

November 13, 2017

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

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. Docket No. E015/M-16-564

Dear Mr. Wolf:

Attached is the response of the Minnesota Department of Commerce, Division of Energy Resources (Department) to the request for reconsideration of the Minnesota Public Utilities Commission's (Commission) October 13, 2017 *Order Excluding Rider Revenue from 2016 Baseline Calculation and Setting Parameters to Identify Exempt Customers*. Requests for reconsideration were filed on November 2, 2017 by Minnesota Power and the Large Power Industrial customers eligible for the energy-intensive, trade-exposed (EITE) rate discount under Minn. Stat. § 216B.1696.

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ SUSAN L. PEIRCE
Rate Analyst Coordinator

SLP/lt
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E015/M-16-564

I. BACKGROUND INFORMATION

On December 21, 2016, the Minnesota Public Utilities Commission (Commission) issued its ORDER APPROVING EITE [Energy Intensive Trade Exposed] RATE, ESTABLISHING COST RECOVERY PROCEEDING, AND REQUIRING ADDITIONAL FILINGS. The Commission approved Minnesota Power's (MP or the Company) proposal to offer a discount to eleven EITE customers, and directed the Company to file rate design proposals for recovery of the revenue deficiency associated with the approved EITE rate.

On April 20, 2017, the Commission issued its ORDER AUTHORIZING COST RECOVERY WITH CONDITIONS.

On October 13, 2017, the Commission issued its ORDER EXCLUDING RIDER REVENUE FROM 2016 BASELINE CALCULATION AND SETTING PARAMETERS TO IDENTIFY EXEMPT CUSTOMERS.

On November 2, 2017, Minnesota Power (MP or the Company) filed a Petition for Reconsideration of the Commission's April 20, 2017 and October 13, 2017 Order. A group of eligible EITE large industrial customers (EITE Customers) also filed a Petition for Reconsideration of the Commission's October 13, 2017 Order.

II. SUMMARY OF MP'S PETITION FOR RECONSIDERATION

Minnesota Power argues that the Commission's April and October 2017 Orders violated the utility revenue neutrality standard set forth in Minn. Stat. §216B.1696, Subd. 2(d). Specifically, MP states that the Commission's decision to "retroactively consider use of 2016 actual revenues as a baseline in determining EITE refunds to non-EITE customers results in Minnesota Power not being able to utilize a tracker account as authorized by the Commission's December 21, 2016 Order."

III. DEPARTMENT RESPONSE

As an initial matter, the Department notes that MP's request for the Commission to reconsider its April 2017 Order is not timely, as petitions for reconsideration are required to be filed within 20 days of the Order. The Department's comments are limited to matters concerning the Commission's October Order.

In relevant part, Minnesota Stat. §216B.1696, Subd. 2(d) states:

Upon approval of any EITE rate schedule, the utility shall create a separate account to track the difference in revenue between what would have been collected under the electric utility's applicable standard tariff and the EITE rate schedule. In its next general rate case or through an EITE cost recovery rate rider between general rate cases, the commission shall allow the utility to recover any costs, including reduced revenues, or refund any savings, including increased revenues, associated with providing service to a customer under an EITE rate schedule. The utility shall not recover any costs or refund any savings under this section from any energy-intensive trade-exposed customer or any low-income residential ratepayers as defined in Minnesota Statutes, section 216B.16, subdivision 15.

The Department disagrees with MP's contention of a violation of revenue neutrality. So long as the increase in revenues due to Keetac's 2017 sales (over 2016 actual revenues from Keetac) are counted once, but only once, in either the rate case or in the EITE Rider, revenue neutrality should be preserved for both MP and ratepayers. As noted in the Surrebuttal Testimony of Department witness, Dale Lusti, in MP's pending rate case,¹ the Department recommends that the Commission count the increased revenue from Keetac sales either in the rate case or in the EITE Rider, but not in both dockets. The Commission's April 2017 EITE Order indicates that offsets to the EITE surcharge will be capped at the amount of the surcharge. Therefore, sales revenue increases moved from the rate case to the EITE Rider should not exceed the EITE cost.

MP is correct that the increase in 2017 revenues from sales to Keetac are included as a reduction to interim rates in the Company's current rate case (as requested by MP). Moreover, the Department also observes that the Commission has not yet decided MP's current rate case, so at this point it is not known how the Commission will decide the issues in that proceeding. However, in adopting the recommendation that "the Commission should order a true-up

¹ Docket No. E015/GR-16-664, Surrebuttal Testimony of Dale Lusti, pages 34-39 and DVL-S-21.

mechanism that incorporates both the cost of the discount provided to EITE customers and the possible increased revenue from higher sales,”² the Commission evidently determined that the higher revenues due to Keetac would be counted in the EITE Rider. Thus, if the EITE Rider continues, the Commission would simply need to exclude Keetac revenues for the purpose of determining final rates in the rate case, to avoid double counting those Keetac revenues in both the rate case and the EITE Rider. However, if the EITE Rider ceases, the higher revenues from Keetac must be counted in the rate case to ensure that rates set in the rate case are reasonable.

The Department also disagrees with MP’s claim that the Commission’s use of 2016 actual revenues as a baseline for determining EITE refunds fails to allow MP to use the tracker account as set forth in the Commission’s December 2016 Order. The purpose of the EITE tracker is to determine the impact that the EITE discount has on utility revenues, and to allow the utility to recover the cost of the discount net of any increases in revenues. Capturing the actual historical base revenues, in this case 2016 actual revenues, and comparing those base revenues to the 2017 revenue increases after implementation of the EITE tariff is logical. Should clarification on this point be needed, the Commission could clarify its December 2016 EITE Order as it did in its subsequent April and October 2017 Orders.

MP’s claim that EITE customers are paying for their own discount is not supported, since the costs of the rate discounts are charged only to non-EITE customers (except low-income customers). However, it appears that EITE customers may not receive the benefits of the higher revenues due to Keetac, assuming that those revenues are counted only in the EITE Rider and not in the rate case. As discussed above, the 2017 increased revenues due to sales to Keetac must be reflected in the calculation of rates paid by customers either through MP’s current rate case or through the EITE Rider. Minnesota ratemaking has several examples where related costs and revenues are captured together in a single mechanism to ensure equity and reasonable rates for ratepayers. For example, many of the Midcontinent Independent System Operator (MISO) related costs are allowed to be recovered through the transmission cost recovery rider, fuel clause adjustment and rate cases, along with their related revenue, to

² Ordering paragraph 5 of the Commission’s April Order stated:

Minnesota Power shall refund revenue increases associated with the EITE rate schedule as proposed by the Office of the Attorney General on page 13 of its January 31, 2017 comments in this docket, with the following additions/clarifications:

- a. The Company shall use the actual 2016 calendar-year EITE-customer revenue as the baseline for calculating the extent of any refundable increases...

In turn, the Office of Attorney General recommended (in part) on the referenced comments that “the Commission should order a true-up mechanism that incorporates both the cost of the discount provided to EITE customers and the possible increased revenue from higher sales.” As noted above, MP did not request reconsideration of the April 2017 Order in a timely manner.

ensure reasonable rates and recovery of the total net cost. However, as the Department has noted, the Keetac revenues should be considered in the rate case if the revenues are not reflected in an EITE Rider.

IV. CONCLUSION

Consistent with our earlier comments in this proceeding, the Department concludes that revenue neutrality would be met as long as the Commission recognizes Keetac revenues in the rate case, or the EITE Rider, but not both. However, it is necessary for the revenues to be counted once; as a result, if the EITE Rider is no longer effective, the higher revenues due to Keetac must be reflected in the rate case.

CERTIFICATE OF SERVICE

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

**Minnesota Department of Commerce
Comments**

Docket No. E015/M-16-564

Dated this 13th day of November 2017

/s/Sharon Ferguson

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