

May 18 2015

Mr. 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. E002/M-13-867

Dear Mr. Wolf,

On May 1, 2015, the Minnesota Public Utilities Commission (Commission) issued a Notice of Comment Period in the Matter of Northern States Power Company, dba Xcel Energy (Xcel or the Company), for Approval of its Proposed Community Solar Garden Program. The Commission sought comment on Xcel's April 28, 2015 Supplemental Comments proposing to unilaterally limit all co-located gardens with an aggregate capacity greater than 1 MW, and process only applications for co-located gardens that do not exceed 1 MW within 31 days of its Supplemental Comments.

On May 1, 2015, the Minnesota Department of Commerce, Division of Energy Resources (Department) filed a Motion for Order to Show Cause (Show Cause Motion) requiring Xcel to show why the Commission should not:

1. Find that Xcel Energy's retroactive proposal contained in its April 28, 2015 Supplementary Comments to stop processing co-located solar garden applications under its Solar*Rewards Community Program to 1 MW or less is in violation of the Commission's Orders in this docket;¹ and
2. Order Xcel Energy to process applications consistent with the Commission's Orders in this docket, in particular its decision to allow multiple solar gardens to be installed in close proximity to each other,² and reject any scaling to 1 MW proposed co-located gardens with an aggregate capacity greater than 1 MW.

The Show Cause Motion addresses the Department's concerns with the Company's proposal on co-located solar gardens exceeding 1 MW and along with our April 30, 2015 Reply Comments in this Docket serves as our response to the Commission's latest Notice for Comment.

¹ Order Rejecting Xcel's Solar-Garden Tariff Filing and Requiring the Company to File a Revised Solar-Garden Plan, (April 7, 2014) ("April 7, 2014 Order"); Order Approving Solar-Garden Plan With Modifications, (September 17, 2014) ("September 17, 2014 Order"). See also Order Clarifying Solar-Garden Application Process, (February 13, 2015).

² April 7, 2014 Order at 12 and September 17, 2014 Order at 13-15.

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On May 11, 2015, the Commission issued a Notice of Commission Meeting on June 25, 2015, to address outstanding issues in this Docket including Xcel's proposal on co-located solar gardens greater than 1 MW, the Solar Garden Community's April 29, 2015 Petition for Expedited Relief, and the Department's Show Cause Motion.

The Department remains concerned that without a Commission Order or other directive prior to the June 25th meeting, Xcel will begin removing solar garden applications for co-located gardens greater than 1 MW from its application system. In its April 28th Supplemental Comments, the Company stated it would begin the process of scaling all co-located solar gardens greater than 1 MW to 1 MW and refunding the deposits for gardens that exceed 1 MW within 31 days of its filing. Under Xcel's proposed timelines, the Company could begin the process of refunding deposits and otherwise restricting solar garden applications on May 30, 2015.

The Department notes that Xcel has not clearly indicated whether its proposal to scale back co-located solar garden applications to 1 MW applies solely to the garden application in Section 9 of its tariff, or if it would also scale back the corresponding Section 10 interconnection applications. In addition, should the Commission deny Xcel's request to scale back co-locations at its June 25th meeting, solar garden applicants would face the prospect of needing to reapply and possibly losing their existing position in the application queue.

The Department recommends that the Commission order Xcel to refrain from sending any cancellation notices to applicants in the existing queue prior to the Commission's June meeting. In addition, the Department recommends that the Commission direct Xcel to continue processing existing applications for Community Solar Gardens and their interconnections. In any case, the Company should be directed to maintain projects in the queue until the Commission has the opportunity to further address the issues at its June 25 meeting.

The Department is scheduled to meet with Xcel next week and is hopeful that resolutions can be found to at least some of the issues that have arisen.

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

Sincerely,

/s/ SUSAN L. PEIRCE
Rates Analyst

SLP/ja

CERTIFICATE OF SERVICE

I, Linda Chavez, hereby certify that I have this day served copies of the following document on the attached list of persons by electronic filing, 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 Nos. **E002/M-13-867**

Dated this **18th** day of **May, 2015**.

/s/Linda Chavez

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ross	Abbey	abbey@fresh-energy.org	Fresh Energy	408 Saint Peter St Ste 220 St. Paul, MN 55102-1125	Electronic Service	No	SPL_SL_13-867_Community Solar Garden - Xcel
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Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar	721 W 26th st Suite 211 Minneapolis, Minnesota 55405	Electronic Service	No	SPL_SL_13-867_Community Solar Garden - Xcel
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Dustin	Denison	dustin@appliedenergyinnovations.org	Applied Energy Innovations	4000 Minnehaha Ave S Minneapolis, MN 55406	Electronic Service	No	SPL_SL_13-867_Community Solar Garden - Xcel
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