

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Hwikwon Ham	Commissioner
Valerie Means	Commissioner
Joseph Sullivan	Commissioner
John Tuma	Commissioner

*In the Matter of the Impacts of the
"Capacity" Definition in Minn. Stat.
§216B.164 and Associated Rules on Net
Metering Eligibility for Rate-Regulated
Utilities.*

EXHIBIT A
DECLARATION OF CURTIS ZAUN

February 9, 2025

Docket No. E002/M-24-200

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

I, Curtis Zaun, declare under penalty of perjury as follows:

1. I am the Director of Policy and Regulatory Affairs for the Minnesota Solar Energy Industries Association ("MnSEIA"). I have held this position since 2023.
2. I have been licensed as an attorney since 1996. I have been admitted to the state and federal courts of Minnesota and the following federal courts: United States Supreme Court, Sixth Circuit Court of Appeals, Eighth Circuit Court of Appeals, Ninth Circuit Court of Appeals, Tenth Circuit Court of Appeals, Western District of Wisconsin, Eastern District of Wisconsin, Northern District of Indiana, and Southern District of Indiana.
3. I have been working on energy issues since 2014, when I started working at the Minnesota Department of Commerce. I worked at the Minnesota Department of Commerce from 2014 to 2019, during which time I held positions as Assistant General Counsel and Assistant Commissioner of the Division of Energy Resources.
4. Since 2019, I have represented clients regarding interconnection and other energy related issues.
5. I had a phone conversation with Peter Teigland, who is employed by the Minnesota Department of Commerce, on November 7, 2024, before the hearing in this docket.

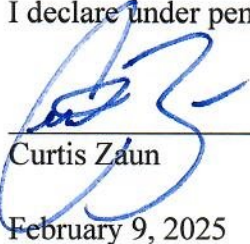
6. During the conversation Mr. Teigland conveyed to me the language in the Decision Option that was adopted by the Minnesota Public Utilities Commission in its January 23, 2025, order.
7. I have reviewed and am familiar with Minnesota Statute Chapter 216B, Minnesota Rules Chapter 7835, and the Minnesota Public Utilities Commission's interconnection standards, which include the State of Minnesota Distributed Generation Interconnection Procedures ("MN DIP"), State of Minnesota Technical Interoperability and Interconnection Requirements ("TIIR"), State of Minnesota Interconnection Process for Distributed Generation Systems ("Interconnection Process"), and State of Minnesota Distributed Generation Interconnection Requirements ("Interconnection Requirements") (collectively, "Interconnection Standards").
8. I have reviewed and am familiar with the Commission's January 23, 2025, Order Initiating Rulemaking Proceeding in docket 24-200 ("January 23 Order"). In particular, its determination to delegate "authority to the Executive Secretary to open a new rulemaking proceeding to clarify that 'capacity,' as defined under Minn. Stat. § 216B.164, subd. 2a(c), for purposes of eligibility for net-metering in Minn. Stat. § 216B.164, subd. 3(d), is determined by, and measured at, the qualifying facility's inverter or a power control system or supplemental device that controls production at the qualifying facility before the net-metered customer's load."
9. The January 23 Order language directs capacity to be measured at what the MN DIP and TIIR refer to as the Point of DER Connection. It is not what the Interconnection Process, Interconnection Requirements, MN DIP or TIIR refer to as the Point of Common Coupling.
10. I have read and am familiar with Minn. Stat. § 216B.164, subd. 2a(c), which 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."
11. In my professional opinion, no reasonable person could read the Commission's January 23 Order as consistent with Minn. Stat. § 216B.164, subd. 2a(c), because it directs capacity to be measured at a location different than the location directed by this provision.
12. I have read and am familiar with Minn. R. 7835.0100, subp. 4, which 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 system."
13. In my professional opinion, no reasonable person could read the Commission's January 23 Order as consistent with Minn. R. 7835.0100, subp. 4, because it directs capacity to be measured at a location different than the location directed by this provision.
14. In my professional opinion, measuring the capacity of a system at "the qualifying facility's inverter or a power control system or supplemental device that controls

production at the qualifying facility before the net-metered customer's load" is inconsistent with the location that Minn. Stat. § 216B.164, subd. 2a(c), and Minn. R. 7835.0100, subp. 4, require capacity to be measured.

15. In my professional opinion, measuring the capacity of a system at "the qualifying facility's inverter or a power control system or supplemental device that controls production at the qualifying facility before the net-metered customer's load" is not the Point of Common Coupling referenced in the Commission's Interconnection Standards.
16. Because Minnesota's laws and Interconnection Standards are clear about where capacity is measured for the purpose of determining rate eligibility, I told Mr. Teigland that I did not believe that a rulemaking to clarify any language was necessary.
17. Because the proposed Decision Option conveyed by Mr. Teigland was inconsistent with Minnesota's law, policies and interconnection standards, I advised Mr. Teigland that MnSEIA opposed it.
18. Although MnSEIA did not believe that any clarification was necessary, I advised Mr. Teigland that we supported Commissioner Tuma's revised Decision Option because it was consistent with Minnesota's laws, policies and Interconnection Standards.
19. Mr. Teigland told me that the utilities would not support Commissioner Tuma's Decision Option because it was inconsistent with their position.
20. I told Mr. Teigland that MnSEIA would support a Decision Option that initiated a rulemaking if it left the issue open for discussion in the rulemaking.
21. Mr. Teigland responded to me that the utilities would not support a Decision Option that left the issue open.

FURTHER YOUR DECLARANT SAYTEH NOT.

I declare under penalty of perjury that the foregoing is true and correct.



Curtis Zaun

February 9, 2025

I DECLARE UNDER PENALTY OF PERJURY THAT EVERYTHING I HAVE STATED IN THIS DOCUMENT IS TRUE AND CORRECT.

February 9, 2025

/s/ Curtis Zaun