

June 30, 2026

Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Re: In the Matter of Verified Formal Complaint of Hennepin County, Minnesota Against
Xcel Energy Under Minn. Stat. § 216B.164
Docket No. E002/C-25-435

Executive Secretary Bergman:

The purpose of this letter is threefold: (1) respond to Xcel Energy's "new Decision Option" filed today in which it urges the Commission to dismiss Hennepin County's complaint without prejudice and open a generic docket inviting "all utilities and cooperatives" to weigh in on whether Xcel and other utilities may unilaterally apply FERC's one-mile rule to net metering projects, (2) make one clarification with respect to the procedural decision options set forth in Staff Briefing Papers, and (3) specifically request that the County be allowed to address the Commission at the July 2 hearing with respect to Xcel's new letter and the questions originally presented by the Commission.

Xcel's New Decision Option

The Commission should reject Xcel's recommendation, filed at the eleventh and a half hour. To the extent the Commission wants to open a generic docket and look at future application of the one-mile rule, it is free to do so. But doing so can in no way resolve the County's complaint, which asks the Commission to require Xcel to follow state law *as it exists today*.

This docket presented an opportunity for other utilities to weigh in on the issue, and they declined to do so. Meanwhile, several other third parties *did* submit comments, recognizing the importance of the issue before the Commission. Others may still do so as this docket proceeds. Dismissing the County's complaint now—even without prejudice—would be extremely prejudicial to the County, particularly since Xcel continues to take the position that it intends to abrogate the County's net metering contracts as soon the County's solar arrays are commercially operable, which is imminent.

Xcel's "decision option" raises an entirely new and unrelated set of issues which the Commission's January 15, 2026 Notice of Comment Period did not come anywhere close to raising. The County respectfully urges the Commission to reject Xcel's new decision option as it may affect the County's complaint, which is properly before this body, and to which the County has a right to be heard on an expeditious basis.

Commission Procedure

The County wishes to clarify its procedural recommendations as laid out in Staff's Briefing Papers. At page 10 of Staff Briefing Papers, Staff states the "County, JSP, the Department and League of Minnesota Cities all recommend using the process set forth in Minn. R. 7829.1800," which allows Xcel to file a response to the County's complaint and an additional 20 days for the parties to respond, and—because there are no facts in dispute—an expedited hearing. While the County agrees the hearing should be expedited, the County, in its April 10, 2026 comments made what it believes important procedural recommendations not quite captured in the briefing papers.

In making its procedural recommendations, the County's goal is first and foremost to create a framework from which the Commission can best make an informed decision. The County's recommendation is akin to the process employed by courts for summary judgment under Rule 56 of the Minnesota Rules of Civil Procedure when there is no genuine dispute as to any material fact. Here, because all parties, including Xcel, agree there is no dispute as to any material fact and that the complaint presents purely legal questions requiring the Commission's interpretation of state statute, the County continues to recommend as follows: (1) the Commission determine it has jurisdiction over the complaint; (2) in its order finding jurisdiction, the Commission provide a briefing schedule that (a) allows the County to file its primary brief on the merits in which it would lay out the factual and legal authority in support of its claim, (b) allow Xcel a reasonable amount of time (e.g., 20 days) in which to file its brief setting forth why the County should not be granted its requested relief, (c) allow a reasonable amount of time (e.g., 10 days) for the County and other interested parties to respond to either the County's and/or Xcel's arguments, and (d) expeditiously set a time and date for a hearing in which the Commission can hear from all parties and makes its decision.

We believe these procedures will best allow the Commission to be presented with the facts and legal basis of the complaint, Xcel's and other parties' responses to it, and thereby best allow the Commission to make its most informed decision.

With the above caveat to Staff's decision options on Procedure, the County recommends the following:

Jurisdiction – Option No. 1

Reasonable Grounds and Public Interest – Option No. 4

Procedure – as modified above

Last, by this letter the County respectfully requests the opportunity to address the Commission prior to its deliberations with respect to the questions presented in Xcel's letter from today and the issues which should be the appropriate subject matter of Thursday's hearing – i.e., those questions presented by the Commission's January 15, 2026 Notice of Comment Period.

Sincerely,

/s/ Todd J. Guerrero

Todd J. Guerrero

cc: Service List (attached)

CERTIFICATE OF SERVICE

I, Trudy Paulson, hereby certify that on June 30, 2026, I e-filed in Docket No. E002/C25-435 letter of Hennepin County, Minnesota and served copies of the same upon all parties listed in the attached service list via electronic filing.

Dated: June 30, 2026

By: /s/ Trudy Paulson
Trudy Paulson

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