

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

In the Matter of Northern States Power  
Company d/b/a Xcel Energy’s Petition for  
Approval of the Transmission Cost Recovery  
Rider Revenue Requirements for 2021 and  
2022, Tracker True-up and Revised  
Adjustment Factors

ISSUE DATE: June 28, 2023

DOCKET NO. E-002/M-21-814

ORDER APPROVING RIDER  
RECOVERY, CAPPING COSTS, AND  
SETTING FILING REQUIREMENTS

**PROCEDURAL HISTORY**

On November 24, 2021, Northern States Power Company d/b/a Xcel Energy (Xcel or the Company) filed a petition seeking approval of its 2021–2022 Transmission Cost Recovery (TCR) Rider revenue requirements and resulting adjustment factors by customer class (the TCR Rider petition).

On February 7, 2022, the Commission issued a Notice of Comment Period.<sup>1</sup>

On April 4, 2022, the Commission suspended the TCR Rider petition comment period.

June 2, 2022, the Commission approved the agreement between the Department of Commerce, Division of Energy Resources (Department) and Xcel, regarding the procedural review of the TCR Rider petition, and required Xcel to supplement the record with additional information about its planned Advanced Metering Infrastructure (AMI) and Field Area Network (FAN) investments.

On August 17, 2022, Xcel filed a supplement to its TCR Rider petition.

On August 22, 2022, the Commission issued a Notice of Comment Period on the TCR Rider petition and supplement.

On October 17, 2022, the Commission received comments from:

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<sup>1</sup> The notice contained two separate comment periods, one for the Advanced Grid Intelligence and Security (AGIS) Related Scoping & Procedures, and the other for the TCR Rider petition.

- The Department.<sup>2</sup>
- the Office of Attorney General, Residential Utilities Division (OAG).
- Citizens Utility Board (CUB).

On November 16, 2022, the Commission received reply comments from:

- Xcel.
- The Department, OAG, and CUB, jointly (the Joint Commenters).

On May 2, 2023, the Joint Commenters filed supplemental comments.

On May 4, 2023, the Commission met to consider the matter.

## FINDINGS AND CONCLUSIONS

### I. Background

Xcel's TCR Rider petition proposes cost recovery under the Company's TCR Rider, which is governed by Minn. Stat. § 216B.16, subd. 7b (the TCR statute).

Generally, a public utility may not change its rates without undergoing a rate case in which the Commission comprehensively reviews the utility's costs and revenues. However, the Legislature has created exceptions to this general policy that allow a utility to implement a rider to expedite recovery of certain costs not reflected in the company's current base rates.

The TCR statute authorizes the Commission to approve the automatic adjustment of charges for the Minnesota jurisdictional costs associated with a utility's new transmission facilities through a utility's TCR rider. Minn. Stat. § 216B.16, subd. 7b(b)(5) specifically "allows the utility to recover costs associated with investments in distribution facilities to modernize the utility's grid that have been certified by the commission under Minn. Stat. § 216B.2425."

Under Minn. Stat. § 216B.16, subd. 7b(b)(2), net costs are authorized for recovery if the charges were "incurred under a federally approved tariff that accrue from other transmission owners' regionally planned transmission projects that have been determined by the Midcontinent Independent System Operator to benefit the utility or integrated transmission system. These charges must be reduced or offset by revenues received by the utility and by amounts the utility charges to other regional transmission owners, to the extent those revenues and charges have not been otherwise offset."

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<sup>2</sup> The Department retained Synapse Energy Economics, Inc. (Synapse) in response to the Commission's September 27, 2019 Order in Docket No. E-002/M-17-797 requesting that the Department secure specialized technical professional investigative services to investigate the potential costs and benefits of grid modernization investments proposed by Xcel in its next rate case or TCR filing and to assist the Department in providing recommendations to the Commission regarding any such investments. Attached to the Department's Initial Comments is a report from Synapse containing its analysis and recommendations regarding Xcel's distribution-grid modernization projects.

## II. Xcel's Petition

Xcel seeks approval of its 2021–2022 TCR rider revenue requirements and resulting rate adjustment factors by customer class. Xcel proposed a 2022 TCR rider revenue requirement of approximately \$104.5 million, \$41.9 million of which is attributable to AMI, FAN, and other AGIS investments. Xcel projects that by 2024, the revenue requirement associated with these projects will grow to \$63.6 million, yielding total rider recovery of more than \$200 million for AGIS investments within the 2019–2024 period. In terms of direct capital investment, the Company projects investing capital of \$464.4 million in AMI and FAN alone in 2020–2026.

The proposed 2022 revenue requirement represents an increase of approximately \$22.6 million over the 2020 revenue requirements of approximately \$81.9 million. Xcel explained that this increase is primarily driven by the addition of new Distribution-Grid Modernization projects and the in-servicing of the Huntley–Wilmarth project at the end of 2021.

Xcel calculated its proposed revenue requirements and the resulting adjustment factors with an assumed implementation date of June 1, 2022, and the Company is proposing to recalculate the adjustment factors for implementation in compliance based on the timing of the Commission's order.

Through Xcel's TCR Rider Petition, the Company is proposing to recover the following:

- Costs associated with distribution-grid modernization projects previously certified by the Commission and eligible for TCR cost recovery, listed below.
  - The ADMS Project<sup>3</sup>
  - The AMI Project<sup>4</sup>
  - The FAN Project<sup>5</sup>
  - The TOU Rider Pilot<sup>6</sup>
  - The APT/LoadSEER project<sup>7</sup>
- Costs associated with transmission projects previously approved for TCR Rider recovery, listed below.

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<sup>3</sup> The Commission certified the Advanced Distribution Management System (ADMS) Project in Docket No. E-002/M-15-962. The Commission approved TCR Rider recovery of the ADMS Project in Docket No. E-002/M-17-797.

<sup>4</sup> The Commission certified the Advanced Metering Infrastructure (AMI) Project in Docket No. E-002/M-19-666.

<sup>5</sup> The Commission certified the Field Area Network (FAN) Project in Docket No. E-002/M-19-666.

<sup>6</sup> The Commission certified the Time-of-Use (TOU) Rider Pilot Project in Docket No. E-002/M-17-775.

<sup>7</sup> The Commission certified the Advanced Distribution Planning Tool (APT) (now referred to as LoadSEER) Project in Docket No. E-002/M-19-666.

- CapX2020 Fargo–Twin Cities<sup>8</sup>
- CapX2020 La Crosse<sup>9</sup>
- CapX2020 Brookings–Twin Cities<sup>10</sup>
- La Crosse–Madison (also referred to as Badger–Coulee)<sup>11</sup>
- CapX2020 Big Stone–Brookings<sup>12</sup>
- Huntley-Wilmarth<sup>13</sup>

### **III. Comments**

The Department reviewed Xcel’s actual and forecasted capital expenditures for each transmission project included in the TCR Rider petition. The Department recommended that the Commission approve recovery of the proposed transmission costs and approve the AGIS-related components of Xcel 2021–2022 TCR revenue requirement and resulting adjustment factors.<sup>14</sup> The AGIS-related components include the AMI, FAN, LoadSEER, ADMS, and TOU Pilot investments and expenditures.

With respect to cost recovery of grid modernization projects, the Department, OAG, and CUB (the Joint Commentors) recommended that the Commission protect consumers from cost overruns and ensure customer benefits are realized by establishing cost caps, revenue sharing mechanisms, performance metrics and targets, and requiring comprehensive project reporting.

#### **A. Cost Caps**

The Joint Commentors proposed a cap on AMI and FAN cost recovery via the TCR Rider. Xcel and the Joint Commentors agreed on instituting a cap but disagreed on the values for it and whether it should apply separately to AMI and FAN recovery.

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<sup>8</sup> The Commission approved TCR Rider cost recovery for the CapX2020 Fargo–Twin Cities project in Docket No. E-002/M-09-1048.

<sup>9</sup> The Commission approved TCR Rider cost recovery for the CapX2020 La Crosse projects in Docket No. E-002/M-09-1048.

<sup>10</sup> The Commission approved TCR Rider cost recovery for the CapX2020 Brookings–Twin Cities project in Docket No. E-002/M-12-50.

<sup>11</sup> The Commission approved TCR Rider cost recovery for the La Crosse–Madison project in Docket No. E-002/M-15-891.

<sup>12</sup> The Commission approved TCR Rider cost recovery for the CapX2020 Big Stone–Brookings project in Docket No. E-002/M-15-891.

<sup>13</sup> The Commission approved TCR Rider cost recovery for the Huntley-Wilmarth project in Docket No. E-002/M-19-721.

<sup>14</sup> The Department retained Synapse to review Xcel’s AGIS-related cost recovery request in the TCR Rider petition and recommended that the Commission adopt the recommendations made by Synapse regarding Xcel’s AGIS-related cost recovery request. Synapse’s report summarizing its analysis and recommendations regarding Xcel’s distribution-grid modernization projects is included in the Department’s October 17, 2022 comments.

The Department recommended that the Commission set a cost cap for AMI and FAN cost recovery based upon the cost information provided by the Company in its TCR Rider petition, specifically, based upon the total budget, inclusive of capital investments and operations and maintenance (O&M) expenses. The Department proposed requiring the Company to seek Commission approval for any spending that exceeds its proposed budget.

The OAG recommended that the Commission cap rider recovery at Xcel's initial estimates for AMI and FAN to enforce fiscal discipline and align the Company's incentives with ratepayer interests. The OAG and CUB stated that each project should be subject to separate O&M and capital costs caps based on Xcel's estimates for each category.

Xcel requested that any cost caps be applied in aggregate to allow the Company flexibility in managing costs as it installs AMI and FAN. Xcel agreed with the Department that it should be given the opportunity to recover costs above the capped amount in a future rate case provided the Company meets its burden of proving the prudence of such costs.

In addition, Xcel contended that cost caps should be set based on current information provided in this docket.

Xcel disagreed that O&M and capital costs should be subject to different caps and argued that the cap should be applied in an aggregate basis.

## **B. Cost Savings and Revenue Sharing**

Xcel and the Joint Commentors agreed that savings should be returned to ratepayers.

According to the Company, AMI and FAN will benefit its customers by providing better insights into energy usage, facilitating advanced rate designs, and reducing various distribution system costs, among other benefits. The Company proposed that the benefits of reduced distribution system costs will be passed on to customers through the normal, existing process of cost recovery and ratemaking.

The Joint Commentors recommended that the Commission require the Company to track and return any incremental cost savings or revenues attributable to the AMI and FAN investments to customers through an annual true-up process in the Company's TCR Rider, with cost savings or revenues included as a credit or offset in the Company's true-up filing.

Xcel did not oppose the Joint Commentors' recommendation to return applicable revenues from AMI and FAN to customers through the TCR Rider.<sup>15</sup>

## **C. Project Reporting and Performance Metrics**

To evaluate performance, the Joint Commenters recommended development of Performance Incentive Mechanisms (PIMs), using the PIM Design Process outlined in Docket No. E-002/CI-17-401 and suggested a set of performance evaluation metrics and targets that would

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<sup>15</sup> Xcel clarified that cost savings reflected in the Company's cost-benefit analyses are not trackable in a way that would facilitate returning those cost savings to customers.

serve as the basis for evaluating the ongoing performance and cost recovery request of the Company's AMI and FAN investments. Further, the Joint Commentors recommended the metrics be reported annually along with a second set of metrics and a narrative reporting element.

Overall, Xcel agreed to report on the metrics proposed by the Joint Commentors, but it opposed imposing PIMs for AMI and FAN.

#### **IV. Commission Action**

The Commission concurs with the parties that the filing meets the requirements of the TCR statute and that the costs for which the Company seeks recovery should be recovered through the TCR Rider. Therefore, the Commission will approve the 2021–2022 TCR Rider recovery of the transmission projects, ADMS Project, APT/LoadSEER, TOU Rider Pilot, and the AMI and FAN projects as proposed in Xcel's November 24, 2021, TCR Rider petition.

Regarding cost-cap values, the Commission agrees with Xcel and will cap rider recovery based on the 2021 cost estimates. The Commission will also apply separate cost caps for capital costs and O&M expenses to each project and limit cost recovery to the cost caps unless the Company can show by clear and convincing evidence that the cost overruns were reasonable, prudent, and beyond the Company's control. The Commission is not persuaded that applying separate cost caps for capital costs and O&M expenses eliminates the Company's flexibility in managing costs. This approach balances both the Company's need for flexibility and cost recovery and the need to protect ratepayers from unreasonable costs. Therefore, the AMI and FAN projects are subject to the respective, individual cost caps for capital costs and O&M expenses as set forth in the ordering paragraphs below.

The Commission will direct Xcel to recalculate adjustment factors and make a compliance filing reflecting the cost-cap values and any other applicable modifications approved by the Commission in this order. Within fifteen days, Xcel shall update its proposed notice to customers regarding the change in the TCR adjustment factors reflected in their monthly electric bills.

The Commission appreciates the parties' proposals to ensure that cost savings or revenues attributable to the AMI and FAN investments are passed through to customers. The Commission finds the Joint Commentors' recommendation reasonable that Xcel be required to track any incremental cost savings or revenues attributable to the AMI and FAN investments and return them to customers through an annual true-up process in the Company's TCR Rider. Therefore, the Commission will require Xcel to return applicable cost savings and revenues from AMI and FAN to customers through the TCR Rider, as set forth in the ordering paragraphs below.

Performance metrics and evaluations are critical to maximizing the benefits of the AGIS investments for ratepayers. The Commission appreciates the Company's willingness to provide reports on the metrics proposed by the Joint Commentors. The proposed reporting metrics are reasonable and provide a pathway to evaluating grid modernization projects for cost recovery. Therefore, the Commission will require Xcel to provide the reporting, as set forth in the ordering paragraphs below.

To facilitate further development of performance metrics and evaluations, the Commission will require Xcel to propose PIMs, using the PIM Design Process outlined in Docket No. E-002/CI-17-401, in its next TCR Rider proceeding. To establish baselines, the Commission will require Xcel to provide three years of data pertaining to the performance metrics set forth in Attachment 1, Table 1 of Staff Briefing Papers–Volume 2 filed on April 26, 2023.

The Commission will also require Xcel to file an update, in Docket No. E-002/CI-17-401, that describes the Company’s consideration of how existing metrics in Performance Based Ratemaking (PBR) might reasonably serve to capture AMI and FAN benefits as well as additional benefits of AMI and FAN listed in the Company’s initial petition but not captured in the metrics required to be reported upon by this Order. In its next Integrated Distribution Planning (IDP) filing, the Commission will require the Company to provide a comprehensive framework for assessing cybersecurity and customer data protections. The Company agreed to provide the requested information.

The Commission will also direct the Company to make compliance filings and file additional information as set forth in the ordering paragraphs below. The required information will facilitate further record development on issues related to the development of performance metrics for cost recovery. Xcel agreed to provide the required metrics in a live .xls spreadsheet to ensure that stakeholders and Commission staff are able to access the data.

The Commission delegates authority to the Executive Secretary to establish comment periods and vary the deadlines and time periods for compliance filings and any reporting required by this order as set forth in the ordering paragraphs below.

## **ORDER**

1. The Commission approves the 2021–2022 TCR Rider recovery of the transmission projects as proposed in Xcel’s November 24, 2021 Petition.
2. The Commission approves the 2021–2022 TCR Rider recovery of the ADMS Project, APT/LoadSEER project, and TOU Rider Pilot as proposed in Xcel’s November 24, 2021 Petition.
3. The Commission approves the 2021–2022 TCR Rider recovery of the AMI and FAN projects as proposed in Xcel’s November 24, 2021 Petition, subject to any changes adopted in subsequent ordering paragraphs.
4. The AMI and FAN projects are subject to the following respective cost caps for capital costs and operations and maintenance (O&M) expenses:
  - a. AMI cost caps:
    - i. Capital: \$366.3 million;
    - ii. O&M: \$92.9 million.

- b. FAN cost caps:
    - i. Capital: \$98.1 million;
    - ii. O&M: \$6.4 million.
  - c. Cost recovery is limited to the cost caps above unless the Company can show by clear and convincing evidence that the cost overruns were reasonable, prudent, and beyond the Company's control.
5. Xcel shall track any incremental cost savings or revenues attributable to the AMI and FAN investments and return them to customers through an annual true-up process in the Company's TCR Rider.
  6. Xcel shall recalculate adjustment factors in light of the cost caps and any other applicable modifications approved by the Commission. Xcel shall file a compliance filing within 15 days of the date of this order. The Commission delegates authority to the Executive Secretary to establish comment periods on the compliance filing and approve the filing if no party objects to the compliance filing.
    - a. In the compliance filing, Xcel shall provide a detailed description of the sources for the class cost allocations for each of the factors, if and when those class cost allocations were approved by the Commission, how they compare to Xcel's class cost allocators in their pending rate case, and when those allocators will be integrated into a future filing for recovery.
  7. Xcel shall update the proposed customer notice within 15 days of the date of this order.
  8. The Commission delegates approval of the customer notice to the Executive Secretary.
  9. Xcel shall report the following AGIS information annually, in narrative form, beginning November 1, 2023, in the instant docket and subsequent TCR proceedings:
    - a. A comprehensive account of all functionalities achieved and any changes to functionality or potential future uses.
    - b. The Company's plan and scope for implementation in the upcoming year.
    - c. Implementation and integration status of related information technology systems in comparison to the Company's plans and scope.
    - d. Description and explanation of any AMI or FAN functionalities that have been disabled and the number of impacted meters.
    - e. Revenue-generating opportunities identified or engaged that relate to the use of AMI, FAN, or the use of associated data or distributed intelligence technologies.



- f. All entities with whom the Company shares AMI data.
  - g. Any metrics derived from the quantitative benefits assumed in Xcel's benefit-cost analysis of the AMI and FAN projects that are not represented in Attachment 1, Table 1 of Staff Briefing Papers–Volume 2 filed on April 26, 2023.
  - h. An explanation of why any benefits Xcel had promised for AMI and FAN do not materialize.
- 10. Beginning November 1, 2023, Xcel shall file an annual report of the metrics outlined in Attachment 1, Tables 1 and 2 of Staff Briefing Papers–Volume 2 filed on April 26, 2023, in the instant docket and subsequent TCR proceedings unless otherwise directed by the Executive Secretary.
  - a. For metrics for which performance may not yet be tracked, the Company must specify when it expects to be able to begin tracking performance.
  - b. For any metric that the Company is unable to provide data for, the Company must explain why it is unable to do so and what efforts can be taken to obtain that data in future reports.
- 11. The Commission delegates authority to the Executive Secretary to take comment on Xcel's annual reports which may occur in a TCR, Performance Based Ratemaking (PBR), or other proceeding.
- 12. The Commission delegates authority to the Executive Secretary to vary the deadlines and time periods for any reporting required by this order.
- 13. As part of a forthcoming comment period in this docket and/or Xcel's next TCR Rider proceeding, Xcel shall file an update describing the Company's consideration of AMI and FAN benefits, which include but are not limited to: deployment; reliability; EVs; meter adaptability; high-impedance detection; connectivity; safety; security; and use of customer data, and the extent to which existing metrics in PBR might reasonably serve to capture those benefits.
- 14. Xcel shall, within 60 days of the date of this order, file an .xls spreadsheet containing data for at least the three previous years pertaining to all metrics in Attachment 1, Table 1 of Staff Briefing Papers–Volume 2 filed on April 26, 2023, to the extent possible, and where the data cannot be provided, explain why. The Commission delegates authority to the Executive Secretary to set baselines after a 30-day negative check off process.
- 15. In a compliance filing to be submitted no later than 60 days of the date of this order, Xcel shall:
  - a. Provide interim performance targets for each of the performance metrics that are “undefined” in Attachment 1, Table 1 of Staff Briefing Papers–Volume 2 filed on April 26, 2023. Such interim performance targets must

be based upon projected benefits used in the Company's benefit-cost analysis of the AMI and FAN Projects, and any other pertinent information.

- b. Propose evaluation methods for each of the metrics.
16. In the Company's next TCR Rider Proceeding, Xcel shall propose Performance Incentive Mechanisms (PIMs) for each performance target listed in Attachment 1, Table 1 of Staff Briefing Papers–Volume 2 filed on April 26, 2023, using the PIM Design Process outlined in Docket No. E-002/CI-17-401. Xcel's PIM proposal shall include, at minimum, the following elements:
  - a. PIM structure.
  - b. The dates when the PIMs will take effect and terminate.
  - c. Determination of the quantifiable and verifiable incentive values associated with each PIM for performances above and below future associated targets. This may include a neutral zone around any particular target for acceptable performance.
  - d. Determination of the incentive values to be associated with each PIM.
  - e. Specific mechanisms for effectuating a penalty or incentive on the Company.
    - i. Xcel's PIM proposal must include at least two penalty options: one that calculates the penalty as a proportion of the incremental costs of the proposed investments compared to the least-cost alternative, and another that calculates the penalty as a proportion of the return on these incremental costs.
    - ii. Xcel's PIM proposal must consider Hawaii's approach with use of penalties and incentives for performance at certain thresholds and a "deadband," a neutral zone around the target for acceptable performance with no attached penalty or incentive.
  - f. An explanation of how stakeholders were engaged in the creation of PIMs.
17. Xcel shall provide a comprehensive framework in its November 1, 2023, Integrated Distribution Plan for assessing:
  - a. HAN, AMI and AMI-DI specifications and related customer data access policies.
  - b. Bring-your-own device HAN requirements and terms.

- c. Potential terms and conditions for third-party data access to AMI, AMI-DI or HAN.
- d. Methods to provide customers equal access to the level of data available to the utility.
- e. A summary of industry customer data access standards.

18. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



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## **CERTIFICATE OF SERVICE**

I, Mai Choua Xiong, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission**

**ORDER APPROVING RIDER RECOVERY, CAPPING COSTS, AND SETTING  
FILING**

Docket Number **E-002/M-21-814**

Dated this 28<sup>th</sup> day of June, 2023

/s/ MAI CHOUA XIONG

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-814_M-21-814
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