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, submits the enclosed Reply Comments in response to Initial Comments submitted by the Department of Commerce, Division of Energy Resources, Dakota Electric Association, Otter Tail Power Company, Minnesota Power, Minnesota Solar Energy Industries Association, Nokomis Energy, and Minnesota Rural Electric Association on September 3, 2024 in the above noted docket.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact Taige Tople at taige.d.tople@xcelenergy.com or me at amber.r.hedlund@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

/s/

AMBER R. HEDLUND
MANAGER, REGULATORY AFFAIRS

Enclosures
cc: Service List

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

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

IN THE MATTER OF IMPACTS OF THE “CAPACITY” DEFINITION OF MINN. STAT. 216B.164 AND ASSOCIATED RULES ON NET METERING ELIGIBILITY FOR RATE-REGULATED UTILITIES	DOCKET NO. E002, E111, E017, E015/ CI-24-200 REPLY COMMENTS
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INTRODUCTION

Northern States Power Company, doing business as Xcel Energy, submits these Reply Comments in response to Initial Comments submitted by the Department of Commerce - Division of Energy Resources, Dakota Electric Association, Otter Tail Power Company, Minnesota Power, Minnesota Solar Energy Industries Association (MnSEIA), Nokomis Energy, and Minnesota Rural Electric Association (MREA) on September 3, 2024 in the above noted docket.

REPLY COMMENTS

The Initial Comments from the Department, MnSEIA, and Nokomis have a common, simple, approach. After correctly quoting the statutory definition of capacity in Minn. Stat. §216B.164, subd. 2a¹, they misconstrue the Commission rules implementing that definition and PURPA requirements, while ignoring other Commission rulings and relevant statutes.

The Commission’s rules under Minn. R. 7835 were developed by the Commission to implement and apply the Minnesota PURPA Implementation Statute. The Commission rule at Minn. R. 7835.0100, subp. 4, defines capacity as: “... *the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric*

¹ Minn. Stat. §216B.164 (the Minnesota PURPA Implementation Statute), subd. 2a, defines “*capacity*” as “*the number of megawatts alternating current (AC) at the point of interconnection between a distributed generation facility and a utility's electric system.*”

system.” The Department, MnSEIA and Nokomis ignore this rule’s salient language, which refers to “capacity” as “the **capability to produce**, transmit or deliver electric energy . . .” (**Emphasis added**). They also ignore the Commission’s explication in its Statement of Need and Reasonableness that “... capacity is, in effect, the amount of **electricity actually produced.**”² Hence, these commenters ignore the fact that a distributed solar facility’s capacity is determined by its production capability, not by how much power is “exported” beyond the customer premise to the grid. Because the statute defines capacity as its *alternating current*, a generation facility’s capacity is properly tied to the production capability of its inverters.

The Commission’s definition of capacity, as explained by the Commission, is controlling and unchanged by the term “point of common coupling. The Commission defines Point of Common Coupling under Minn. R. 7835.0100, Subp. 17a, as: “*the point where the qualifying facility’s generation system, including the point of generator output, is connected to the utility’s electric power grid.*” (**emphasis added**) The Department, MnSEIA, and Nokomis leap to the incorrect conclusion that based on the definition of point of common coupling that the statutory “*point of interconnection*” is the point beyond the point of generator output and is instead where the excess energy generation is sent to the utility after the on-site load has been subtracted from generator output. To the contrary, the Commission defines the point of common coupling as “*including the point of generator output.*” The common thread through all these Commission definitions is that a generation facility’s capacity is its AC production or output, not the facility’s export to the grid after on-site load.

As explained in the initial comments of MREA, Dakota Electric, and the other utilities, MnSEIA’s interpretation of capacity (apparently adopted by the Department and Nokomis) does not align with the statutes applying that term to net metering or with the Commission’s definition of “Capacity” under Minn. R. 7835.0100, Subp. 4, which measures the capacity based on the system’s “*capability to produce.*” And as Dakota Electric pointed out in their Initial Comments, the Commission’s definition of “point of common coupling” does not support MnSEIA’s misreading of those relevant statutes and rules.

The Department and MnSEIA also lean on the stated purpose of the Minnesota PURPA Implementation Statute, which is: “*This section shall at all times be construed in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.*” However, they do not give any weight to the last nine words of the above sentence: “*consistent with*

² Commission Statement of Need and Reasonableness, Docket No. E999/R-13-729 (December 29, 2014), p 4 (**emphasis added**).

protection of the ratepayers and the public.” The Initial Comments of Dakota Electric, at pages 11-12, further discuss the importance of these words.

They also do not properly apply Subd. 2 of Minnesota PURPA Implementation Statute that provides that the FERC regulations under PURPA, unless otherwise provided by the Minnesota PURPA Implementation Statute, apply to all Minnesota electric utilities, including cooperative electric associations and municipal electric utilities. The Company’s Initial Comments showed that the FERC’s regulations under PURPA require that the capacity of a Qualified Facility (QF) be measured based on energy produced at the inverter with no off-set for onsite load not associated with the energy generation.

Yet, the Department acknowledges that the “net metered” facility, under the Minnesota PURPA Implementation Statute, and a QF under both this statute and PURPA, have the same definition of capacity. We agree with the Department that the definition of the capacity of a “net metered facility” is the same as that for a QF. A “net metered facility” is a subset of what qualifies as a QF. Basically, a “net metered facility” is a QF that is constructed for the purpose of offsetting energy use through the use of renewable energy or high-efficiency distributed generation sources (Minn. Stat. §216B.164, Subd. 2a (j)) and if it has a capacity above or below certain thresholds (depending on the circumstances, either 40 kW or 1000 kW), it is eligible to certain rates for compensation and other requirements such as in some circumstances being subject to the 120 percent rule (Minn. Stat. §216B.164, Subd. 4c).

The inter-relatedness of what the term “capacity” means for QFs and “net metered facility” as a subset of QFs is apparent in the fact that neither the applicable statutes nor rules suggest any difference between the two. State statutes equate the capacity determination for each in Subd 3 (pars. e and f) and in Subd 3a (par. b). The Uniform Statewide Contract under Minn. R. 7835.9910 (to which net metering applies) refers to the customer as being a QF. See Attachments A and B, which contain the Minnesota PURPA Implementation Statute and Minn. R. 7835, and shows in highlights these two terms. Instead of following the FERC definition of capacity for a QF under PURPA and using the same approach for a “net metered facility”, the Department goes in a different direction so as to define capacity for a “net metered facility” different than how FERC defines capacity for a QF. This approach would violate state law that requires symmetry between the Minnesota PURPA Implementing Statute and PURPA.

The Department at page 7 also asserts the following:

For purposes of interconnection requirements, DER capacity is referred to in a distinct manner from that of net-metered rate eligibility. This distinct approach is appropriate for the context, given the safety and reliability concerns related to interconnection, but it also must remain distinct from net-metered rate eligibility.

This position of the Department is not correct. Those participating in net metering need to sign the Commission's Uniform Statewide Contract at Minn. R. 7835.9910. This contract form has a blank space towards the beginning where the parties need to enter the "rating" of the QF system that is subject to the Uniform Statewide Contract. Under MN DIP 1.1.5, the Uniform Statewide Contract replaces the need to have a signed Minnesota Distributed Energy Resource Interconnection Agreement (MN DIA) where the system is 20 kW or less DER capacity. Accordingly, there are many QFs that have signed the Uniform Statewide Contract with a single set capacity size that applies to both the MN DIP size and net metering size. Further, there are many systems that require having both a signed Uniform Statewide Contract and a MN DIA. Under the Department's approach, these two contracts would reflect different sized systems. This would be another level of unneeded complication to what is already a complex interconnection and net metering process.

Re-interpreting capacity different from how this term has been defined and implemented could have other cascading impacts. Many of these were pointed out at page 6 of our Initial Comments. Here are some additional possible cascading impacts if the Commission were to now re-interpret the definition of capacity:

- What qualifies for the distributed solar energy standards (DSES), which has a limit of 10 MW capacity under Minn. Stat. §26B.1691, Subd. 2h? Changing the interpretation of capacity would enlarge the effective size of projects eligible to be counted towards the DSES, upsetting the legislative intent by allowing systems larger than those contemplated by the legislation to be counted towards compliance with the DSES.
- What is the Commission's authority to review major facilities with a capacity of 50 MW or more under Minn. Stat. §216B.24? By changing the interpretation of capacity, the Commission would not have the ability to review those projects that, with the new interpretation, would no longer be determined to be above the 50 MW threshold but which would have met this threshold under the existing long-standing interpretation.
- What is the Commission's authority to review Large Energy Facilities of 50 MW or more under Minn. Stat. §216B.2421 and Minn. Stat. §216B.243? Similar to the above, by changing the interpretation of capacity, the Commission might not have the ability to review those projects that, with the new interpretation, would no longer be determined to be above the 50 MW threshold.

CONCLUSION

The Commission should not change the long-standing interpretation of “capacity.” The Commission should continue to align with the FERC definition of capacity for QFs (and the subset of QFs called net metered facilities). The Minnesota PURPA Implementation Statute on this issue has not changed. It would not be proper for the Commission to change the interpretation of this statute now.

Dated: September 17, 2024

Northern States Power Company

216B.164 COGENERATION AND SMALL POWER PRODUCTION.**Subdivision 1. Scope and purpose.**

This section shall at all times be construed in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

Subd. 2. Applicability; rights maintained.

(a) This section as well as any rules promulgated by the commission to implement this section or the Public Utility Regulatory Policies Act of 1978, Public Law 95-617, Statutes at Large, volume 92, page 3117, as amended, and the Federal Energy Regulatory Commission regulations thereunder, Code of Federal Regulations, title 18, part 292, as amended, shall, unless otherwise provided in this section, apply to all Minnesota electric utilities, including cooperative electric associations and municipal electric utilities.

(b) Nothing in this section shall be construed to alter the rights and duties of any person pursuant to the Public Utility Regulatory Policies Act of 1978, Public Law 95-617, Statutes at Large, volume 92, page 3117, as amended, and the Federal Energy Regulatory Commission regulations thereunder, Code of Federal Regulation

s, title 18, part 292, as amended.

Subd. 2a. Definitions.

(a) For the purposes of this section, the following terms have the meanings given them.

(b) "Aggregated meter" means a meter located on the premises of a customer's owned or leased property that is contiguous with property containing the customer's designated meter.

(c) "Capacity" means the number of megawatts alternating current (AC) at the point of interconnection between a distributed generation facility and a utility's electric system.

(d) "Cogeneration" means a combined process whereby electrical and useful thermal energy are produced simultaneously.

(e) "Contiguous property" means property owned or leased by the customer sharing a common border, without regard to interruptions in contiguity caused by easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.

(f) "Customer" means the person who is named on the utility electric bill for the premises.

(g) "Designated meter" means a meter that is physically attached to the customer's facility that the customer-generator designates as the first meter to which **net metered** credits are to be applied as the primary meter for billing purposes when the customer is serviced by more than one meter.

(h) "Distributed generation" means a facility that:

(1) has a capacity of ten megawatts or less;

(2) is interconnected with a utility's distribution system, over which the commission has jurisdiction; and

(3) generates electricity from natural gas, renewable fuel, or a similarly clean fuel, and may include waste heat, cogeneration, or fuel cell technology.

(i) "High-efficiency distributed generation" means a distributed energy facility that has a minimum efficiency of 40 percent, as calculated under section [272.0211](#), subdivision 1.

(j) "Net metered facility" means an electric generation facility constructed for the purpose of offsetting energy use through the use of renewable energy or high-efficiency distributed generation sources.

(k) "Renewable energy" has the meaning given in section [216B.2411, subdivision 2](#).

(l) "Standby charge" means a charge imposed by an electric utility upon a distributed generation facility for the recovery of costs for the provision of standby services, as provided for in a utility's tariffs approved by the commission, necessary to make electricity service available to the distributed generation facility.

Subd. 3. **Purchases; small facilities.**

(a) This paragraph applies to cooperative electric associations and municipal utilities. For a **qualifying facility** having less than 40-kilowatt capacity, the customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule for sales to that class of customer. A cooperative electric association or municipal utility may charge an additional fee to recover the fixed costs not already paid for by the customer through the customer's existing billing arrangement. Any additional charge by the utility must be reasonable and appropriate for that class of customer based on the most recent cost of service study. The cost of service study must be made available for review by a customer of the utility upon request. In the case of net input into the utility system by a **qualifying facility** having less than 40-kilowatt capacity, compensation to the customer shall be at a per kilowatt-hour rate determined under paragraph (c), (d), or (f).

(b) This paragraph applies to public utilities. For a **qualifying facility** having less than 1,000-kilowatt capacity, the customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule for sales to that class of customer. In the case of net input into the utility system by a **qualifying facility** having: (1) more than 40-kilowatt but less than 1,000-kilowatt capacity, compensation to the customer shall be at a per kilowatt-hour rate determined under paragraph (c); or (2) less than 40-kilowatt capacity, compensation to the customer shall be at a per-kilowatt rate determined under paragraph (c) or (d).

(c) In setting rates, the commission shall consider the fixed distribution costs to the utility not otherwise accounted for in the basic monthly charge and shall ensure that the costs charged to the **qualifying facility** are not discriminatory in relation to the costs charged to other customers of the utility. The commission shall set the rates for net input into the utility system based on avoided costs as defined in the Code of Federal Regulations, title 18, section 292.101, paragraph (b)(6), the factors listed in Code of Federal Regulations, title 18, section 292.304, and all other relevant factors.

(d) Notwithstanding any provision in this chapter to the contrary, a **qualifying facility** having less than 40-kilowatt capacity may elect that the compensation for net input by the **qualifying facility** into the utility system shall be at the average retail utility energy rate. "Average retail utility energy rate" is defined as the average of the retail energy rates, exclusive of special rates based on income, age, or energy conservation, according to the applicable rate schedule of the utility for sales to that class of customer.

(e) If the **qualifying facility** or **net metered facility** is interconnected with a nongenerating utility which has a sole source contract with a municipal power agency or a generation and transmission utility, the nongenerating utility may elect to treat its purchase of any net input under this subdivision as being made on behalf of its supplier and shall be reimbursed by its supplier for any additional costs incurred in making the purchase. **Qualifying facilities** or **net metered facilities** having less than 1,000-kilowatt capacity if interconnected to a public utility, or less than 40-kilowatt capacity if interconnected to a cooperative electric association or municipal utility may, at the customer's option, elect to be governed by the provisions of subdivision 4.

(f) A customer with a **qualifying facility** or **net metered facility** having a capacity below 40 kilowatts that is interconnected to a cooperative electric association or a municipal utility may elect to be compensated for the customer's net input into the utility system in the form of a kilowatt-hour credit on the customer's energy bill carried forward and applied to subsequent energy bills. Any kilowatt-hour credits carried forward by the customer cancel at the end of the calendar year with no additional compensation.

Subd. 3a. **Net metered facility.**

(a) Except for customers receiving a value of solar rate under subdivision 10, a customer with a **net metered facility** having a capacity of 40 kilowatts or greater but less than 1,000 kilowatts that is interconnected to a public utility may elect to be compensated for the customer's net input into the utility system in the form of a kilowatt-hour credit on the customer's energy bill carried forward and applied to subsequent energy bills. Any net input supplied by the customer into the utility system that exceeds energy supplied to the customer by the utility during a calendar year must be compensated at the applicable rate.

(b) A public utility may not impose a standby charge on a **net metered** or **qualifying facility**:

(1) of 100 kilowatts or less capacity; or

(2) of more than 100 kilowatts capacity, except in accordance with an order of the commission establishing the allowable costs to be recovered through standby charges.

Subd. 4. **Purchases; wheeling; costs.**

(a) Except as otherwise provided in paragraph (c), this subdivision shall apply to all **qualifying facilities** having 40-kilowatt capacity or more as well as **qualifying facilities** as defined in subdivision 3 and **net metered facilities** under subdivision 3a, if interconnected to a cooperative electric association or municipal utility, or 1,000-kilowatt capacity or more if interconnected to a public utility, which elect to be governed by its provisions.

(b) The utility to which the **qualifying facility** is interconnected shall purchase all energy and capacity made available by the **qualifying facility**. The **qualifying facility** shall be paid the utility's full avoided capacity and energy costs as negotiated by the parties, as set by the commission, or as determined through competitive bidding approved by the commission. The full avoided capacity and energy costs to be paid a **qualifying facility** that generates electric power by means of a renewable energy source are the utility's least cost renewable energy facility or the bid of a competing supplier of a least cost renewable energy facility, whichever is lower, unless the commission's resource plan order, under section [216B.2422, subdivision 2](#), provides that the use of a renewable resource to meet the identified capacity need is not in the public interest.

(c) For all **qualifying facilities** having 30-kilowatt capacity or more, the utility shall, at the **qualifying facility's** or the utility's request, provide wheeling or exchange agreements wherever practicable to sell the **qualifying facility's** output to any other Minnesota utility having generation expansion anticipated or planned for the ensuing ten years. The commission shall establish the methods and procedures to insure that except for reasonable wheeling charges and line losses, **the qualifying facility** receives the full avoided energy and capacity costs of the utility ultimately receiving the output.

(d) The commission shall set rates for electricity generated by renewable energy.

Subd. 4a. Aggregation of meters.

(a) For the purpose of measuring electricity under subdivisions 3 and 3a, a public utility must aggregate for billing purposes a customer's designated meter with one or more aggregated meters if a customer requests that it do so. To qualify for aggregation under this subdivision, a meter must be owned by the customer requesting the aggregation, must be located on contiguous property owned by the customer requesting the aggregation, and the total of all aggregated meters must be subject to the size limitation in this section.

(b) A public utility must comply with a request by a customer-generator to aggregate additional meters within 90 days. The specific meters must be identified at the time of the request. In the event that more than one meter is identified, the customer must designate the rank order for the aggregated meters to which the **net metered** credits are to be applied. At least 60 days prior to the beginning of the next annual billing period, a customer may amend the rank order of the aggregated meters, subject to this subdivision.

(c) The aggregation of meters applies only to charges that use kilowatt-hours as the billing determinant. All other charges applicable to each meter account shall be billed to the customer.

(d) A public utility will first apply the kilowatt-hour credit to the charges for the designated meter and then to the charges for the aggregated meters in the rank order specified by the customer. If the **net metered** facility supplies more electricity to the public utility than the energy usage recorded by the customer-generator's designated and aggregated meters during a monthly billing period, the public utility shall apply credits to the customer's next monthly bill for the excess kilowatt-hours.

(e) With the commission's prior approval, a public utility may charge the customer-generator requesting to aggregate meters a reasonable fee to cover the administrative costs incurred in

implementing the costs of this subdivision, pursuant to a tariff approved by the commission for a public utility.

Subd. 4b. Limiting cumulative generation.

The commission may limit the cumulative generation of **net metered facilities** under subdivisions 3 and 3a. A public utility may request the commission to limit the cumulative generation of **net metered facilities** under subdivisions 3 and 3a upon a showing that such generation has reached four percent of the public utility's annual retail electricity sales. The commission may limit additional **net metering** obligations under this subdivision only after providing notice and opportunity for public comment. In determining whether to limit additional **net metering** obligations under this subdivision, the commission shall consider:

- (1) the environmental and other public policy benefits of **net metered facilities**;
- (2) the impact of **net metered facilities** on electricity rates for customers without **net metered** systems;
- (3) the effects of **net metering** on the reliability of the electric system;
- (4) technical advances or technical concerns; and
- (5) other statutory obligations imposed on the commission or on a utility.

The commission may limit additional **net metering** obligations under clauses (2) to (4) only if it determines that additional **net metering** obligations would cause significant rate impact, require significant measures to address reliability, or raise significant technical issues.

Subd. 4c. Individual system capacity limits.

(a) A public utility that provides retail electric service may require customers with a facility of 40-kilowatt capacity or more and participating in **net metering** and net billing to limit the total generation capacity of individual distributed generation systems by either:

- (1) for wind generation systems, limiting the total generation system capacity kilowatt alternating current to 120 percent of the customer's on-site maximum electric demand; or
- (2) for solar photovoltaic and other distributed generation, limiting the total generation system annual energy production kilowatt hours alternating current to 120 percent of the customer's on-site annual electric energy consumption.

(b) Limits under paragraph (a) must be based on standard 15-minute intervals, measured during the previous 12 calendar months, or on a reasonable estimate of the average monthly maximum demand or average annual consumption if the customer has either:

- (1) less than 12 calendar months of actual electric usage; or
- (2) no demand metering available.

Subd. 5. Dispute; resolution.

(a) In the event of disputes between a public utility and a **qualifying facility**, either party may request a determination of the issue by the commission. In any such determination, the burden of proof shall be on the public utility. The commission in its order resolving each such dispute shall require payments to the prevailing party of the prevailing party's costs, disbursements, and reasonable attorneys' fees, except that the **qualifying facility** will be required to pay the costs, disbursements, and attorneys' fees of the public utility only if the commission finds that the claims of the **qualifying facility** in the dispute have been made in bad faith, or are a sham, or are frivolous.

(b) Notwithstanding subdivisions 9 and 11, a **qualifying facility** over 20 megawatts may, until December 31, 2022, request that the commission resolve a dispute with any utility, including a cooperative electric association or municipal utility, under paragraph (a).

Subd. 6. Rules and uniform contract.

(a) The commission shall promulgate rules to implement the provisions of this section. The commission shall also establish a uniform statewide form of contract for use between utilities and a **net metered** or **qualifying facility** having less than 1,000-kilowatt capacity if interconnected to a public utility or less than 40-kilowatt capacity if interconnected to a cooperative electric association or municipal utility.

(b) The commission shall require the **qualifying facility** to provide the utility with reasonable access to the premises and equipment of the **qualifying facility** if the particular configuration of the **qualifying facility** precludes disconnection or testing of the **qualifying facility** from the utility side of the interconnection with the utility remaining responsible for its personnel.

(c) The uniform statewide form of contract shall be applied to all new and existing interconnections established between a utility and a **net metered** or **qualifying facility** having less than 40-kilowatt capacity, except that existing contracts may remain in force until terminated by mutual agreement between both parties.

Subd. 7.

[Repealed, [1994 c 465 art 1 s 27](#)]

Subd. 8. Interconnection required; obligation for costs.

(a) Utilities shall be required to interconnect with a **qualifying facility** that offers to provide available energy or capacity and that satisfies the requirements of this section.

(b) Nothing contained in this section shall be construed to excuse the **qualifying facility** from any obligation for costs of interconnection and wheeling in excess of those normally incurred by the utility for customers with similar load characteristics who are not cogenerators or small power producers, or from any fixed charges normally assessed such nongenerating customers.

Subd. 9. Municipal electric utility.

For purposes of this section only and with respect to municipal electric utilities only, the term "commission" means the governing body of each municipal electric utility that adopts and has in effect rules implementing this section which are consistent with the rules adopted by the Minnesota Public Utilities Commission under subdivision 6. As used in this subdivision, the

governing body of a municipal electric utility means the city council of that municipality; except that, if another board, commission, or body is empowered by law or resolution of the city council or by its charter to establish and regulate rates and days for the distribution of electric energy within the service area of the city, that board, commission, or body shall be considered the governing body of the municipal electric utility.

Subd. 10. Alternative tariff; compensation for resource value.

(a) A public utility may apply for commission approval for an alternative tariff that compensates customers through a bill credit mechanism for the value to the utility, its customers, and society for operating distributed solar photovoltaic resources interconnected to the utility system and operated by customers primarily for meeting their own energy needs.

(b) If approved, the alternative tariff shall apply to customers' interconnections occurring after the date of approval. The alternative tariff is in lieu of the applicable rate under subdivisions 3 and 3a.

(c) The commission shall after notice and opportunity for public comment approve the alternative tariff provided the utility has demonstrated the alternative tariff:

(1) appropriately applies the methodology established by the department and approved by the commission under this subdivision;

(2) includes a mechanism to allow recovery of the cost to serve customers receiving the alternative tariff rate;

(3) charges the customer for all electricity consumed by the customer at the applicable rate schedule for sales to that class of customer;

(4) credits the customer for all electricity generated by the solar photovoltaic device at the distributed solar value rate established under this subdivision;

(5) applies the charges and credits in clauses (3) and (4) to a monthly bill that includes a provision so that the unused portion of the credit in any month or billing period shall be carried forward and credited against all charges. In the event that the customer has a positive balance after the 12-month cycle ending on the last day in February, that balance will be eliminated and the credit cycle will restart the following billing period beginning on March 1;

(6) complies with the size limits specified in subdivision 3a;

(7) complies with the interconnection requirements under section [216B.1611](#); and

(8) complies with the standby charge requirements in subdivision 3a, paragraph (b).

(d) A utility must provide to the customer the meter and any other equipment needed to provide service under the alternative tariff.

(e) The department must establish the distributed solar value methodology in paragraph (c), clause (1), no later than January 31, 2014. The department must submit the methodology to the commission for approval. The commission must approve, modify with the consent of the department, or disapprove the methodology within 60 days of its submission. When developing the distributed solar value methodology, the department shall consult stakeholders with experience

and expertise in power systems, solar energy, and electric utility ratemaking regarding the proposed methodology, underlying assumptions, and preliminary data.

(f) The distributed solar value methodology established by the department must, at a minimum, account for the value of energy and its delivery, generation capacity, transmission capacity, transmission and distribution line losses, and environmental value. The department may, based on known and measurable evidence of the cost or benefit of solar operation to the utility, incorporate other values into the methodology, including credit for locally manufactured or assembled energy systems, systems installed at high-value locations on the distribution grid, or other factors.

(g) The credit for distributed solar value applied to alternative tariffs approved under this section shall represent the present value of the future revenue streams of the value components identified in paragraph (f).

(h) The utility shall recalculate the alternative tariff on an annual cycle, and shall file the recalculated alternative tariff with the commission for approval.

(i) Renewable energy credits for solar energy credited under this subdivision belong to the electric utility providing the credit.

(j) The commission may not authorize a utility to charge an alternative tariff rate that is lower than the utility's applicable retail rate until three years after the commission approves an alternative tariff for the utility.

(k) A utility must enter into a contract with an owner of a solar photovoltaic device receiving an alternative tariff rate under this section that has a term of at least 20 years, unless a shorter term is agreed to by the parties.

(l) An owner of a solar photovoltaic device receiving an alternative tariff rate under this section must be paid the same rate per kilowatt-hour generated each year for the term of the contract.

Subd. 11. Cooperative electric association.

(a) For purposes of this section only, the term "commission" means the board of directors of a cooperative association that (1) elects, by resolution, to assume the authority delegated to the Public Utilities Commission over cooperative electric associations under this section, and (2) adopts and has in effect rules implementing this section. The rules must provide for a process to resolve disputes that arise under this section, and must include a provision that a request by either party for mediation of the dispute by an independent third party must be implemented in accordance with paragraph (b). A cooperative electric association that has adopted a resolution and rules under this subdivision is exempt from regulation by the Public Utilities Commission under this section.

(b) In the event of a dispute between a cooperative electric association and one or more of its members, either party may request mediation of the dispute only after all attempts to settle the dispute under the cooperative electric association's dispute resolution process have been exhausted. The parties must mutually agree upon the selection of a mediator, who must be listed on the roster of neutrals for civil matters established by the state court administrator under [Rule 114.12](#) of Minnesota's General Rules of Practice for the District Courts. The cooperative electric

association shall pay 90 percent of the cost of mediation, and the member or members who initiated the dispute shall pay ten percent of the cost of mediation.

(c) Except as provided in paragraph (d), any proceedings concerning the activities of a cooperative electric association under this section that are pending at the Public Utilities Commission on May 31, 2017, are terminated on that date.

(d) The Public Utilities Commission may complete its investigation in Docket No. 16-512 to assess whether the methodology used by cooperative associations to establish a fee under subdivision 3, paragraph (a), complies with state law if the commission determines that completing the investigation is necessary to protect the public interest, in which case it shall complete the investigation no later than December 31, 2017. A methodology that the commission determines complies with state law may not be challenged in a dispute under this section. If the commission determines that a methodology does not comply with state law, it shall clearly state the changes necessary to bring the methodology into compliance, and a cooperative electric association shall modify its methodology in accordance with the commission's directives.

(e) For a cooperative electric association that elects to operate under the provisions of paragraph (a), disputes arising under this section subsequent to a cooperative electric association's modification of its methodology under paragraph (d) shall be addressed under the cooperative association's rules and paragraph (b), as applicable.

Subd. 12. Customer's access to electricity usage data.

A utility must provide a customer's electricity usage data to the customer within ten days of the date the utility receives a request from the customer that is accompanied by evidence that the energy usage data is relevant to the interconnection of a **qualifying facility** on behalf of the customer. For the purposes of this subdivision, "electricity usage data" includes but is not limited to: (1) the total amount of electricity used by a customer monthly; (2) usage by time period if the customer operates under a tariff where costs vary by time of use; and (3) usage data that is used to calculate a customer's demand charge.

History:

[1981 c 237 s 1](#); [1983 c 301 s 166-171](#); [1984 c 640 s 32](#); [1991 c 315 s 1](#); [1993 c 356 s 1](#); [1996 c 305 art 2 s 38](#); [2013 c 85 art 9 s 1-10](#); [2013 c 125 art 1 s 39](#); [2013 c 132 s 1](#); [1Sp2015 c 1 art 3 s 21](#); [2017 c 94 art 10 s 5-8](#); [2023 c 60 art 12 s 13](#)

CHAPTER 7835, COGENERATION AND SMALL POWER PRODUCTION

7835.0100 DEFINITIONS.**Subpart 1. Applicability.**

For purposes of this chapter, the following terms have the meanings given them in this part.

Subp. 2. Average annual fuel savings.

"Average annual fuel savings" means the annualized difference between the system fuel costs that the utility would have incurred without the additional generation facility and the system fuel costs the utility is expected to incur with the additional generation facility.

Subp. 2a. Average retail utility energy rate.

"Average retail utility energy rate" means, for any class of utility customer, the quotient of the total annual class revenue from sales of electricity minus the annual revenue resulting from fixed charges, divided by the annual class kilowatt-hour sales. Data from the most recent 12-month period available before each filing required by parts [7835.0300](#) to [7835.1200](#) must be used in the computation.

Subp. 3. Backup power.

"Backup power" means electric energy or capacity supplied by the utility to replace energy ordinarily generated by a **qualifying facility's** own generation equipment during an unscheduled outage of the facility.

Subp. 4. Capacity.

"Capacity" means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a **qualifying facility** and a utility's electric system.

Subp. 5. Capacity costs.

"Capacity costs" means the costs associated with providing the capability to deliver energy. The utility capital costs consist of the costs of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

Subp. 6. Commission.

"Commission" means the Minnesota Public Utilities Commission.

Subp. 6a. Customer.

"Customer" means the person named on the utility electric bill for the premises.

Subp. 7. Energy.

"Energy" means electric energy, measured in kilowatt-hours.

Subp. 8. Energy costs.

"Energy costs" means the variable costs associated with the production of electric energy. They consist of fuel costs and variable operating and maintenance expenses.

Subp. 9. Firm power.

"Firm power" means energy delivered by the **qualifying facility** to the utility with at least a 65 percent on-peak capacity factor in the month. The capacity factor is based upon the **qualifying facility's** maximum on-peak metered capacity delivered to the utility during the month.

Subp. 10. Generating utility.

"Generating utility" means a utility which regularly meets all or a portion of its electric load through the scheduled dispatch of its own generating facilities.

Subp. 11. Incremental cost of capital.

"Incremental cost of capital" means the current weighted cost of the components of a utility's capital structure, each cost weighted by its proportion of the total capitalization.

Subp. 12. Interconnection costs.

"Interconnection costs" means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administrative costs incurred by the utility that are directly related to installing and maintaining the physical facilities necessary to permit interconnected operations with a **qualifying facility**. Costs are considered interconnection costs only to the extent that they exceed the corresponding costs which the utility would have incurred if it had not engaged in interconnected operations, but instead generated from its own facilities or purchased from other sources an equivalent amount of electric energy or capacity. Costs are considered interconnection costs only to the extent that they exceed the costs the utility would incur in selling electricity to the **qualifying facility** as a nongenerating customer.

Subp. 13. Interruptible power.

"Interruptible power" means electric energy or capacity supplied by the utility to a **qualifying facility** subject to interruption under the provisions of the utility's tariff applicable to the retail class of customers to which the **qualifying facility** would belong irrespective of its ability to generate electricity.

Subp. 14. Maintenance power.

"Maintenance power" means electric energy or capacity supplied by a utility during scheduled outages of the **qualifying facility**.

Subp. 15. Marginal capital carrying charge rate in the first year of investment.

"Marginal capital carrying charge rate in the first year of investment" means the percentage factor by which the amount of a new capital investment in a generating unit would have to be multiplied to obtain an amount equal to the total additional first year amounts for the cost of equity and debt capital, income taxes, property and other taxes, tax credits (amortized over the useful life of the

generating unit), depreciation, and insurance which would be associated with the new capital investment and would account for the likely inflationary or deflationary changes in the investment cost due to the one-year delay in building the unit.

Subp. 15a. **Net metered facility.**

"Net metered facility" means an electric generation facility constructed for the purpose of offsetting energy use through the use of renewable energy or high-efficiency distributed generation sources.

Subp. 16. **Nongenerating utility.**

"Nongenerating utility" means a utility which has no electric generating facilities, or a utility whose electric generating facilities are used only during emergencies or readiness tests, or a utility whose electric generating facilities are ordinarily dispatched by another entity.

Subp. 17. **On-peak hours.**

"On-peak hours" means, for utilities whose rates are regulated by the commission, those hours which are defined as on-peak for retail ratemaking. For any other utility, on-peak hours are either those hours formally designated by the utility as on-peak for ratemaking purposes or those hours for which its typical loads are at least 85 percent of its average maximum monthly loads.

Subp. 17a. **Point of common coupling.**

"Point of common coupling" means the point where the **qualifying facility's** generation system, including the point of generator output, is connected to the utility's electric power grid.

Subp. 17b. **Public utility.**

"Public utility" has the meaning given in Minnesota Statutes, section [216B.02, subdivision 4](#).

Subp. 18. **Purchase.**

"Purchase" means the purchase of electric energy or capacity or both from a **qualifying facility** by a utility.

Subp. 19. **Qualifying facility.**

"Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in Code of Federal Regulations, title 18, part 292. The initial operation date or initial installation date of a cogeneration or small power production facility must not prevent the facility from being considered a **qualifying facility** for the purposes of this chapter if it otherwise satisfies all stated conditions.

Subp. 20. **Sale.**

"Sale" means the sale of electric energy or capacity or both by an electric utility to a **qualifying facility**.

Subp. 20a. **Standby charge.**

"Standby charge" means the rate or fee a utility charges for the recovery of costs for the provision of standby service or standby power.

Subp. 20b. Standby service.

"Standby service" means:

- A. for public utilities, service or power that includes backup or maintenance services, as described in the public utility's commission-approved standby tariff, necessary to make electricity service available to the distributed generation facility; and
- B. for a utility not subject to the commission's rate authority, the service associated with the applicable tariff in effect under Minnesota Statutes, section [216B.1611](#), subdivision 3, clause (2).

Subp. 21. Supplementary power.

"Supplementary power" means electric energy or capacity supplied by the utility which is regularly used by a **qualifying facility** in addition to that which the facility generates itself.

Subp. 22. System emergency.

"System emergency" means a condition on a utility's system which is imminently likely to result in significant disruption of service to customers or to endanger life or property.

Subp. 23. System incremental energy costs.

"System incremental energy costs" means amounts representing the hourly energy costs associated with the utility generating the next kilowatt-hour of load during each hour.

Subp. 24. Utility.

"Utility" means:

- A. for the purposes of parts 7835.1300 to 7835.1800 and 7835.4500 to 7835.4550, any public utility, including municipally owned electric utilities or cooperative electric associations, that sells electricity at retail in Minnesota; or
- B. for the purposes of parts B. for the purposes of 7835.0200 to 7835.1200, 7835.1900 to 7835.4400, 7835.4600 to 7835.6100, 7835.9910, and 7835.9920, any public utility, including municipally owned electric utilities and cooperative electric associations, that sells electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

7835.0200 SCOPE AND PURPOSE.

The purpose of this chapter is to implement certain provisions of Minnesota Statutes, section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code, title 16, section 824a-3; and the Federal Energy Regulatory Commission regulations, Code of Federal Regulations, title 18, part 292. Nothing in this chapter excuses any utility from carrying out its responsibilities under these provisions of state and federal law. This chapter must at all times be

applied in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

FILING REQUIREMENTS

7835.0300 FILING DATES.

Within 60 days after the effective date of this chapter, on January 1, 1985, and every 12 months thereafter, each utility must file with the commission, for its review and approval, a cogeneration and small power production tariff. The tariff for generating utilities must contain schedules A to G, except that generating utilities with less than 500,000,000 kilowatt-hour sales in the calendar year preceding the filing may substitute their retail rate schedules for schedules A and B. The tariff for nongenerating utilities must contain schedules C, D, E, F, and H, and may, at the option of the utility, contain schedules A and B, using data from the utility's wholesale supplier.

7835.0400 FILING OPTION.

If, after the January 1, 2015, filing, schedule C is the only change in the cogeneration and small power production tariff to be filed in a subsequent year, the utility may notify the commission in writing, by the date the tariff is due, that there is no other change in the tariff. This notification and new schedule C will serve as a substitute for the refiling of the complete tariff in that year.

7835.0500 SCHEDULE A.

Schedule A must contain the estimated system average incremental energy costs by seasonal peak and off-peak periods for each of the next five years. For each seasonal period, system incremental energy costs must be averaged during system daily peak hours, system daily off-peak hours, and all hours in the season. The energy costs must be increased by a factor equal to 50 percent of the line losses shown in schedule B. Schedule A must describe in detail the method used to determine the on-peak and off-peak hours and seasonal periods and must show the resulting on-peak and off-peak and seasonal hours selected.

7835.0600 SCHEDULE B.

Subpart 1. Information required.

Schedule B must contain the information listed in subparts 2 to 6.

Subp. 2. Planned utility generating facility additions.

Schedule B must contain a description of all planned utility generating facility additions anticipated during the next ten years, including:

- A. name of unit;
- B. nameplate rating;
- C. fuel type;
- D. in-service date;

- E. completed cost in dollars per kilowatt in the year in which the plant is expected to be put in service, including allowance for funds used during construction;
- F. anticipated average annual fixed operating and maintenance costs in dollars per kilowatt;
- G. energy costs associated with the unit, including fuel costs and variable operating and maintenance costs;
- H. projected average number of kilowatt-hours per year the plant will generate during its useful life; and
- I. average annual fuel savings resulting from the addition of this generating facility, stated in dollars per kilowatt.

Subp. 3. Planned firm capacity purchases.

Schedule B must contain a description of all planned firm capacity purchases, other than from **qualifying facilities**, during the next ten years, including:

- A. year of the purchase;
- B. name of the seller;
- C. number of kilowatts of capacity to be purchased;
- D. capacity cost in dollars per kilowatt; and
- E. associated energy cost in cents per kilowatt-hour.

Subp. 4. Percentage of line losses.

Schedule B must contain the utility's overall average percentage of line losses due to the distribution, transmission, and transformation of electric energy.

Subp. 5. Net annual avoided capacity cost.

Schedule B must contain the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and the utility's net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over all hours. These figures must be calculated as follows in items A to I:

- A. The completed cost per kilowatt of the utility's next major generating facility addition, as reported in schedule B, must be multiplied by the utility's marginal capital carrying charge rate in the first year of investment. If the utility is unable to determine this carrying charge rate as specified, the rate of 15 percent must be used.
- B. The dollar amount resulting from the calculation set forth in item A must be discounted to present value, as of the midpoint of the reporting year, from the in-service date of the generating unit. The discount rate used must be the incremental cost of capital.
- C. The figure for average annual fuel savings per kilowatt described in subpart 2, item I must be discounted to present value using the procedure of item B.

D. The number resulting from the calculation in item C must be subtracted from the number resulting from the calculation in item B. This is the net annual avoided capacity cost stated in dollars per kilowatt at present value.

E. The net annual avoided capacity cost calculated in item D must be multiplied by 1.15 to recognize a reserve margin.

F. The figure determined from the calculation of item E must be increased by the present value of the anticipated average annual fixed operating and maintenance costs as reported in subpart 2, item F. The present value must be determined using the procedure of item B.

G. The figure determined from the calculation of item F must be increased by one-half of the percentage amount of the average system line losses as shown on schedule B.

H. The annual dollar per kilowatt figure, as calculated in accordance with item G, must be divided by the annual number of hours in the on-peak period as specified in schedule A. The resulting figure is the utility's net annual on-peak avoided capacity cost in dollars per kilowatt-hour.

I. The annual dollar per kilowatt figure resulting from the calculation specified in item G must be divided by the total number of hours in the year. The resulting figure is the utility's net annual avoided capacity cost in dollars per kilowatt-hour averaged over all hours.

Subp. 6. Net annual avoided capacity cost.

If the utility has no planned generating facility additions for the ensuing ten years, but has planned additional capacity purchases, other than from **qualifying facilities**, during the ensuing ten years, schedule B must contain its net annual avoided capacity cost stated in dollars per kilowatt-hour averaged over the on-peak hours and the utility's net annual avoided capacity costs stated in dollars per kilowatt-hour averaged over all hours. These must be calculated as follows in items A and B:

A. The annual capacity purchase amount, in dollars per kilowatt, for the utility's next planned capacity purchase, other than from a **qualifying facility**, must be discounted to present value as of the midpoint of the reporting year, from the year of the planned capacity purchase. The discount rate used must be the incremental cost of capital.

B. The net annual avoided capacity cost must be computed by applying the figure determined in item A to the steps enumerated in subpart 5, items D to I, excluding item F.

Subp. 7. Avoidable capacity costs.

If the utility has neither planned generating facility additions nor planned additional capacity purchases, other than from **qualifying facilities**, during the ensuing ten years, the utility must be deemed to have no avoidable capacity costs.

7835.0650 SCHEDULE C.

Schedule C must contain the calculation of the average retail utility energy rates.

7835.0700 SCHEDULE D.

Schedule D must contain all standard contracts to be used with **qualifying facilities**, containing applicable terms and conditions.

7835.0800 SCHEDULE E.

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. These standards and procedures must not be more restrictive than the standards contained in the electrical code under part 7835.2100 or the interconnection standards distributed to customers under part 7835.4750. The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

7835.0900 SCHEDULE F.

Schedule F must contain procedures for notifying affected **qualifying facilities** of any periods of time when the utility will not purchase electric energy or capacity because of extraordinary operational circumstances which would make the costs of purchases during those periods greater than the costs of internal generation.

7835.1000 SCHEDULE G.

Schedule G must contain and describe all computations made by the utility in determining schedules A and B.

7835.1100 SCHEDULE H; SPECIAL RULE FOR NONGENERATING UTILITIES.

Schedule H must list the rates at which a nongenerating utility purchases energy and capacity. If the nongenerating utility has more than one wholesale supplier, schedule H must list the rates of that supplier from which purchases may first be avoided. If the nongenerating utility with more than one wholesale supplier also chooses to file schedules A and B, the data on schedules A and B must be obtained from that supplier from which purchases may first be avoided.

7835.1200 AVAILABILITY OF FILINGS.

All filings required by parts 7835.0300 to 7835.1100 must be filed in the commission's electronic filing system and be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings must be available for public inspection at the commission and at the utility offices during normal business hours.

REPORTING REQUIREMENTS

7835.1300 GENERAL REPORTING REQUIREMENTS.

Each utility interconnected with a **qualifying facility** must provide the commission with the information in parts 7835.1400 to 7835.1800 annually on or before March 1, and in such form as the commission may require.

7835.1400 AVERAGE RETAIL UTILITY ENERGY BILLED **QUALIFYING FACILITIES.**

For **qualifying facilities** under average retail utility energy billing, the utility must provide the commission with the following information:

- A. a summary of the total number of interconnected **qualifying facilities**, the type of interconnected **qualifying facilities** by energy source, and the name plate ratings of such units;
- B. for each **qualifying facility** type, the total kilowatt-hours delivered per month to the utility by all average retail utility energy rate qualifying facilities;
- C. for each **qualifying facility** type, the total kilowatt-hours delivered per month by the utility to all average retail utility energy rate **qualifying facilities**; and
- D. for each **qualifying facility** type, the total net energy delivered per month to the utility by average retail utility energy rate **qualifying facilities**.

7835.1500 OTHER QUALIFYING FACILITIES.

For all **qualifying facilities** not under average retail utility energy billing, the utility must provide the commission with the following information:

- A. a summary of the total number of interconnected **qualifying facilities**, the type of interconnected **qualifying facilities**, and the nameplate ratings of such units; and
- B. for each **qualifying facility** type, the total kilowatt-hours delivered per month to the utility, reported by on-peak and off-peak periods to the extent that data is available.

7835.1600 WHEELING.

The utility must provide a summary of all wheeling activities undertaken with respect to **qualifying facilities**.

7835.1700 MAJOR IMPACTS.

The utility may provide a statement of any major impacts that cogeneration or small power production has had on the utility's system.

7835.1800 EFFECTIVENESS.

The utility may provide a statement of the effectiveness of Minnesota Statutes, section 216B.164 and this chapter in encouraging cogeneration and small power production, as observed by the utility.

CONDITIONS OF SERVICE

7835.1900 REQUIREMENT TO PURCHASE.

The utility must purchase energy and capacity from any **qualifying facility** which offers to sell energy to the utility and agrees to the conditions in this chapter.

7835.2000 WRITTEN CONTRACT.

A written contract must be executed between the **qualifying facility** and the utility.

7835.2100 ELECTRICAL CODE COMPLIANCE.**Subpart 1. Compliance; standards.**

The interconnection between the **qualifying facility** and the utility must comply with the requirements in the most recently published edition of the National Electrical Safety Code issued by the Institute of Electrical and Electronics Engineers. The interconnection is subject to subparts 2 and 3.

Subp. 2. Interconnection.

The **qualifying facility** is responsible for complying with all applicable local, state, and federal codes, including building codes, the National Electrical Code (NEC), the National Electrical Safety Code (NESC), and noise and emissions standards. The utility must require proof that the **qualifying facility** is in compliance with the NEC before the interconnection is made. The **qualifying facility** must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 3. Generation system.

The **qualifying facility's** generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

7835.2200 RESPONSIBILITY FOR APPARATUS.

The **qualifying facility**, without cost to the utility, must furnish, install, operate, and maintain in good order and repair any apparatus the **qualifying facility** needs in order to operate in accordance with schedule E.

7835.2400 LEGAL STATUS NOT AFFECTED.

Nothing in this chapter affects the responsibility, liability, or legal rights of any party under applicable law or statutes. No party may require the execution of an indemnity clause or hold harmless clause in the written contract as a condition of service.

7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.**Subpart 1. Service to be offered.**

The utility must offer maintenance, interruptible, supplementary, and backup power to the **qualifying facility** upon request.

Subp. 2. Standby service; public utility.

A public utility may not impose a standby charge for standby service on a **qualifying facility** having 100 kilowatt capacity or less. A utility imposing rates on a **qualifying facility** having more than 100 kilowatt capacity must comply with an order of the commission establishing allowable costs.

Subp. 3. Standby service; cooperative or municipality.

A cooperative electric association or municipal utility must offer a **qualifying facility** standby power or service consistent with its applicable tariff for such service adopted under Minnesota Statutes, section 216B.1611, subdivision 3, clause (2).

7835.2800 DISCONTINUING SALES DURING EMERGENCY.

The utility may discontinue sales to the **qualifying facility** during a system emergency, if the discontinuance and recommencement of service is not discriminatory.

RATES

7835.3000 RATES FOR UTILITY SALES TO A **QUALIFYING FACILITY TO BE GOVERNED BY TARIFF.**

Except as otherwise provided in part 7835.3100, rates for sales to a **qualifying facility** must be governed by the applicable tariff for the class of electric utility customers to which the **qualifying facility** belongs or would belong were it not a **qualifying facility**.

7835.3100 PETITION FOR SPECIFIC SALES RATES.

Any **qualifying facility** or utility may petition the commission for establishment of specific rates for supplementary, maintenance, backup, or interruptible power.

7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPAL UTILITY.

Parts 7835.3200 to 7835.4000 apply to interconnections between a **qualifying facility** and a cooperative electric association or municipal utility.

7835.3200 STANDARD RATES FOR PURCHASES BY COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES FROM **QUALIFYING FACILITIES.**

Subpart 1. **Qualifying facilities with 100 kilowatt capacity or less.**

For **qualifying facilities** with capacity of 100 kilowatts or less, standard purchase rates apply. The utility must make available three types of standard rates, described in parts 7835.3300, 7835.3400, and 7835.3500. The **qualifying facility** with a capacity of 100 kilowatts or less must choose interconnection under one of these rates, and must specify its choice in the written contract required in part 7835.2000. Any net credit to the **qualifying facility** must, at its option, be credited to its account with the utility or returned by check within 15 days of the billing date. The option chosen must be specified in the written contract required in part 7835.2000. **Qualifying facilities** remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. **Qualifying facilities over 100 kilowatt capacity.**

A **qualifying facility** with more than 100 kilowatt capacity has the option to negotiate a contract with a utility or, if it commits to provide firm power, be compensated under standard rates.

7835.3300 AVERAGE RETAIL UTILITY ENERGY RATE.

Subpart 1. **Applicability.**

The average retail utility energy rate is available only to **qualifying facilities** with capacity of less than 40 kilowatts which choose not to offer electric power for sale on either a time-of-day basis or a simultaneous purchase and sale basis.

Subp. 2. Method of billing.

The utility must bill the **qualifying facility** for the excess of energy supplied by the utility above energy supplied by the **qualifying facility** during each billing period according to the utility's applicable retail rate schedule.

Subp. 3. Additional calculations for billing.

When the energy generated by the **qualifying facility** exceeds that supplied by the utility during a billing period, the utility must compensate the **qualifying facility** for the excess energy at the average retail utility energy rate.

7835.3400 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.

Subpart 1. Scope.

The simultaneous purchase and sale rate is available only to **qualifying facilities** with capacity of less than 40 kilowatts which choose not to offer electric power for sale on a time-of-day basis.

Subp. 2. Method of billing.

The **qualifying facility** must be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

Subp. 3. Compensation to **qualifying facility.**

The utility must purchase all energy and capacity which is made available to it by **the qualifying facility**. At the option of the **qualifying facility**, its entire generation must be deemed to be made available to the utility. Compensation to the **qualifying facility** must be the sum of items A and B.

A. The energy component must be the appropriate system average incremental energy costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule, applicable to the **qualifying facility**, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the **qualifying facility** provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule, applicable to the **qualifying facility**, filed in lieu of schedules A and B, divided by the number of hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of hours in the billing period. If the **qualifying facility** does not provide firm power to the utility, no capacity component may be included in the compensation paid to the **qualifying facility**.

7835.3500 TIME-OF-DAY PURCHASE RATES.

Subpart 1. Applicability.

Time-of-day rates are required for **qualifying facilities** with capacity of 40 kilowatts or more and less than or equal to 100 kilowatts, and they are optional for **qualifying facilities** with capacity less than 40 kilowatts. Time-of-day rates are also optional for **qualifying facilities** with capacity greater than 100 kilowatts if these **qualifying facilities** provide firm power.

Subp. 2. Method of billing.

The **qualifying facility** must be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require **qualifying facilities** that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

Subp. 3. Compensation to **qualifying facility.**

The utility must purchase all energy and capacity which is made available to it by the **qualifying facility**. Compensation to the **qualifying facility** must be the sum of items A and B.

A. The energy component must be the appropriate on-peak and off-peak system incremental costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule, applicable to the **qualifying facility**, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the **qualifying facility** provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule, applicable to the **qualifying facility**, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the **qualifying facility** does not provide firm power to the utility, no capacity component may be included in the compensation paid to the **qualifying facility**.

7835.3600 CONTRACTS NEGOTIATED BY CUSTOMER.

Except as provided in part 7835.3900, a **qualifying facility** with capacity greater than 100 kilowatts must negotiate a contract with the utility setting the applicable rates for payments to the customer of avoided capacity and energy costs.

7835.3700 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.

The **qualifying facility** which negotiates a contract under part 7835.3600 must be entitled to the full avoided capacity costs of the utility. The amount of capacity payments must be determined through consideration of:

A. the capacity factor of the **qualifying facility**;

- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the **qualifying facility** to provide firm power during system emergencies;
- F. the willingness and ability of the **qualifying facility** to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the **qualifying facility** to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; and
- I. the smaller capacity increments and the shorter lead times available when capacity is added from **qualifying facilities**.

7835.3800 FULL AVOIDED ENERGY COSTS.

The **qualifying facility** which negotiates a contract under part 7835.3600 must be entitled to the full avoided energy costs of the utility. The costs must be adjusted as appropriate to reflect line losses.

7835.3900 QUALIFYING FACILITIES OF GREATER THAN 100 KILOWATTS.

Nothing in parts 7835.3600 to 7835.3800 prevents a utility from connecting **qualifying facilities** of greater than 100 kilowatts under its standard rates.

7835.4000 UTILITY TREATMENT OF COSTS.

All purchases from **qualifying facilities** with capacity of 100 kilowatts or less, and purchases of energy from **qualifying facilities** with capacity of over 100 kilowatts must be considered an energy cost in calculating an electric utility's fuel adjustment clause.

7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.

Parts 7835.4011 to 7835.4023 apply to interconnections between a **qualifying facility** and a public utility.

7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES FROM QUALIFYING FACILITIES.

Subpart 1. Standard rates.

For **qualifying facilities** with less than 1,000 kilowatt capacity, standard rates apply. The utility must make available the types of standard rates described in parts 7835.4012 to 7835.4015. **Qualifying facilities** remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. Negotiated rates.

A **qualifying facility** with 1,000 kilowatt capacity or more has the option to negotiate a contract with a utility or, if it commits to provide firm power, be compensated under standard rates.

7835.4012 COMPENSATION.

Subpart 1. Facilities with less than 40 kilowatt capacity.

A **qualifying facility** with less than 40 kilowatt capacity has the option to be compensated at the average retail utility energy rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

Subp. 2. Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt capacity.

A **qualifying facility** with at least 40 kilowatt capacity but less than 1,000 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing rate, or at the time-of-day billing rate.

7835.4013 AVERAGE RETAIL ENERGY RATE.

Subpart 1. Method of billing.

The utility must bill the **qualifying facility** for the energy supplied by the utility that exceeds the amount of energy supplied by the **qualifying facility** during each billing period according to the utility's applicable retail rate schedule.

Subp. 2. Additional calculations for billing.

When the energy generated by the **qualifying facility** exceeds that supplied by the utility during a billing period, the utility must compensate the **qualifying facility** for the excess energy at the average retail utility energy rate.

7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.

Subpart 1. Method of billing.

The **qualifying facility** must be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

Subp. 2. Compensation to **qualifying facility.**

The utility must purchase all energy and capacity which is made available to it by **the qualifying facility**. At the option of the **qualifying facility**, its entire generation must be deemed to be made available to the utility. Compensation to the **qualifying facility** must be the sum of items A and B.

A. The energy component must be the appropriate system average incremental energy costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule applicable to the **qualifying facility**, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the **qualifying facility** provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on

schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the **qualifying facility**, filed in lieu of schedules A and B, divided by the number of hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of hours in the billing period. If the **qualifying facility** does not provide firm power to the utility, no capacity component may be included in the compensation paid to the **qualifying facility**.

7835.4015 TIME-OF-DAY PURCHASE RATES.

Subpart 1. Method of billing.

The **qualifying facility** must be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require **qualifying facilities** that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

Subp. 2. Compensation to **qualifying facility.**

The utility must purchase all energy and capacity which is made available to it by **the qualifying facility**. Compensation to the **qualifying facility** must be the sum of items A and B.

A. The energy component must be the appropriate on-peak and off-peak system incremental costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule applicable to the **qualifying facility**, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the **qualifying facility** provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the **qualifying facility**, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the **qualifying facility** does not provide firm power to the utility, no capacity component may be included in the compensation paid to the **qualifying facility**.

7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.

Subpart 1. Applicability.

Individual system capacity limits are subject to the requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

Subp. 2. Usage history.

A facility subject to capacity limits with less than 12 calendar months of actual electric usage or no demand metering available is subject to limits based on data for similarly situated customers combined with any actual data for the facility.

7835.4017 NET METERED FACILITY; BILL CREDITS.

Subpart 1. Kilowatt-hour credit.

A customer with a **net metered facility** can elect to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision 3a, and the following conditions:

- A. the customer is not receiving a value of solar rate under Minnesota Statutes, section 216B.164, subdivision 10;
- B. the customer is interconnected with a public utility; and
- C. the **net metered facility** has a capacity of at least 40 kilowatt capacity but less than 1,000 kilowatt capacity.

Subp. 2. Notification to customer.

A public utility must notify the customer of the option to be compensated for net input in the form of a kilowatt-hour credit under subpart 1. The public utility must inform the customer that if the customer does not elect to be compensated for net input in the form of a kilowatt-hour credit on the bill, the customer will be compensated for the net input at the utility's avoided cost rate, as described in the utility's tariff for that customer class.

Subp. 3. End-of-year net input.

A public utility must compensate the customer, in the form of a payment, for any net input remaining at the end of the calendar year at the utility's avoided cost rate, as described in the utility's tariff for that class of customer.

7835.4018 AGGREGATION OF METERS.

A public utility must aggregate meters at the request of a customer as described in Minnesota Statutes, section 216B.164, subdivision 4a.

7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR MORE.

A **qualifying facility** with capacity of 1,000 kilowatt capacity or more must negotiate a contract with the public utility to set the applicable rates for payments to the customer of avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents a utility from connecting **qualifying facilities** of greater than 1,000 kilowatt capacity under its avoided cost rates.

7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.

The **qualifying facility** which negotiates a contract under part 7835.4019 must be entitled to the full avoided capacity costs of the utility. The amount of capacity payments must be determined through consideration of:

- A. the capacity factor of the **qualifying facility**;
- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the **qualifying facility** to provide firm power during system emergencies;
- F. the willingness and ability of the **qualifying facility** to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the **qualifying facility** to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; and
- I. the smaller capacity increments and the shorter lead times available when capacity is added from **qualifying facilities**.

7835.4021 UTILITY TREATMENT OF COSTS.

All purchases from **qualifying facilities** with capacity of less than 40 kilowatts and purchases of energy from **qualifying facilities** with capacity of 40 kilowatts or more must be considered an energy cost in calculating a utility's fuel adjustment clause.

7835.4022 LIMITING CUMULATIVE GENERATION.

A public utility requesting that the commission limit cumulative generation of **net metered facilities** under Minnesota Statutes, section 216B.164, subdivision 4b, must file its request with the commission under chapter 7829.

7835.4023 ALTERNATIVE TARIFF FOR VALUE OF SOLAR.

If a public utility has received commission approval of an alternative tariff for the value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff applies to new solar photovoltaic interconnections effective after the tariff approval date.

WHEELING AND EXCHANGE AGREEMENTS

7835.4100 WHEN REQUIRED.

For all **qualifying facilities** with capacity of 30 kilowatts or greater, the utility, at the **qualifying facility's** request or with its consent, must provide wheeling or exchange agreements whenever practicable to sell the **qualifying facility's** output to any other Minnesota utility that anticipates or plans generation expansion in the ensuing ten years. Parts 7835.4200 to 7835.4400 apply unless the **qualifying facility** and the utility to which it is interconnected agree otherwise.

7835.4200 INTERUTILITY PAYMENT; WHEELING.

The utility to which the **qualifying facility** is interconnected must pay any reasonable wheeling charges from other utilities arising from the sale of the **qualifying facility's** output.

7835.4300 INTERUTILITY PAYMENT; ENERGY AND CAPACITY.

Within 30 days of receipt, the utility ultimately receiving the **qualifying facility's** output must pay its resulting full avoided capacity and energy costs by remittance to the utility with which the **qualifying facility** is interconnected.

7835.4400 PAYMENT TO QUALIFYING FACILITY.

Within 15 days of receiving payment under part 7835.4300, the utility with which the **qualifying facility** is interconnected must send the **qualifying facility** the payment it has received less the total charges it has incurred under part 7835.4200 and its own reasonable wheeling costs.

DISPUTES**7835.4500 COMMISSION DETERMINATION.**

In case of a dispute between a utility and a **qualifying facility** or an impasse in the negotiations between them, either party may request the commission to determine the issue. When the commission makes the determination, the burden of proof must be on the utility.

7835.4550 FEES AND COSTS.

In the order resolving the dispute, the commission shall require the prevailing party's reasonable costs, disbursements, and attorney's fees to be paid by the party against whom the issue or issues were adversely decided, except that a **qualifying facility** will be required to pay the costs, disbursements, and attorney's fees of the utility only if the commission finds that the claims of the **qualifying facility** have been made in bad faith or are a sham or frivolous.

NOTIFICATION TO CUSTOMERS**7835.4600 CONTENTS OF WRITTEN NOTICE.**

Within 60 days following each annual filing required by parts 7835.0300 to 7835.1200, every utility must furnish written notice to each of its customers that the utility is obligated to interconnect with and purchase electricity from cogenerators and small power producers; that the utility is obligated to provide information to all interested persons free of charge upon request; and that any disputes over interconnection, sales, and purchases are subject to resolution by the commission upon complaint.

The notice must be in language and form approved by the commission.

7835.4700 AVAILABILITY OF INFORMATION.

Each utility must publish information that must be available to all interested persons free of charge upon request. Such information must include at least the following:

- A. a statement of rates, terms, and conditions of interconnections;
- B. a statement of technical requirements;
- C. a sample contract containing the applicable terms and conditions;

D. pertinent rate schedules;

E. the title, address, and telephone number of the department of the utility to which inquiries should be directed; and

F. the statement: "The Minnesota Public Utilities Commission is available to resolve disputes upon written request," and the address and telephone number of the commission.

INTERCONNECTION CONTRACTS

7835.4750 INTERCONNECTION STANDARDS.

Before a customer signs the uniform statewide contract, a utility must distribute to that customer a copy of, or electronic link to, the commission's order establishing interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023, or to currently effective interconnection standards established by subsequent commission order.

7835.5900 EXISTING CONTRACTS.

Any existing interconnection contract executed between a utility and a **qualifying facility** with capacity of less than 40 kilowatts remains in force until terminated by mutual agreement of the parties or as otherwise specified in the contract.

7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.

Generators own all renewable energy credits unless:

- A. other ownership is expressly provided for by a contract between a generator and a utility;
- B. state law specifies a different outcome; or
- C. specific commission orders or rules specify a different outcome.

7835.6000 CONTRACT LANGUAGE FLEXIBILITY.

Electric utilities organized as cooperatives may substitute "Cooperative" wherever "Utility" appears in the uniform statewide contract in part 7835.9910.

7835.6100 UNIFORM STATEWIDE CONTRACT.

The form of the uniform statewide contract for use between a utility and a **qualifying facility** having less than 40 kilowatts of capacity must be as shown in part 7835.9910.

7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.

The form for the uniform statewide contract must be applied to all new and existing interconnections between a utility and cogeneration and small power production facilities having less than 1,000 kilowatts of capacity, except as described in part 7835.5900.

UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER PRODUCTION FACILITIES

THIS CONTRACT is entered into _____, _____, by _____ (hereafter called "Utility") and _____ (hereafter called "QF").

RECITALS

The QF has installed electric generating facilities, consisting of _____ (Description of facilities), rated at _____ kilowatts of electricity, on property located at _____.

The QF is prepared to generate electricity in parallel with the Utility.

The QF's electric generating facilities meet the requirements of the Minnesota Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and Small Power Production and any technical standards for interconnection the Utility has established that are authorized by those rules.

The Utility is obligated under federal and Minnesota law to interconnect with the QF and to purchase electricity offered for sale by the QF.

A contract between the QF and the Utility is required by the Commission's rules.

AGREEMENTS

The QF and the Utility agree:

- 1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.
2. The Cooperative Electric Association or Municipally Owned Electric Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF elects the rate schedule category hereinafter indicated:
a. Average retail utility energy rate under part 7835.3300.
b. Simultaneous purchase and sale billing rate under part 7835.3400.
c. Time-of-day purchase rates under part 7835.3500.

A copy of the presently filed rate schedule is attached to this contract.

- 3. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:
a. Average retail utility energy rate under part 7835.4013.
b. Simultaneous purchase and sale billing rate under part 7835.4014.

___ c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

4. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF is not a net metered facility and has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

___ a. Simultaneous purchase and sale billing rate under part 7835.4014.

___ b. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

5. The Public Utility will buy electricity from a net metered facility under the current rate schedule filed with the Commission or will compensate the facility in the form of a kilowatt-hour credit on the facility's energy bill. If the net metered facility has at least 40 kilowatts capacity but less than 1,000 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:

___ a. Kilowatt-hour energy credit on the customer's energy bill, carried forward and applied to subsequent energy bills, with an annual true-up under part 7835.4017.

___ b. Simultaneous purchase and sale billing rate under part 7835.4014.

___ c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

6. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility or of the Commission, and the QF and the Utility agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

7. The Public Utility, Cooperative Electric Association, or Municipally Owned Electric Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF, other than kilowatt-hour credits under clause 5, will be made under one of the following options as chosen by the QF:

___ a. Credit to the QF's account with the Utility.

___ b. Paid by check to the QF within 15 days of the billing date.

8. Renewable energy credits associated with generation from the facility are owned by:

9. The QF must operate its electric generating facilities within any rules, regulations, and policies adopted by the Utility not prohibited by the Commission's rules on Cogeneration and Small Power Production which provide reasonable technical connection and operating specifications for the QF. This agreement does not waive the QF's right to bring a dispute before the Commission as authorized by Minnesota Rules, part 7835.4500, and any other provision of the Commission's rules on Cogeneration and Small Power Production authorizing Commission resolution of a dispute.

10. The Utility's rules, regulations, and policies must conform to the Commission's rules on Cogeneration and Small Power Production.

11. The QF will operate its electric generating facilities so that they conform to the national, state, and local electric and safety codes, and will be responsible for the costs of conformance.

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:

_____.

13. The QF will give the Utility reasonable access to its property and electric generating facilities if the configuration of those facilities does not permit disconnection or testing from the Utility's side of the interconnection. If the Utility enters the QF's property, the Utility will remain responsible for its personnel.

14. The Utility may stop providing electricity to the QF during a system emergency. The Utility will not discriminate against the QF when it stops providing electricity or when it resumes providing electricity.

15. The Utility may stop purchasing electricity from the QF when necessary for the Utility to construct, install, maintain, repair, replace, remove, investigate, or inspect any equipment or facilities within its electric system. The Utility will notify the QF before it stops purchasing electricity in this way: _____

_____.

16. The QF will keep in force liability insurance against personal or property damage due to the installation, interconnection, and operation of its electric generating facilities. The amount of insurance coverage will be \$_____ (The amount must be consistent with the Commission's interconnection standards under Minnesota Rules, part 7835.4750).

17. This contract becomes effective as soon as it is signed by the QF and the Utility. This contract will remain in force until either the QF or the Utility gives written notice to the other that the contract is canceled. This contract will be canceled 30 days after notice is given.

18. This contract contains all the agreements made between the QF and the Utility except that this contract shall at all times be subject to all rules and orders issued by the Public Utilities Commission or other government agency having jurisdiction over the subject matter of this contract. The QF and the Utility are not responsible for any agreements other than those stated in this contract.

THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT THE BEGINNING OF THIS CONTRACT.

QF

By: _____

UTILITY

By: _____

(Title)

7835.9920 NONSTANDARD PROVISIONS.

A utility intending to implement provisions other than those included in the uniform statewide form of contract must file a request for authorization with the commission. The filing must conform with chapter 7829 and must identify all provisions the utility intends to use in the contract with a **qualifying facility.**

CERTIFICATE OF SERVICE

I, Christine Schwartz, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

DOCKET No. E002, E111, E017, E015/CI-24-200

Dated this 17th day of September 2024

/s/

Christine Schwartz
Regulatory Administrator

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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Douglas M.	Carnival	dcarnival@carnivalberns.com	McGrann Shea Carnival Straughn & Lamb	N/A	Electronic Service	No	OFF_SL_24-200_Official
Pat	Carruth	pat@mnvalleyrec.com	Minnesota Valley Coop. Light & Power Assn.	501 S 1st St. PO Box 248 Montevideo, MN 56265	Electronic Service	No	OFF_SL_24-200_Official
Kenneth A.	Colburn	kcolburn@symbioticstrategies.com	Symbiotic Strategies, LLC	26 Winton Road Meredith, NH 32535413	Electronic Service	No	OFF_SL_24-200_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_24-200_Official
Brandon	Cox	brandon.cox@magellanlp.com	Magellan Pipeline Company, L.P.	6160 Summit Dr N, Suite 205 Brooklyn Center, MN 55430	Electronic Service	No	OFF_SL_24-200_Official
Kevin	Cray	kevin@communitysolaraccess.org	CCSA	1644 Platte St Denver, CO 80202	Electronic Service	No	OFF_SL_24-200_Official
George	Crocker	gwillc@nawo.org	North American Water Office	5093 Keats Avenue Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_24-200_Official

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Cheryl	Dietrich	cheryl.dietrich@nexteraenergy.com	NextEra Energy Resources, LLC	700 Universe Blvd E1W/JB Juno Beach, FL 33408	Electronic Service	No	OFF_SL_24-200_Official
Kristin	Dolan	kdolan@meeker.coop	Meeker Cooperative Light & Power Assn	1725 US Hwy 12 E. Ste 100 Litchfield, MN 55355	Electronic Service	No	OFF_SL_24-200_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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David	Freestate	dfreestate@epri.com	EPRI	942 Corridor Park Blvd Knoxville, TN 37932	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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