

July 6, 2015

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

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E132/CG-15-255

Dear Mr. Wolf:

On March 16, 2015, the Minnesota Public Utilities Commission (Commission) issued a *Notice Requesting Response from People's Energy Cooperative and Opportunity to Comment on Dispute*. Attached please find the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in this matter.

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

Sincerely,

/s/ SUSAN L. PEIRCE
Rates Analyst

SLP/ja
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

DOCKET No. E132/CG-15-255

I. BACKGROUND INFORMATION

On March 11, 2015, Mr. Miller, a member (the Complainant or Member) of People's Energy Cooperative (People's or the Cooperative) filed a request with the Minnesota Public Utilities Commission (Commission) for resolution of a dispute relating to People's imposition of a new \$5.00 monthly fee on his account, which, the Cooperative indicated, was imposed because he, and other members, have interconnected small wind facilities. The Member contends that imposition of such a fee on his account, and on all other distributed generation accounts, violates Minnesota Statutes and rules with respect to cogeneration and small power production, including but not limited to Minn. Stat. §216B.164, subd. 3(a)

On April 1, 2015, People's filed its response to the Commission's March 16, 2015, *Notice Requesting a Response from Peoples' Energy Cooperative and Opportunity to Comment on Dispute*. On April 6, 2015 and May 21, 2015, the Cooperative filed further responses.

II. SUMMARY OF THE DISPUTE

The Complainant and Cooperative entered into a written Contract in November 2010¹ for net metering service related to the installation of Complainant's 10 kW wind turbine. On April 24, 2014, People's notified the Complainant of its intent to assess a \$5.00 "facility fee" to members with distributed generation (DG) accounts.² People's April 24, 2014 Notice states that the facility fee is intended by the Cooperative to address incremental costs associated with DG accounts, including "administrative and physical work that must be done such as monthly processing of meter reads, energy purchases, state reporting

¹ In response to DOC IR No. 1, Peoples' submitted a copy of the signed Member Service Agreement with Operator of Small Power Production Facility or Cogeneration Facility dated November 9, 2010 (the Contract) between the Cooperative and the Complainant (Attachment A).

² People's April 24, 2014 letter to Kristine and Alan Miller (Attachment B).

requirements and other unique infrastructure costs associated with DG accounts.” In response to a Department Information Request regarding any additional cost of metering reading for DG accounts, the Cooperative stated Automated Meter Infrastructure (AMI) system is “susceptible to interference especially to sub-meter installations.” When problems with the meter readings arise, the Cooperative stated that while its general policy on meter reads is to allow no more than two consecutive months to be estimated before physically reading the meter, it does not allow estimates to be made on DG meters.³

On March 11, 2015, the Complainant filed a request for dispute resolution under Minn. Stat. §216B.164, subd. 5, and Minn. Rules 7835.4500. The Member maintains that the \$5.00 monthly facilities fee is contrary to Commission Rules and a violation of Minn. Stat. 216B.164, subd. 3(a).

On April 1, 2015, Peoples indicated that the new monthly charge is needed to “offset recurring costs unique to the existence of the interconnect cogeneration system” and is not intended to discourage DG installations.

In its April 6, 2015 additional comments, the Cooperative also stated that the charge was for “fixed distribution costs not accounted for in the initial basic monthly charge of \$37.00”⁴

III. SUMMARY OF APPLICABLE STATUTES

Minn. Stat. §216B.164 sets out the statutory requirements for the cogeneration and small power production at issue in this Complaint. Minn. Stat. §216B.164, subds. 3(a) and 3(d) specifically address the rate treatment of small qualifying facilities (of less than 40 kW) by cooperative electric associations such as People’s. Minn. Stat. §216b.164, subd. 3(a) states:

(a) this paragraph applies to cooperative electric associations and municipal utilities. For a qualifying facility having less than 40-kilowatt capacity, the customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule for sales to that class of customer. In the case of net input into the utility system by a qualifying facility having less than 40-kilowatt capacity, compensation to the customer shall be at a per kilowatt-hour rate determined under paragraph (c) or (d).

³ People’s Response to DOC IR No. 8, (Attachment C)

⁴ People’s April 6, 2015 letter to Daniel P. Wolf, (Attachment D)

Paragraph (d) of Minn. Stat. §216B.164 addresses compensation for energy from a QF with less than 40 kW capacity, stating:

(d) Notwithstanding any provision in this chapter to the contrary, a qualifying facility having less than 40-kilowatt capacity may elect that the compensation for net input by the qualifying facility into the utility system shall be at the average retail utility energy rate. "Average retail utility energy rate" is defined as the average of the retail energy rates, exclusive of rates based on income, age, or energy conservation, according to the applicable rate schedule of the utility for sales to that class of customer.

With respect to the payment of any additional costs associated with interconnection, Minn. Stat. §216B.164, subd. 8(b) states:

(b) Nothing contained in this section shall be construed to excuse the qualifying facility from any obligation for costs of interconnection and wheeling in excess of those normally incurred by the utility for customers with similar load characteristics who are not cogenerators or small power producers, or from any fixed charges normally assessed such nongenerating customers.

Minn. Stat. §216B.164 subd. 6 (a) requires the Commission to establish a uniform statewide form of contract for use between a Cooperative utility and a net metered or qualifying facility having less than 40-kilowatt capacity and subd. 6 (c) states that:

The uniform statewide form of contract shall be applied to all new and existing interconnections established between a utility and a net metered or qualifying facility having less than 40-kilowatt capacity, except that existing contracts may remain in force until terminated by mutual agreement between both parties.

The Commission implemented the contract requirement in Minn. Rule 7835.2000, which specifies that a written contract must be executed between the qualifying facility and the utility.

Minn. Rule 7835.0300 requires each utility to file with the commission, for its review and approval, a cogeneration and small power production tariff, and Minn. Rule 7835.0700 states that the tariff, Schedule D must contain all standard contracts to be used with qualifying facilities, containing applicable terms and conditions.

7835.3000 states that, except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility must be governed by the applicable tariff for the class of electric utility customers to which the qualifying facility would belong were it not a qualifying facility.

Minn. Rules 7835.4500 states that “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.”

Finally, although not applicable to the 2010 contract at issue in this Complaint proceeding, the Commission may wish to note that, in the recently-completed Special Legislative Session, the Minnesota Legislature amended §216B.164, subd. 3(a) to add the following language:⁵

A cooperative electric association or municipal utility may charge an additional fee to recover the fixed costs not already paid for by the customer through the customer’s existing billing arrangement. Any additional charge by the utility must be reasonable and appropriate for that class of customer based on the most recent cost of service study. The cost of service study must be made available for review by a customer of the utility upon request.

Minn. Stat. §216B.164 subd. 3(a) will become effective July 1, 2015 and will apply only to customers who first install net metered systems after that date.

IV. SUMMARY OF PEOPLE’S RESPONSE TO THE COMPLAINT

In its April 6, 2015 response to the complaint, People’s stated that Minn. Stat. §216B.164 permits recovery of ongoing costs from net metered customers if those costs are “unique to the existence of the interconnected system, are not covered by other charges associated with their existing service where the DG system is interconnected, or are not part of a standby fee.”⁶ In addition, the Cooperative stated, the \$5.00 charge reflects either “fixed distribution” costs or “interconnection costs” not accounted for in the initial basic monthly charge of \$37.00. On May 21, 2015, People’s submitted additional comments citing similar charges in electric tariffs of a number of other Minnesota utilities as further support for its authority to impose a monthly charge on its net metered members.⁷ Specifically, the Cooperative cited the following utility charges:

⁵ H.F. 3

⁶ Peoples’ April 6, 2015 Letter to Daniel P. Wolf.(Attachment D)

⁷ Peoples’ May 21, 2015 Letter to Daniel P. Wolf (Attachment E)

- Xcel Energy - \$3.15 per month for single phase, and \$6.40 for three phase service.
- Otter Tail Power - \$3.70 per month
- Interstate Power and Light - \$1.75 per month.
- Minnesota Power - \$2.55 per month.

V. DEPARTMENT ANALYSIS

The Department's comments are broken into two sections, the first dealing with the specifics of the complaint against People's Cooperative, and the second section providing a more general discussion on determining a "reasonable" charge for net metered customers.

A. *PEOPLE'S NET METERING CONTRACT WITH THE COMPLAINANT*

Section 3.1 and 4.1 of the Contract between the Cooperative and Member concern the rate paid by the Member for electric service provided by the Cooperative, and the rate paid by the Cooperative for energy supplied by the QF of the Member. The Contract reads as follows:

- 3.1 **Electric Service Supplied to Member:** The Cooperative will supply the electrical requirements of the Member that are not supplied by the QF. Such electric service shall be supplied under the rate schedules applicable to the Consumer's class of service as revised from time to time by the Cooperative.
- 4.1 **Electric Service Supplied to Cooperative:** The Cooperative will purchase all energy and capacity supplied to the Cooperative by the QF under the Standard Rate set forth in Rate Schedule P, which is attached hereto as part of this Agreement.

The effect of Section 3.1 of the Contract is that, in the event the Cooperative member uses more energy in a month than is generated by the QF, the member pays for their energy usage at the standard rate for their class of service. In the instance of the present Complaint, the Member pays for energy at the standard residential rate at the time the energy is used. In contrast, Section 4.1 of the Contract references the Cooperative's Schedule PG-1 for Cogeneration and Small Power Production, which governs the rate the Cooperative pays for excess energy generated by the QF. Neither of these sections authorizes the Cooperative to unilaterally implement future rate changes.

The Cooperative added a net metering facility charge to the Cogeneration and Small Power Production tariff in February 2014.

In response to DOC IR No. 1, Peoples stated, “although not specifically stated in section 4.1, the changing of the rate schedule for electric purchases has been accepted in practice. Changes to the rate schedule have been made by the Cooperative, including increase in the payment per kWh, to keep in line with calculation of the average retail cost of energy without concerns raised by DG system owners.”

As the contract stands, Section 3.1 governs the rates paid by the member for electric service, and Section 4.1 governs the rate paid by the Cooperative for electricity. The standard practice of changing the rate paid by the Cooperative for QF generation to reflect changes in the retail rates may be appropriate; however, the contract does not appear to give Peoples the authority to add a facilities charge to the bills of DG customers.

The contract form used by Peoples differs from the Uniform Statewide Contract set forth in Minnesota Rules 7835.9910. As noted above, Minn. Stat. §216B.164 subd. 6 (c) requires that the Uniform statewide contract be used between a utility and cogeneration and small power production facility with less than 40 kilowatts of capacity. The Uniform Statewide Contract specifically states:

3. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility, or of the Commission, and the QF agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

The Uniform Contract appears to permit rate changes for both the sale and purchase of electricity. Although the Uniform Contract language could be read narrowly to permit only changes to the energy charge for the purchase or sale of electricity, the language does grant some authority to the utility to modify the rates charged to a QF. This contrasts with section 4.1 of the Contract between People’s and its Member, which has no similar language authorizing rate changes of the sort here, in which the Cooperative seeks unilaterally to implement entirely new types of fees and charges not contemplated or identified in the Contract.

Further, no other provision of the Contract appears to authorize the Cooperative to unilaterally implement new charges or fees for interconnection or fixed distribution services. The contract includes no language governing either fixed distribution costs or interconnection costs.

The Department recommends that the Commission deny People’s Cooperative’s net metering facilities charge, and direct the Cooperative to submit a compliance filing identifying the amount of refund owed to the Complainant and the Cooperative’s plan for issuing the refund to Complainant. The Commission may wish to order the Cooperative in

the compliance filing to identify additional customers with QF's, who were assessed similar types of charges not identified in their contracts with the Cooperative ("Grandfathered" customers) and to identify a plan for either refunding any overpayments to such Grandfathered customers or notifying such customers of their right to a similar refund.

B. AMENDMENT TO MINN. STAT. §216B.164, SUBD. 3(A) FOR INSTALLATION AFTER JULY 1, 2015

As noted above, Minn. Stat. §216B.164, subd. 8(b) states "nothing contained in this section shall be construed to excuse the qualifying facility from any obligation for costs of interconnection and wheeling in excess of those normally incurred by the utility for customers with similar load characteristics who are not cogenerators or small power producers, or from any fixed charges normally assess such nongenerating customers." The Department reads Minn. Stat. §216B.164 to permit utilities to seek recovery of only the incremental cost of serving a QF. Such costs must be incurred to serve the QF, and not otherwise be recovered in the basic monthly customer charge.

The 2015 Special Session of the Legislature amended Minn. Stat. §216B.164 Subd. 3a as follows:

(a) this paragraph applies to cooperative electric associations and municipal utilities. For a qualifying facility having less than 40-kilowatt capacity, the customer shall be billed for the net energy supplied by the utility according to the applicable rate schedule for sales to that class of customer. A cooperative electric association or municipal utility may charge an additional fee to recover the fixed costs not already paid for by the customer through the customer's existing billing arrangement. Any additional charge by the utility must be reasonable and appropriate for that class of customer based on the most recent cost of service study. The cost of service study must be made available for review by a customer of the utility upon request. In the case of net input into the utility system by a qualifying facility having less than 40-kilowatt capacity, compensation to the customer shall be at a per kilowatt-hour rate determined under paragraph (c) ~~or~~ (d), or (f).

The amendment takes effect on July 1, 2015, and applies to customers installing net metered systems after that day.

The Department has reviewed the statutory language, and offers the following observations on determining a "reasonable and appropriate" additional charge. Any additional charge assessed on DG customers should reflect only the incremental cost of serving those

customers. Net metering customers continue to pay the monthly customer charge for their class of service, and consequently costs already recovered through the customer charge should not be assessed a second time.

The Uniform Statewide Contract includes identification of the estimated “actual, reasonable costs of interconnection” and, consistent with 7835.2500, sets forth the payment method for those interconnection costs. Material costs for interconnection should be reflected in the contract. In addition, the handling of maintenance costs associated with interconnection facilities should be reflected in the interconnection contract. For example, the Cooperative’s interconnection contract states, “Once installed, the Dedicated Facilities shall be owned and operated by PEC and all costs associated with the operating and maintenance of the Dedicated Facilities, after the Generation System is operational, shall be the responsibility of PEC, unless otherwise agreed.”⁸ Consequently, the Department expects that the interconnection agreement will inform members of the treatment of certain costs associated with interconnected facilities.

Finally the Department cautions about the use of additional charges as a method to recover revenue decreases attributed to rate design decisions. In residential rate design, utility costs are typically recovered through either a fixed monthly customer charge or a per kWh energy charge. In an effort to keep monthly fixed customer charges manageable, a utility may recover some of its fixed costs through the variable energy charge. Under such a rate design, payments by customers with average monthly usage will allow the utility to recover all the costs associated with serving the customer through the combination of the monthly customer charge and the energy charges. Customers with above-average monthly usage will contribute more than the average cost of serving them, while customers with below-average monthly usage will contribute less than the average cost to serve them. For example, in response to DOC IR No. 3, Peoples Cooperative stated that the average customer cost for the residential class is \$55.84 per month compared with the \$37.00 per month residential customer charge. In this instance, the \$18.84 difference between the monthly customer cost and monthly customer charge is recovered through energy rates. In the event an above-average usage customer begins net metering, the utility will lose a portion of the energy charge revenue that currently contributes to recovery of the customer costs.

Minn. Stat. §216B.03 requires that “rates shall not be unreasonably preferential, unreasonably prejudicial or discriminatory, but shall be sufficient, equitable, and consistent in application to a class of customers.” The Department believes that assessing a charge on DG customers to cover the customer costs currently being recovered through the energy charge would constitute rate discrimination. When customer costs are recovered through a variable rate such as the energy charge, some customers pay more than the average cost to serve them while others (those with below average usage) pay less than the average cost to

⁸ April 1, 2015 Response to Complaint, People’s Energy Cooperative Interconnection Agreement, page 4.

serve them. Attempting to recover those costs only from DG customers would constitute unreasonable rate discrimination.

C. MAY 21, 2015 LETTER FROM PEOPLES'

On May 21, 2015, People's Cooperative submitted additional comments on its monthly facilities charge for net metered customers. (Attachment B) In its letter, the Cooperative cited to similar charges by Xcel Energy, Otter Tail Power Company, Interstate Power and Light Company, and Minnesota Power as support for its imposition of a net metering charge. According to the letter, each of these investor-owned public utilities assessed the following charges on their net metered customers:

- Xcel Energy - \$3.15 per month for single phase, and \$6.40 for three phase service.
- Otter Tail Power - \$3.70 per month
- Interstate Power and Light - \$1.75 per month.
- Minnesota Power - \$2.55 per month.

The Department has made an effort to determine when the net metering charges were implemented by each of these utilities, and found that the charges have been in place since - at least - each Company's 2010 Distributed Generation Report filed in E999/PR-10-09. The Commission may wish to open a new docket to request additional information from each utility on the implementation date of any net metering charge, and the Docket in which such charge was approved.

D. RECOMMENDATIONS

The Department recommends that the Commission:

Find that People's Energy Cooperative's facilities charge for the Complainant is not permitted by the Cooperative's contract with the Complainant.

Direct the Cooperative to file a compliance filing:

- Identifying the amount owed to the Complainant and the Cooperative's plan for issuing a refund to the Complainant.
- Identifying additional customers with QF's that have been assessed types of charges not identified in their contracts with the Cooperative, and identifying a plan for either refunding any overpayments to such Grandfathered customers or notifying such customers of their right to a similar refund.

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The Commission may wish to open a new docket to request additional information from Xcel, Ottertail Power, Interstate Power and Light, and Minnesota Power on the implementation date of any net metering charge, and the Docket in which such charge was approved.

/ja

Attachment A

State of Minnesota
DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

Nonpublic
Public

Utility Information Request

Docket Number: E132/CG-15-255

Date of Request: 5/14/2015

Requested From: Elaine Garry
People's Energy Cooperative

Response Due: 5/25/2015

Analyst Requesting Information: Susan Peirce

Type of Inquiry: Financial Rate of Return Rate Design
 Engineering Forecasting Conservation
 Cost of Service CIP Other:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
1	<p>Please provide a copy of the signed contract between People's Energy Cooperative (Peoples) and Mr. Miller (QF) for net metering. Identify the terms in the contract that permit Peoples to assess the \$5.00 per month facility fee.</p> <p>People's Energy Cooperative is providing a copy of the signed contract with Mr. Miller (QF) and a copy of the distributed generation rate at the time the contract was signed and which was identified as an attachment to the contract. Purchase of energy and capacity supplied to the Cooperative is identified in section 4.1, Electric Service Supplied to Cooperative as "the Standard Rate set forth in Rate Schedule P, which is attached hereto as part of this Agreement". Note that section 3.1, Electric Sales Supplied to Member says "as revised from time to time by the Cooperative". <u>Although not specifically stated in section 4.1, the changing of the rate schedule for electric purchases has been accepted in practice.</u> Changes to the rate schedule have been made by the Cooperative, including increase in the payment per kWh, to keep in line with calculation of the average retail cost of energy without concerns raised by DG system owners.</p>

Response by: Gary Fitterer _____

List sources of information: _____

Title: Director of Engineering _____

Department: _____

Telephone: (507) 367-7000 _____

MEMBER SERVICE AGREEMENT
with
**Operator of Small Power Production Facility or
Cogeneration Facility**

This Agreement, made this 9 day of Nov 2010 between
People's Cooperative Services, hereinafter called "Cooperative", and
Alan Miller, a Member of the Cooperative,
hereinafter called "Member".

WITNESSETH:

WHEREAS, The Cooperative owns, operates, and maintains an electric distribution system and provides electric service to its members, and

WHEREAS, The Member desires to install and operate an electrical generating facility and to interconnect said facility to the electric system of the Cooperative, and

WHEREAS, The Member's generating facilities, hereinafter called "Qualifying Facility" or "QF", must qualify as a QF in accordance with the requirements of the Federal Energy Regulatory Commission as set forth in Title 18 Code of Federal Regulations Chapter 1, Part 292 (18 CFR Part 292), and

WHEREAS, The Parties will comply with the rules governing cogeneration and small power production generators as published by the Minnesota Public Utilities Commission (MPUC) and the Cooperative's Service Rules and Regulations, and

WHEREAS, The Cooperative is willing to purchase energy and capacity from the QF that is in excess of the Member's needs, and

WHEREAS, The Cooperative is willing to interconnect and operate in parallel with the QF and to furnish parallel electric service to the Member.

NOW, THEREFORE, the COOPERATIVE and the MEMBER agree as follows:

1.1 **Point of Interconnection:** The Point of Interconnection shall mean that point at which the facilities provided by the Cooperative and the facilities provided by the Member are interconnected. The location of the Point of Interconnection is as follows:

2.1 **Metering Diagram:** A one-line diagram that shows the metering and protective equipment installed for the QF is shown on Attachment A, attached hereto. The QF and its characteristics are also described in Attachment A.

3.1 **Electric Service Supplied to Member:** The Cooperative will supply the electrical requirements of the Member that are not supplied by the QF. Such electric service shall be supplied under the rate schedules applicable to the Consumer's class of service as revised from time to time by the Cooperative.

4.1 **Electric Service Supplied to Cooperative:** The Cooperative will purchase all energy and capacity supplied to the Cooperative by the QF under the Standard Rate set forth in Rate Schedule P, which is attached hereto as part of this Agreement. The Cooperative will at the option of the Member either:

___ Pay the Member for electric service supplied during the previous month within fifteen (15) days after the date of the monthly recording of the meter registration.

___ Credit the Member for electric service supplied the previous month on the Member's monthly billing date of the recorded meter registration.

The Cooperative may stop purchasing electricity to the QF when necessary for the Cooperative to construct, install, maintain, repair, replace, remove, investigate, or inspect any equipment or facilities within its electric system.

5.1 **Terms and Conditions:** The Terms and Conditions attached to this agreement are incorporated herein and made a part hereof.

6.1 **Right of Access:** The Member will give authorized agents and employees of the Cooperative the right to enter its premises at all reasonable times for the purpose of reading or checking meters; or for testing, repairing, renewing, exchanging, or removing any or all of its equipment that may be located on the property of the Member; or for performing safety checks on the protective equipment of the QF and to test the quality of electric service supplied to the Cooperative.

7.1 **Correction of Trouble:** The QF shall be operated so that it shall not cause any reduction in the quality of service provided by the Cooperative's system. If the operation of the QF causes a hazardous condition on the Cooperative's system or if any emergency arises that may result in a hazardous condition, the Cooperative has the right to open the disconnect switch that isolates the QF, without notice to the Member or liability to the Member for any loss of revenue or damage to the QF. It is the Member's sole responsibility to correct any hazardous or unsafe condition that the operation of the QF may impose on the system of the Cooperative.

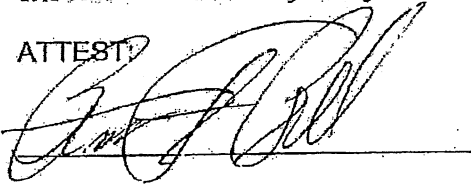
8.1 **Successors and Assigns:** This Agreement shall be binding upon and ensure to the benefit of the respective successors and assigns of the parties hereto, save that no assignment hereof shall be effective without the written consent of the Cooperative being first obtained.

9.1 **Term of Agreement:** This Agreement shall become effective upon the first date above written and shall continue in full force and effect until terminated by not less than thirty (30) days prior written notice given by either party to the other party. Upon termination of this Agreement, the QF shall be disconnected from the electric system of the Cooperative.

10.1 **Regulation and Administrative Approval:** This Agreement is subject to the regulations of any regulatory body or bodies having jurisdiction thereof.

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed as of the day and year first above written.

ATTEST:



MEMBER

BY Alan Miller

ATTEST:

COOPERATIVE

BY Russell Helge

PEOPLE'S COOPERATIVE SERVICES
Minnesota 59 Olmsted
Rochester, Minnesota

Schedule PG-1: Cogeneration & Small Power Production

Effective: This rate shall become effective with August 2010 energy use.

Availability: Available to all members where the member has qualified small power production or cogeneration facilities connected in parallel with the cooperative's facilities. The member is required to execute an electric service agreement with People's Cooperative Services.

Service Characteristics: Alternating current, 60 Hz, at available voltages.

Rate: The cooperative shall pay or credit the member monthly for all energy furnished during the month at the appropriate rate shown below. All applicable rates will be adjusted by the Power Cost Adjustment (PCA) when applicable. The rate selected shall be at the member's option and shall conform to the capacity rules established by the Minnesota Public Utility Commission. Members with qualified facilities that exceed 100 kW may agree with the cooperative to execute this standard agreement with the 'Time of Day Rate' or the parties may agree that a negotiated agreement is more appropriate.

- 1.01 **Net Energy Billing Rate.** Available to qualified facilities with capacity of less than 40 kW that do not select either the 'time of day rate' or 'Simultaneous Purchase & Sale Billing Rate'. The cooperative shall pay the member as follows:

Type of Service	Rate
General Service	\$0.10765 per kWh
Three phase General Service	\$0.10327 per kWh
Three phase General Service/demand	\$0.06081 per kWh

- 1.02 **Simultaneous Purchase & Sale Billing Rate.** Available to qualified facilities with capacity of less than 40 kW that do not select the 'time of day rate'. The cooperative shall pay the member as follows:

- A. The energy component of the rate is specified in Exhibit A.
- B. Payment for capacity furnished on-peak will reflect the per kWh value of such capacity as shown in Exhibit B.

- 1.03 **Time of Day Rate.** Required for qualified facilities with capacity equal to or greater than 40 kW and less than or equal to 100 kW. 'Time of Day' rates are available with the mutual consent of the cooperative and the member for qualified facilities with capacity of less than 40 kW and with capacity greater than 100 kW when firm power is provided. The cooperative shall pay the member as follows:

Energy furnished on-peak (see Exhibit A)	
Summer season	\$0.04028 per kWh
Winter season	\$0.04252 per kWh


Energy furnished off-peak (see Exhibit A)	
Summer season	\$0.02454 per kWh
Winter season	\$0.02578 per kWh

Payment for capacity furnished on-peak will reflect the per kWh value of such capacity as shown in Exhibit B.

Attachment B



People's Energy Cooperative

Your Touchstone Energy® Cooperative 

April 24, 2014

KRISTINE A MILLER
ALAN MILLER
2210 20TH ST NE
STEWARTVILLE MN 55976

RE: Facility Fee Added to Distributed Generation (DG) Accounts.

Dear Member:

The purpose of this letter is to advise you of a rate change for DG accounts (PG-1 rate schedule) effective with February 2014 energy use. I sincerely apologize for our oversight of not communicating this change in a timely manner in the newsletter and wanted to take the time to explain why the addition of a monthly \$5.00 facility fee to cogeneration accounts was necessary.

As a not-for-profit electric utility, our primary focus is to deliver reliable, affordable and safe electricity in an environmentally responsible manner to all our members, and to treat all members fairly and equitably. The \$5.00 monthly facility fee added to your bill is to address the incremental costs associated with interconnected DG accounts. This fee helps pay for the administrative and physical work that must be done, such as monthly processing of meter reads, energy purchases, state reporting requirements, and other unique infrastructure costs associated with DG accounts.

While the Cooperative supports energy conservation, we do have a concern with the installation of DG such as solar and wind. The current Minnesota statute requires us to pay retail rates for systems under 40KW in size. That means that we pay more for that renewable energy than we do the energy we purchase from Dairyland Power Cooperative, our power supplier. It also means that other Cooperative members are subsidizing our purchase of renewable energy from individual members, which is a concern for us. We are working to find a solution that works for all members with DG, members who do not own DG, and the Cooperative.

Please feel free to contact us with any additional questions.

Sincerely,

Michelle Olson
Director of Member Services

Attachment C

State of Minnesota
DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

Nonpublic
Public

Utility Information Request

Docket Number: E132/CG-15-255

Date of Request: 5/14/2015

Requested From: Elaine Garry
People's Energy Cooperative

Response Due: 5/25/2015

Analyst Requesting Information: Susan Peirce

Type of Inquiry:FinancialRate of ReturnRate Design
.....EngineeringForecastingConservation
.....Cost of ServiceCIPOther:

If you feel your responses are trade secret or privileged, please indicate this on your response.

Request No.	
8	<p>According to Peoples' March 24, 2015 response to the complaint, Peoples seeks recovery for incremental costs of meter reading. How does Peoples read meters of members currently? How does Peoples currently read meters of members that are qualified facilities providing energy to Peoples? Explain in detail how People's calculates the costs associated with meter reading for qualified facilities providing energy to Peoples that are not recovered in the monthly customer charge paid by all customers?</p> <p>As noted in People's Energy Cooperative's response to IR#7 we are working to record the readings for energy sales, energy purchases and DG system energy production to meet the consumer information needs for their account and requested information for the State of Minnesota reporting requirements on net billing systems. The focus of our March 24, 2015 response was the costs associated with capture, verification, and posting of the readings for the billing of energy sales and crediting of energy purchases, as well as for managing the account including responding to member questions on the invoice bill of sales and purchases. This means that on a monthly basis we are processing two instead one reading for services with qualifying facilities. And we are working to capture three readings to meet reporting and member inquiry needs.</p> <p>People's uses a power line carrier Automated Meter Infrastructure (AMI) system for its single-phase service accounts. This system has in practice shown itself to be susceptible to</p>

Response by: Gary Fitterer _____

List sources of information:

Title: Director of Engineering _____

Department: _____

Telephone: (507) 367-7000 _____

interference especially to sub-meter installations. The process used by People's is to query the meters via the AMI system. Readings on the last calendar day of the month are extracted from the AMI system and transferred to the Customer Information System (CIS). These steps include reading the sub-meter at service accounts. A check is done to verify valid readings for all meters. For DG account meters with missing readings, a reading is obtained by calling the consumer or dispatching Cooperative personnel to read the meter monthly. We do not allow estimates to be made on DG meters. The general policy on meter reads to allow one month to be estimated and no more than two consecutive months being estimated before physically reading the meter. This adds personnel time above what was used for services where we do allow an estimate to be used. Our CIS system vendor has a cost structure based on the number of meters for which readings are processed. The existence of a sub-account with readings adds incremental charges for accounting and billing services from our CIS system vendor.

To obtain more accurate information, we are adding a financial account to capture the cost of unique actions for DG system accounts.

Response by: Gary Fitterer _____

List sources of information:

Title: Director of Engineering _____


Department: _____

Telephone: (507) 367-7000 _____

Attachment D



People's Energy Cooperative

Your Touchstone Energy[®] Cooperative 

April 6, 2015

To: Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
350 Metro Square Building
121 7th Place East
St. Paul, MN 55101-2147

From: Elaine J Garry
People's Energy Cooperative
1775 Lake Shady Avenue South
Oronoco, MN 55960
egarry@peoplesrec.com

SUBJECT: Dispute Resolution: Docket E-132/CG-15-255

Dear Mr. Wolf:

People's Energy Cooperative is submitting additional comments in response to the Public Utilities Commission's request in the matter of a Request for Dispute Resolution; Docket E132-32/CG-15-255. The additional comments are to provide additional detail and clarity to our comments dated March 24, 2015.

It is our interpretation of State Statute §216B.164 that ongoing costs can be recovered if those costs are unique to the existence of the interconnected system, are not covered by other charges associated with their existing service where the DG system is interconnected, or are not part of a standby fee. Neither Minn. Stat. § 216B.164, nor Minn. Rules, Part 7835.3000, nor the federal Public Utilities Regulatory Policy Act (PURPA), nor the PURPA rules prohibit this \$5.00 charge. In fact, both PURPA and Minn. Stat. § 216B.164, subd. 1 acknowledge that cogeneration and small power production are to be encouraged "consistent with protection of rate payers..." The Cooperative's general ratepayers should not have to pay costs attributable to solar generation as in this instance.


Furthermore, Minn. Stat. § 216B.164, subd. 3(b) states that "the commission shall consider the fixed distribution costs to the utility not otherwise accounted for in the basic monthly charge and shall ensure that the cost charged to the qualifying facility are not discriminatory in relation to costs charged to other consumers or other customers of the utility." The \$5.00 charge is for fixed distribution costs not accounted for in the initial basic monthly charge of \$37.00. Finally, Minn. Stat. § 216B.164, subd. 8(b) provides that this section shall not be construed to "excuse the qualifying facility from any obligation for costs of interconnection and wheeling in excess of those normally incurred by the utility for customers with similar load characteristics who are not cogenerators or small power producers..." The various

additional costs identified above are interconnection costs and are in excess of those caused by Cooperative members who are not cogenerators nor small power producers. Rather, they are caused by this and similar small power production units.

People's Energy Cooperative sees distributed generation systems as an ongoing part of our operations. As with all our operations and programs, we are working to balance economical and service needs of the individual member with those of the overall membership without causing undue impact to either party. It is not our intention to discourage the installation of distributed renewable energy systems by our membership.

Please contact myself or Gary Fitterer (gfitterer@peoplesrec.com) for any questions on this response or additional questions related to the concerns raised by Mr. Miller.

Sincerely,


Blaine J. Garry

(President and CEO)

(507) 367-7000


egarry@peoplesrec.com

Attachment

Attachment E



People's Energy Cooperative

Your Touchstone Energy® Cooperative 

May 21, 2015

Mr. Daniel Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Docket No. E132/CG-15-255

Dear Mr. Wolf:

People's Energy Cooperative is submitting additional comments in connection with the above docket. The purpose of these additional comments is to provide information regarding the monthly charges which other electric utilities impose on their qualifying facility customers with less than 40 KW capacity, who offset the energy delivered by the electric utility (net metered customers). Northern States Power Company charges such net metered customers \$3.15 per month for a single phase service and \$6.40 per month for three phase service.¹ Ottertail Power Company charges such net metered customers \$3.70 per month.² Interstate Power and Light Company charges such net metered customers \$1.75 per month.³ Minnesota Power charges such net metered customers \$2.55 per month.⁴ Accordingly, there is authority for the monthly charge that People's Energy Cooperative is imposing on its net metered members.

Respectively submitted,



Elaine Garry, CEO
People's Energy Cooperative
1775 Lake Shady Avenue South
Oronoco, MN 55920

¹ NSP-MN Electric Rate Book – MPUC No. 2 Net Energy Billing Service Rate Code A 50, effective March 2015.

² Ottertail Power Company – Electric Rate Schedule Section §12.01. Small Power Producer Rider/Net Energy Billing Tare, effective January 2015.

³ Interstate Power and Light Company - Electric Tariff, Co-Generation and Small Power Production/Net Energy Billing Schedule/Rate Designation 901, effective January 2015.

⁴ Minnesota Power - Electric Rate Book Volume I/Section V/Page No. 60, effective January 2015.

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. E132/CG-15-255

Dated this 1st day of July 2015

/s/Sharon Ferguson

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