

Staff Briefing Papers

Meeting Date	July 2, 2026	Agenda Item 1**	
Company	Hennepin County, Minnesota		
Docket No.	E-002/C-25-435		
	In the Matter of Formal Complaint of Hennepin County, Minnesota Against Xcel Energy Under Minn. Stat. 216B.164		
Issues	Should the Commission investigate the Formal Complaint and Request for Relief by Hennepin County against Northern States Power Company dba Xcel Energy?		
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✓ Relevant Documents	Date
Hennepin County Complaint	December 23, 2025
PUC Notice of Comment Period	January 15, 2026
Environmental Law and Vote Solar Initial Comments	March 13, 2026
Joint Solar Parties Initial Comments	March 13, 2026
Xcel Energy Initial Comments	March 13, 2026
Hennepin County Initial Comments	March 13, 2026
Minnesota Department of Commerce Initial Comments	March 13, 2026
League of Minnesota Cities Reply Comments	April 10, 2026
Xcel Energy Reply Comments	April 10, 2026

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

✓ **Relevant Documents**

Joint Solar Parties Reply Comments

Date

April 10, 2026

Environmental Law & Policy Center and Vote Solar Reply Comments

April 10, 2026

Hennepin County Reply Comments

April 10, 2026

BACKGROUND

On December 23, 2025, Hennepin County, Minnesota (the County) filed a Formal Complaint against Xcel Energy alleging violations of sections 216B.164, 216B.16, 216B.03, 216B.06, and 216B.07 of the Minnesota Statutes and parts 7835.1900, 7835.4011, and 7835.4014 of the Minnesota Rules alleging that Xcel application of the “one-mile rule” to restrict the county’s participation and compensation under Minnesota’s net metering program is unlawful.

The County seeks relief by requesting the Commission find the arrays in question are interconnected net metering facilities and order the County is to be compensated for the arrays’ net input to the Xcel distribution system as provided for in the contracts executed by The County and Xcel Energy. The County also requests that the Commission prohibit Xcel Energy from aggregating the generation capacity of the county’s net metered facilities—which are separately metered, have distinct interconnect points, and for which the county has not requested account aggregation—for the purpose of determining net metering eligibility and compensation. The County is also requesting the Commission award reasonable costs, disbursements, and attorney’s fees pursuant to Minn. Stat. § 216B.164, subd. 5 and Minn. R. 7835.4550.

Pursuant to Minn. R. 7829.1800, the Commission must first review the Complaint and determine whether the commission has jurisdiction over the matter and to determine whether there are reasonable grounds to investigate the allegation. On January 15, 2026, the PUC issued a Notice of Comment soliciting comments on the following topics:

- Does the Commission have jurisdiction over the subject matter of the Complaint?
- Are there reasonable grounds for the Commission to investigate these allegations?
- Is it in the public interest for the Commission to investigate these allegations upon its own motion?
- If the Commission chooses to investigate the Complaint, what procedures should be used to do so?

On March 13, 2026, the following parties submitted initial comments: Xcel Energy, the Minnesota Department of Commerce (DOC or the Department), Hennepin County, the Environmental Law & Policy Center jointly with Vote Solar (ELPC/VS), and the Joint Solar Parties (JSP) which consists of the Coalition for Community Solar Access, the Minnesota Solar Energy Industries Association, and the Solar Energy Industries Association.

On April 10, 2026, Xcel Energy, Hennepin County, the League of Minnesota Cities, JSP, and ELPC/VS submitted reply comments.

DISCUSSION

I. Does the Commission have jurisdiction over the subject matter of the Complaint?

The Complaint is related to two solar projects owned by Hennepin County and currently under construction in Plymouth, Minnesota. The two projects are located within close proximity, approximately 0.2 miles from each other. The Complaint centers on the definition of a Qualifying Facility (QF) in Minn. Stat. §216B.164, Minn. R. 7835.0100, and the Federal Regulatory Commission's (FERC) regulations (18 CFR §§ 292.203 and 204).

FERC's "one-mile rule" is set forth in 18 CFR § 292.204(a):

(1) Maximum Size. . . . [T]he power production capacity of a facility for which qualification is sought, together with the power production capacity of any other small power production qualifying facilities that use the same energy resource, are owned by the same person(s) or its affiliates, and are located at the same site, may not exceed 80 megawatts.

(2) Method of Calculation.

(i)(A) For purposes of this paragraph (a)(2), there is an irrebuttable presumption that affiliated small power production qualifying facilities that use the same energy resource and are located one mile or less from the facility for which qualification or recertification is sought are located at the same site as the facility for which qualification or recertification is sought.

The company applied the one-mile rule to the two projects despite the contracts for each project having been developed and signed without notice that the one-mile rule would be applied.¹ The enforcement of the one-mile rule would mean the projects would not be eligible for the net metering rate codes that Hennepin County and Xcel Energy originally agreed to. Instead, the Company has offered to use the recently approved tariffed Power Purchase Agreement (PPA) available to systems up to 5 MW, or alternatively, to negotiate with Hennepin County a PPA that compensates for any export energy to the Company at an avoided cost rate.

Hennepin County's Complaint argues that federal regulations – including the QF definition and the FERC QF one-mile rule – do not apply to Minnesota's net metered facilities, which are governed under Minn. Stat. §216B.164. The Complaint maintains that the two solar projects should not be considered QFs at all, and instead they should be treated as two distinct net metered facilities.

Xcel argues Minn. Stat. §216B.164 (Cogeneration and Small Power Production), implements the Public Utility Regulatory Policies Act of 1978 (PURPA) and the related FERC regulations. Xcel argued that Minn. Stat. §26B.164, Subdivision 2(a), specifically states that 18 CFR 292 applies to all Minnesota electric utilities, unless otherwise provided in section §216B.164. Moreover,

¹ Hennepin County Complaint, Page

Minn. R. 7835.0100, Subp. 19, specifically defines a “qualifying facility” as a cogeneration or small power production facility which satisfies the conditions established in 18 CFR 292. These conditions include the FERC QF one-mile rule at 18 CFR 292.204(a)(2). The Company believes they have appropriately applied these conditions to the Hennepin County projects and determined they should be treated as a single QF exceeding 1 MW.² However, many commenters argue whether the FERC definition of QF should be applied the same to all QFs, including net-metering facilities (NMF) which are governed under State law which FERC also recognizes.

Hennepin County states, “despite the plain language of Xcel’s tariff that the capacity of distributed generation systems is measured at the point of interconnection (common coupling) and that a customer’s meters may only be aggregated at the customer’s request, Xcel suggests that “[t]here is no requirement that a customer must participate in ‘meter aggregation’ in order for the one-mile rule to apply.”³ Such an assertion is inconsistent with Xcel’s detailed tariffs addressing cogeneration and small power production facilities.⁴

The County states: “Throughout its approximately 24 pages, Xcel’s cogeneration and small power production tariffs (1) clearly distinguish between a “QF” and an “NMF” for compensation purposes, (2) clarify that the capacity of separate distributed generation systems, such as the County’s solar arrays, are measured at the point of interconnection, and (3) include a Uniform Contract which specifically incorporates these terms (which Xcel signed and the County relied on). In the face of these tariffs, Xcel’s contention that it intended its cogeneration and small power production tariff to be entirely inapplicable if two separately metered NMFs happen to be located within one mile of the other – based on a federal rule adopted specifically to prohibit private energy developers from gaming PURPA’s mandatory purchase obligation – is not credible.”⁵

Additionally, the county states, “By statute and Commission rules, the Commission has authority to investigate disputes involving public utilities and Minnesota’s net metering program, to administer and enforce the program and related tariffs, and to prevent unlawful or discriminatory practices. Because this dispute turns on net metering eligibility pursuant to Minn. Stat. § 216B.164, chapter 7835 of the Commission rules, and Xcel’s Commission-approved tariffs, the Commission has subject-matter jurisdiction to investigate the complaint and grant the County’s requested relief.”⁶

The County states the Commission’s ratemaking and tariff-oversight authority also encompass

² Xcel Comments, Page 2.

³ Xcel Energy Initial Comments, Page 12.

⁴ Hennepin County Reply Comments, Page 5.

⁵ Hennepin County Reply Comments, Page 6.

⁶ Hennepin County Comments, Page 2.

Xcel's conduct as Xcel is a "public utility" as defined in Minn. Stat. § 216B.02, subd. 4, and is therefore subject to the Commission's regulatory authority. Minnesota law prohibits a public utility from changing a "rate" – a term that includes "rules, practices, or contracts affecting" compensation – without Commission approval or from charging compensation that differs from its filed schedules. Minn. Stat. §§ 216B.16; 216B.02, subd. 5; 216B.06).⁷

The Department also concludes that the Commission has jurisdiction over the subject matter of the County's complaint. The County entered into separate Uniform Statewide Contracts for Cogeneration and Small Power Production for two solar arrays associated with distinct buildings owned by the County. Under both contracts, Xcel agreed to compensate the County for each array's net input to the Xcel distribution grid in the form of a bill credit. The contracts are consistent with the net-metering scheme established in Minn. Stat. § 216B.164.⁸

The Joint Solar Parties state the Commission has jurisdiction over the subject matter of the Complaint under Minn. Stat. § 216B.17, subd. 1. That subdivision provides that the Commission shall investigate a complaint by, among other parties, the governing body of any political subdivision regarding, among other things, "any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory," unless it is not in the public interest.

Minn. Stat. § 216B.164, subd. 5, states, "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."⁹ Minn. R. 7835.4500 also states, "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." The Minnesota Rules adopted to implement Minn. Stat. § 216B.164 similarly allow a party to request that the Commission may a determination in the event of a dispute: "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."¹⁰

DOC argues the dispute between Hennepin County and Xcel arose based on Xcel's contention that Hennepin County's solar arrays are ineligible for the net metering structure established under Minn. Stat. § 216B.164 despite the fact that Hennepin County and Xcel have executed Uniform Statewide Contracts for Cogeneration and Small Power Production. Hennepin County is therefore entitled to request that the Commission make a determination on the dispute

⁷ Hennepin County Comments, Page 4.

⁸ Department Comments, Page 2.

⁹ Minn. Stat. § 216B.164, subd. 5.

¹⁰ Department Comments, Page 2.

under Minn. Stat. § 216B.164, subd. 5, and Minn. R. 7835.4500.¹¹

ELPC/Vote Solar state net metering is a retail rate program under state jurisdiction, whereas PURPA and QF rules relate to wholesale transactions and are under federal jurisdiction. Net metering and PURPA/QFs—are distinct, even if the same clean energy facilities may be eligible for both.¹² ELPC/Vote Solar state Xcel Energy appears to be commingling them improperly and encourages the Commission to investigate and resolve the Complaint to clarify Minnesota’s net metering rules, not just for Hennepin County and Xcel Energy, but also for other solar developers and customers.¹³

The League of MN Cities agrees Minnesota law gives the Commission authority to resolve disputes between a utility and the owner of a solar facility under Minn. Stat. § 216B.17, Minn. Stat. § 216A.05, subd. 1, Minn. Stat. § 216B.164, subd. 5, and Minn. R. 7835.4500.¹⁴

In its reply comments, Xcel states “All of those supporting Hennepin County’s Complaint note that the Commission has jurisdiction under Minn. Stat. § 216B.164, Subd. 5(a) and Minn. R. 7835.4500. This statute gives the Commission jurisdiction to resolve disputes between “a public utility and a qualifying facility.” If the Commission relies on this statute to show that it has jurisdiction and that the Hennepin County arrays are a QF, then it should also issue a substantive order dismissing the complaint because the definition of a QF includes the one-mile rule. The Hennepin County complaint is premised on the one-mile rule not applying because, it argues, the two arrays are net metered facilities and not a QF.”¹⁵

Reasonable Grounds

In Docket E-002/M-24-389, the Commission noted that its “June 2025 Order did not adopt or take any action related to the ‘one-mile rule’ for purposes of determining net metering eligibility.” Nonetheless, Xcel intends to apply the federal rule, stating “[o]ur position that the FERC one-mile rule applies was developed and communicated to Hennepin County before the Commission made its rulings in the 24-389 docket.” Xcel expressly reaffirmed that it would apply the one-mile rule to aggregate the County’s arrays, stating “[w]e stand by the substance of our prior written communications on this.”¹⁶ Xcel’s stated intent to cancel Uniform Statewide Contracts and compensate only at avoided cost demonstrates an immediate, system-

¹¹ Department Comments, Page 3.

¹² ELPC/Vote Solar Reply Comments, Page 2.

¹³ ELPC/Vote Solar Reply Comments, Page 2.

¹⁴ The League of Minnesota Cities Comments, Page 2.

¹⁵ Xcel Energy Reply Comments, Page 4.

¹⁶ Hennepin County Comments, Page 5.

wide risk of confusion and noncompliance that requires the Commission's intervention.

Minnesota law and Commission rules measure facility capacity at the point of interconnection or common coupling, defined as "the point where the distributed generation facility is connected to the utility's electric power grid." Minn. R. § 7835.0100, subps. 4; 17a. Likewise, Xcel's NM Tariff (Section 9) and customer contracts define capacity as "at the point of common coupling between a QF or NMF and a utility's electric system." Minnesota Electric Rate Book – MPUC No. 2, Section No. 9, 2nd Revised at Sheet No. 1 (emphasis added).¹⁷

Hennepin County asserts that Xcel's NM Tariff requires it to measure "the total capacity of all of the customer's systems which are on the same set of aggregated meters." Minnesota Electric Rate Book – MPUC No. 2, Section No. 9, 2nd Revised at Sheet No. 1, ¶ 3, INDIVIDUAL SYSTEM CAPACITY LIMITS (emphasis added). Here, the County's arrays are separately metered, have distinct interconnection points, and are not aggregated.¹⁸

Hennepin County states there are "sufficient grounds for the Commission to investigate the allegations in the complaint to ensure Xcel's compliance with Commission-approved tariffs, and to prevent systemic practices contrary to Minnesota law."¹⁹

ELPC/Vote Solar state Minn. Stat. § 216B.164 and the Commission's implementing rules, Minn. R. Ch. 4835, address both QFs and net metering. However, the net metering program is a state-jurisdictional, retail-rate program, distinct from the QF regime, which involves wholesale energy transactions under federal jurisdiction. The statute makes clear its intent for both the net metering and QF provisions "to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public." Minn. Stat. § 216B.164, Subd. 1.²⁰

Minnesota's statute and the Commission's rules reference PURPA. Minn. Stat. § 216B.164, Subd. 2; Minn. R. 7835.0200. The Commission's rules also incorporate a separate definition of "qualifying facility," referencing FERC's rules implementing PURPA. Minn. R. 7835.0100, Subp. 19. Both the statute and rules contain provisions addressing "purchases" from "qualifying facilities." See, e.g., Minn. Stat. § 216B.164, Subd. 3; Minn. R. 7835.3400. At least twice, however, the statute refers to "net metered facilities or qualifying facilities," Minn. Stat. § 216B.164, Subds. 3(e), (f), making clear that these are two distinct categories.²¹

ELPC/Vote Solar argues States retain jurisdiction over retail sales of electricity and over local

¹⁷ Hennepin Commenst, Page 5.

¹⁸ Hennepin Comments, Page 6.

¹⁹ Id.

²⁰ ELPC/Vote Solar Comments, Page 4.

²¹ ELPC/Vote Solar Comments, Page 5.

distribution facilities.” 452 F.3d 822, 824 (D.C. Cir. 2006). Net metering concerns retail sales under state jurisdiction. The federal one-mile rule applies to QF wholesale sales under federal jurisdiction.²² Therefore, ELPC/VS suggest that it is both reasonable and essential for the Commission to clarify Minnesota’s net metering rules and the inapplicability of the federal one-mile rule to net-metered projects. If the Commission were to determine that Minnesota law implicitly incorporates the federal QF definition and associated one mile rule, then ELPC/VS suggest that the Commission should also incorporate the ability for a QF to seek a waiver of the one-mile rule for “good cause,” which Hennepin County meets in this case.²³

JSP states Xcel is implementing a rule that will lower the compensation Xcel has agreed by contract to the County. The County asserts, and the JSP agree, that this action is inconsistent with Minnesota law. Thus, there are reasonable grounds for the Commission to investigate the allegations in the Complaint.²⁴

JSP states there is a distinction between a net-metering facility and a qualifying facility. There are constraints imposed on NMF that are not imposed on QFs. A net metered facility must be “constructed for the purpose of offsetting energy use”, while a QF does not contain a similar limitation. JSP explains this distinction and the difference in compensation between the two:

Under Minn. Stat. § 216B.164, subd. 3(b), a QF between 40 kW and 1 MW receives only the avoided cost rate for all its net output. There is no annual kilowatt-hour credit, with only the annual excess generation receiving the avoided cost rate. A net metered facility of the same size is treated more favorably under Minn. Stat. § 216B.164, subd. 3a, receiving a kilowatt-hour credit throughout the year, with only the excess generation at the end of the year being compensated at the avoided cost rate. And, notably, the net metered definition does not incorporate the Federal definition of a QF.

In addition, both statute and rule require that the facility be interconnected to a public utility and have a capacity of at least 40 kW, but less than 1 MW. Because it appears to be undisputed that the relevant facilities were constructed for the purpose of offsetting energy use through the use of renewable energy and that they are interconnected to a public utility, the only issue left for the purpose of determining their compensation rate is the capacity of the net metered facilities.²⁵

The League of MN Cities agrees with the comments filed by Hennepin County, the Joint Solar Parties, and the Environmental Law & Policy Center/Vote Solar that there are reasonable

²² ELPC/Vote Solar Comments, Page 6.

²³ ELPC/Vote Solar Comments, Page 7.

²⁴ JSP Comments, Page 7.

²⁵ JSP Comments, Page 10.

grounds to investigate the allegations in the Formal Complaint. Xcel is implementing a rule that, for the reasons discussed by the parties, violates the plain language of Minnesota law. See Minn. Stat. § 216B.164, subd. 3a; Minn. R. 7835.4017. It is impacting Hennepin County and would impact the League's members in the same way.²⁶

II. Are there reasonable grounds and is it in the public interest for the Commission to investigate?

Xcel requests that the Commission dismiss the Complaint because it is not based on reasonable grounds or merit, and because it is not in the public interest for the Commission to investigate the allegations further. The Company believes it has appropriately applied the FERC QF definition and conditions to the Hennepin County projects, consistent with the specific deference in Minn. Stat. § 216B.164 to PURPA and FERC, the mirroring of the FERC QF definition in Minn. R. 7835.0100, Subp. 19, and the fact that the statute refers to the capacity of the QF for purposes of applying net metering rates.²⁷ **(Decision Option 3)**

Minnesota's net-metering law "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." Minn. Stat. § 216B.164, subd. 1. This public-interest mandate places the promotion of distributed renewable generation at the center of the Commission's responsibilities under Minn. Stat. § 216B.164.

The legislature has further directed the Commission to "set rates to encourage energy conservation and renewable energy use," with any doubt resolved in favor of customers. Minn. Stat. § 216B.03. Hennepin County states that "investigating whether Xcel's conduct, as alleged in the complaint, unlawfully forecloses net-metering participation is therefore squarely aligned with the Commission's statutory duty to protect the public interest and advance state energy policy."²⁸

ELPC/VS state the net metering statute's core interpretive directive is that it "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." (Minn. Stat. § 216B.164, Subd. 1) Additionally, ELPC/VS state the statute it is a binding directive that governs how the Commission must approach every action taken under the statute, including the threshold question of whether to investigate a complaint that calls into question the statute's implementation.²⁹

²⁶ The League of Minnesota Cities Comments, Page 2.

²⁷ Xcel Initial Comments, Page 16.

²⁸ Hennepin County Comments, Page 6.

²⁹ ELPC/Vote Solar Comments, Page 7.

If the Commission allows Xcel to apply this approach to its other uniform statewide contracts, ELPC/VS believes this will chill renewable energy investments by similarly-situated entities and undermine both the legislature's explicit intent to encourage cogeneration and small power production and the Commission's responsibility to foster renewable energy use for the benefit of ratepayers and the public.³⁰

The Department believes that it is in the public interest for the Commission to investigate the allegations. Minn. Stat. § 216B.164, subd. 1, provides: "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." Because the stated intention of Minn. Stat. § 216B.164 is to encourage cogeneration and small power production, it is in the public interest for the Commission to ensure that any limitation on eligibility for net metering is legally permissible.³¹ The Department believes the resolution of this dispute has implications to parties beyond Xcel and the County.

JSP believes in order to encourage cogeneration and small power production and more broadly support the state's renewable energy goals, it is in the public interest for the Commission to determine whether the one-mile rule applies to net-metered facilities.³²

ELPC/Vote Solar also states "The public interest harm from Xcel Energy's conduct extends well beyond Hennepin County. Under Xcel's theory, any customer with two or more solar installations located within one mile of each other—regardless of whether those facilities share meters, interconnection 8 points, or substations—could be deemed ineligible for net metering. Public entities, which frequently own multiple adjacent or proximate facilities such as government campuses, correctional institutions, service complexes, and school buildings, are particularly exposed to this interpretation."³³

JSP states the Federal one-mile rule was meant to make sure that facilities were not too big. Minnesota law, on the other hand, is meant to encourage small power production. Application of the Federal one-mile rule to facilities under Minnesota law, which are already limited to 10 MWs, inverts its purpose entirely. It would transform a federal tool designed to prevent facilities from being too large into a state law barrier that penalizes Minnesotans for adding additional small-scale renewable generation to adjacent or nearby properties, which would discourage more widespread adoption of renewable energy resources, especially smaller resources.³⁴

³⁰ Hennepin County Comments, Page 7.

³¹ Department Comments, Page 3.

³² Department Comments, Page 4.

³³ ELPC/Vote Solar Comments, Page 9.

³⁴ JSP Initial Comments, Page 17.

The League of MN Cities agrees with the comments filed by Hennepin County, the Joint Solar Parties, and the Environmental Law & Policy Center/Vote Solar that it is in the public interest to investigate the allegations in the Formal Complaint. **(Decision Option 4)** “All utilities in the State of Minnesota are monopolies. Accordingly, it is in the public interest for the Commission to ensure that Xcel is complying with the law and maximizing small power production. Allowing Xcel to apply FERC’s one-mile rule for state compensation eligibility will harm our citizens and Minnesota’s ability to meet its clean energy goals.”³⁵

III. If the Commission chooses to investigate the Complaint, what procedures should be used to do so?

Hennepin County, JSP, the Department, and the League of Minnesota Cities all recommend using the process set forth in Minn. R. 7829.1800, which provides Xcel with 20 days from the Commission’s Order establishing jurisdiction to file a response to the complaint and an additional 20 days for other parties to respond.³⁶ After the Answer is filed, because there are no material facts in dispute, they argue Commission should conduct an expedited proceeding pursuant to Minn. R. 7829.1800. **(Decision Option 5)**

Another option, although not advocated by parties, is a contested case. Minn. R. 7829.1000 states that the Commission can refer proceedings to contested case if there are contested material facts, or if the Commission finds that all significant issues have not been resolved to its satisfaction. While staff is not explicitly taking a position on procedures here, it is clear the issues are complex, involve some factual issues, and also involve nuanced disputes over state and federal law, and the more thorough process in a contested case may allow for a closer look at the issues as well as legal briefs. **(Decision Option 6)**

DECISION OPTIONS

Jurisdiction

1. Determine the Commission has jurisdiction to review the Formal Complaint filed by Hennepin County. (Hennepin County, DOC, JSP, ELPC/Vote Solar, League of MN Cities)

OR

2. Determine the Commission does not have jurisdiction to review the Formal Complaint filed by Hennepin County, and dismiss the complaint. (Xcel)

³⁵ The League of Minnesota Cities Comments, Page 2.

³⁶ Department Comments, Page 4.

Reasonable Grounds and Public Interest

3. Find that there are no reasonable grounds to investigate this matter and a hearing is not in the public interest, and dismiss Hennepin County's complaint. (Xcel)

OR

4. Find that there are reasonable grounds to investigate Hennepin County's complaint. (Hennepin County, DOC, JSP, ELPC/Vote Solar, League of MN Cities)

Procedure

5. Authorize an expedited proceeding pursuant to Minn. R. 7829.1800. Xcel shall file its answer to the complaint within 20 days of service of the order. Any replies must be filed within 20 days of Xcel's answer. (Staff interpretation of Hennepin County, DOC, JSP, and League of MN Cities)

OR

6. Refer the matter to the Court of Administrative Hearings for a contested case proceeding.

