

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

Katie Sieben	Chair
Joseph K. Sullivan	Vice Chair
Hwikwon Ham	Commissioner
Audrey Partridge	Commissioner
John Tuma	Commissioner

In the Matter of Northern States Power
Company d/b/a Xcel Energy – Electric’s 2024
Annual Safety, Reliability, and Service
Quality Report

DOCKET NO. E-002/M-25-27

**REPLY COMMENTS OF THE OFFICE
OF THE ATTORNEY GENERAL—
RESIDENTIAL UTILITIES DIVISION**

INTRODUCTION

The Office of the Attorney General—Residential Utilities Division (OAG) respectfully submits these reply comments in response to the initial comments of the Minnesota Department of Commerce (Commerce), the May 30 Comments of the Minnesota Department of Health (MDH), and the joint initial comments of the Citizens Utility Board (CUB), Legal Services Advocacy Project (LSAP), and Energy Cents Coalition (ECC). The OAG responds to Commerce and MDH’s recommendation to deny Xcel’s proposal to remotely reconnect disconnected customers during extreme heat and air quality events. Consultation with state agencies can be achieved via other procedural mechanisms that are less drastic than denying Xcel’s proposal, which the Commission ordered Xcel to develop to protect vulnerable utility customers. The OAG agrees with CUB, LSAP, and ECC that Xcel should immediately suspend involuntary disconnections during air quality events, and also that Xcel should be required to annually report on certain data.

ANALYSIS

I. THE COMMISSION HAS PROCEDURAL TOOLS OTHER THAN DENYING THE PROPOSAL IF IT BELIEVES XCEL MUST CONSULT WITH STATE AGENCIES.

Commerce's initial comments recommend that "the Commission require Xcel to consult with the Minnesota Pollution Control Agency (MPCA), [MDH] and parties to (1) establish common terminology and definitions regarding poor air quality and extreme heat, and (2) establish appropriate thresholds related to poor air quality and extreme heat."¹ Commerce then recommends that "the Commission deny the proposals, order further record development, and allow Xcel to revise its proposals in light of the record developments."² On May 30, 2025, MDH filed comments supporting Commerce's recommendation.³

While the substance of both Commerce's and MDH's comments appear supportive of the goals of the proposal, both recommend denial in comments filed to date. The OAG is concerned that denying the proposal could delay the implementation of protections and may place discretion with Xcel on whether and when to resubmit a proposal. The OAG also questions whether suspending or discontinuing program development is needed to achieve the outcomes that Commerce and MDH recommend. Instead, if the Commission believes the further record development recommended by Commerce and MDH is needed, other procedural pathways are available, including but not limited to the below:

- **Procedural Pathway A:**⁴ The Commission could provisionally authorize the plan subject to Xcel, Commerce, and MDH making compliance filings detailing the results of the consultation and proposing any needed changes to the program. The filing could either be followed by a comment period or be subject to a negative check-off.

¹ Commerce Initial Comments at 3.

² *Id.*

³ MDH May 30 Comments at 3.

⁴ The ordering of the pathways does not indicate OAG's preference.

- **Procedural Pathway B:** The Commission could approve the proposal but establish a timeline to reexamine certain aspects of Xcel's plans, such as the air quality conditions that trigger reconnection. This would allow time for Xcel to consult with state agencies, for example, on developing understandings of the health impacts of wildfire smoke⁵ and any other items the state agencies believe were not appropriately considered in Xcel's proposal.
- **Procedural Pathway C:** The Commission could approve the proposal and order Xcel to consult with the relevant state agencies on the specifics of the program and provide a compliance filing within a specified time or times to report on the progress of the consultation. Should the consultation and reporting demonstrate a need for changes to the proposal that would require Commission approval, the Commission can make changes at a later date. In the meantime, Xcel could begin implementing aspects of the program that are not implicated by the state agencies' concerns.⁶
- **Procedural Pathway D:** The Commission can modify Xcel's proposal based on comments of state agencies that weigh in prior to the close of the current comment period.

The OAG believes that any of the above procedural pathways would be preferable to a flat denial of the proposal if the Commission believes further record development is necessary to implement Commerce's and MDH's recommendations.

Based on the substance of the comments filed to date, all commenters appear to see value in a program to reconnect disconnected utility customers and halt disconnections during extreme heat events and times of poor air quality. The OAG respectfully submits that denying the proposal, even with direction for Xcel to develop a new proposal, will not be the most expeditious way to achieve this common goal. The Commission has several other procedural tools, including but likely not limited to those listed above, to continue developing this program to protect vulnerable utility customers while addressing Commerce's and MDH's concerns.

⁵ MDH May 30 Comments (discussing emerging research indicating that wildfire smoke may be as much as ten times more toxic than air pollution from fossil fuel combustion).

⁶ For example, Xcel provided a timeline for system enhancements that its states will be necessary to implement the program. *See* Xcel Annual Report at 101; OAG Initial Comments, Attach. C (Xcel Response to DOC IR Nos. 4 & 5). Xcel estimates that system enhancements will be "12 weeks for viable IVR [Interactive Voice Response System] Upgrade Deployment" and "30 weeks of deployments for critical fixes in the queue." *See* OAG Initial Comments, Attach. C. Xcel's explanation of these items indicates that these system enhancements are technical and would not likely require the clarity that the state agencies are seeking prior to beginning work. *See id.*

II. THE OAG AGREES WITH CUB, LSAP, AND ECC’S RECOMMENDATION TO REQUIRE XCEL TO IMMEDIATELY HALT DISCONNECTIONS WHEN AQI REACHES 151 OR HIGHER.

CUB, LSAP, and ECC recommend immediately requiring Xcel to suspend disconnections during air quality events triggered by an AQI of 151 or higher, noting that “[s]ystem enhancements are not necessary for these protections.”⁷ The OAG supports this recommendation.

As Xcel acknowledges, the process for suspending disconnections due to air quality events is similar to its existing statutorily required policy of suspending disconnection during extreme heat conditions.⁸ Xcel’s proposal does not list any further steps that need to be taken to suspend disconnections due to air quality in its report, and the OAG believes Xcel is correct that suspending disconnections during air quality events could follow a similar process for what Xcel uses to comply with Minnesota Statutes section 216B.0975. Because no further system enhancements appear necessary, the Commission should order Xcel to immediately suspend disconnections during air quality events of 151 AQI or higher.

The Commission should take this action regardless of the procedural pathway that it takes to resolve the remainder of the proposal, discussed above. Even if the Commission determines that further record development is needed for Xcel to consult with the state agencies and ultimately finds that a different air quality metric is more appropriate,⁹ there would be minimal process changes needed to modify Xcel’s criteria for suspending disconnections. Further, because no customer communications are required for Xcel to suspend disconnections, the terminological concerns raised by the state agencies¹⁰ would not appear to be impacted by an immediate requirement that Xcel suspend disconnections during times of poor air quality.

⁷ CUB, LSAP, ECC Initial Comments at 6.

⁸ Xcel Annual Report at 97.

⁹ See Commerce Initial Comments at 3-4; MDH May 30 Comments at 3-4.

¹⁰ See Commerce Initial Comments at 3; MDH May 30 Comments at 3.

The OAG supports CUB, LSAP, and ECC's recommendation that the Commission immediately require Xcel to suspend disconnections during air quality events triggered by an AQI of 151 or higher.

III. THE OAG AGREES WITH CUB, LSAP, AND ECC'S ANNUAL REPORTING PROPOSALS BUT RECOMMENDS CLARIFICATIONS ON THE SPECIFIC PARAMETERS OF REPORTING.

CUB, LSAP, and ECC recommend that Xcel be required to report certain information annually to "inform the Commission and stakeholders about the effectiveness of its extreme heat and air quality protections."¹¹ Specifically, the joint commenters request that Xcel track the number of customers qualifying for reconnection and the number of reconnections ultimately carried out, both in aggregate and at the county level, and file this information annually in its service quality report with a description of how many events were called and how many disconnections were suspended.

The OAG agrees with this recommendation but suggests slightly clarified parameters, requiring Xcel to report this information both in aggregate for the year and by event. Xcel's annual report should specify the following: (1) each event where disconnection suspensions or reconnections were triggered, (2) the date(s) and length of the event, (3) the counties impacted by the event, (4) the number of disconnections suspended during each event, (5) the number of customers eligible for reconnection during each event, (6) the number of customers reconnected for each extreme heat event, and (7) the number of customers reconnected for each air quality event.¹² This event-by-event data will give the Commission more visibility into where Xcel has been effective at reconnecting customers than would annual numbers alone.

¹¹ CUB, LSAP, ECC Initial Comments at 7.

¹² If both a heat event and air quality event are triggered concurrently, Xcel may report them together but should specify the concurrent nature of the event.

CONCLUSION

In March 2023, the Commission sensibly conditioned Xcel's remote disconnection of customers for non-payment on Xcel developing a plan to remotely reconnect customers during hot weather events.¹³ Following Xcel's initial high-level submission, the Commission required Xcel expand its plan to include reconnection during times of high air quality index levels.¹⁴ In doing so, the Commission exercised its authority over public utilities to protect electric utility customers from negative health impacts associated with facing high heat and air-quality events without electricity to run fans, air purifiers, or air conditioners. Although Commerce and MDH recommended denial in their filings to date, all comments appear supportive of the goals of the Commission's ordered plans. As discussed above, if the Commission believes further state agency consultation is needed, it has several procedural tools available to it to continue making progress to protect vulnerable utility customers. The OAG also recommends that the Commission require Xcel to immediately suspend disconnections during air quality events of 151 AQI or higher and report annually on its disconnection suspension and remote reconnection events.

Dated: June 3, 2025

Respectfully submitted,

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¹³ *In re Petition by N. States Power Co. Requesting Approval of Changes to Its Tariff an Indefinite Variance to Comm'n Rules Regarding Disconnection of Serv.*, Docket No. E-002/M-22-233, [Order Approving Petition as Modified and Requiring Filings](#) at 9 (Mar. 22, 2023).

¹⁴ *Xcel Annual Service Quality Report*, Docket No. E-015/M-24-27, [Order Accepting Reports and Setting Additional Requirements](#) at 7 (Jan. 13, 2025).

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