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September 16, 2015

VIA ELECTRONIC FILING

Daniel P. Wolf  
Executive Secretary  
Minnesota Public Utilities Commission  
350 Metro Square Building  
121 Seventh Place East  
St. Paul, MN 55101

Re: In the Matter of the Petition of Northern States Power, d/b/a Xcel  
Energy, for Approval of its Proposed Community Solar Program  
Docket No. E-002/M-13-867  
Our File No.: 63409-0001

Dear Mr. Wolf:

As you know, our firm represents Sunrise Energy Ventures, LLC ("Sunrise") in this matter. On September 11, 2015, Xcel Energy ("Xcel") filed its responses to the Minnesota Public Utilities Commission's ("MPUC's") Information Requests ("IRs") 2-6. Several IRs specifically addressed Sunrise and its legal arguments. Although Sunrise recognizes that IRs are directed to a specific party for response, to provide a full and complete record for the benefit of the MPUC, Sunrise wishes to briefly clarify Xcel's response to IR 6. In addition, any IRs that address Sunrise's proposal should be subject to comment by Sunrise.

IR 6 requested Xcel to "explain the proposal by Sunrise" to relocate facilities to a different substation to comply with the MPUC's August 6, 2015 order. Xcel's response "interpret[ed]" the proposal as one "permitted to 'move' to any new location without sacrificing its queue position" and as "an inequitable solution, particularly so where a developer relocates a project such that it cuts the line in front of another project." (Xcel Response, IR 6, ¶¶ 1, 3). To clarify, Sunrise proposed that relocation on the same substation retain the queue position, which would not disrupt the existing queue order nor "cut" in front any other completed application. (Sunrise Pet. Reconsid. at 28).

As for relocating to a different substation, Sunrise proposed that the relocated project be moved behind applications deemed complete as of June 25, 2015. *Id.* at 29.

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This date is the logical cut-off date because it is when the MPUC first reached a decision imposing a co-location limit of 5 MW, modifying its earlier decisions approving Xcel's tariff; it is the date marking the new co-location cap. Applications not complete as of that date should not benefit by waiting for the MPUC's decision to the detriment of those applications that complied with the approved tariff. Sunrise's proposal also preserves the existing queue order of completed applications, and does not "cut" before completed applications. Accordingly, Sunrise's proposal preserved the "first ready, first served" principle and sought to preserve the status quo to allow a reasonable period of compliance with the co-location limits.

It is not a question of abandoning a project in favor of a "new" project, but of seeking to comply with the MPUC's order – a fair result in light of the significant change due to the entirely new co-location cap. It would be unduly cumbersome and unreasonable to require "withdrawal" of completed applications and then resubmitting effectively identical paperwork, with only a change in address. This additional process of resubmitting adds further delays. With the on-line system, the changes to location can be made quite quickly and efficiently, without the unnecessary delay of resubmitting paperwork.

Xcel's position of rejecting any changes to the "deemed complete" applications to comply with the MPUC's order has the result of rejecting nearly all completed applications in favor of the partial settlement signatories, who did not have completed applications at the time of the MPUC's decision-making. It is this reversal of fortunes that creates an inequitable solution.

In short, Sunrise seeks a reasonable opportunity to comply with the MPUC's August 6, 2015 Order and the newly-ordered co-location limits of 5 MW, without prejudicing other completed applications.

A copy of this letter has been mailed or emailed to the persons on the current service list.

Please contact me if you have any questions.

Sincerely,



Kathleen M. Brennan

cc: Service List