

September 9, 2024

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce**
Docket No. E002, E015, E017/CI-24-248

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

In the Matter of the Interconnection Ombudsperson Surcharge.

A Notice of Comment Period was filed on August 2, 2024 by the Minnesota Public Utilities Commission (Commission).

Northern States Power Company, doing business as Xcel Energy (Xcel) filed Initial Comments on August 12, 2024. Otter Tail Power Company (OTP) filed Initial Comments on August 12, 2024. Minnesota Power (MP) filed Initial Comments on August 15, 2024.

The Department recommends **approval** of the Public Utilities proposals and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. Sydnie Lieb
Assistant Commissioner of Regulatory Analysis

JT/SC/ar
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket No. E002, E015, E017/CI-24-248

I. INTRODUCTION

The Department provides the following analysis and response to the Xcel Energy, Otter Tail Power, and Minnesota Power (Public Utilities) Initial Comments to the Notice of Comment Period in Docket E002, E015, E017/CI-24-248 issued by the Commission on August 2, 2024. The topics open for comment are as follows:

1. Utility comment should include tariff language on the ombudsperson fee and a narrative explanation of how the utility is collecting, tracking, and remitting fees to the Commission consistent with the legislation.
2. What process should the Commission establish to report and track surcharges collected by public utilities and remitted to the Commission, and adjust the surcharge as needed?
3. Should the Commission establish an annual cadence to review the ombudsperson surcharge and adjust the surcharge as needed?
4. Are there other issues or concerns related to this matter?

As noted in the Commission's Notice of Comment Period, the State's Telephone Assistance Plan (TAP) is funded in a similar manner to how the 2024 Legislation has established funding for the ombudsperson position.¹

II. PROCEDURAL HISTORY

On May 24, 2024, Minnesota Governor Walz signed 2024 Legislation into law.² Included within Minnesota Law 2024, in Ch. 127, Art. 42, Sec. 54 are funding provisions for the Commission's Consumer Affairs Office to establish an Interconnection Ombudsperson position by requiring public utilities (Xcel Energy, Otter Tail Power, and Minnesota Power) to assess and collect a \$50 surcharge on interconnection applications filed by an owner of a distributed generation facility. The Public Utilities must then remit all surcharges collected on a monthly basis to the Commission, to fund the Interconnection Ombudsperson position. The provisions were effective upon enactment of the legislation.

On July 1, 2024, the Commission sent letters to Xcel Energy, Otter Tail Power, and Minnesota Power requesting that each utility submit the total of monthly collected surcharges by the 15th of each month. The letters are attached to the Notice.³

¹ See [Notice of Comment Period](#) issued September 21, 2023, in Docket No. P999/CI-23-49 for more information.

² [HF 5247 Conference Committee Report - 93rd Legislature \(2023 - 2024\) \(mn.gov\)](#) Starting at Line 715.23.

³ See subject Docket No. E002, E015, E017/CI-24-248 Notice of Comment Period, Pp. 4-6 for individual public utility letters.

On August 2, 2024, the Commission filed a Notice of Comment Period (Notice), requesting feedback from the Public Utilities on what actions the Commission should take to establish procedures on funding provisions for the interconnection ombudsperson position. As noted by the Commission, this Notice is intended to address future reporting and surcharge adjustment procedures, but in no way delay implementation of the interconnection ombudsperson position by the Commission, or the corresponding surcharge collected by the Public Utilities as required in the legislation.

On August 12, 2024, Xcel filed Utility Comments in response to the Notice.

On August 12, 2024, OTP filed Comments in response to the Notice.

On August 12, 2024, MP filed an Extension Request for submitting Initial Comments to the Notice, and on August 13, 2024, the Commission granted the request and filed a Second Notice of Extended Initial Comment Period, with a new deadline on August 15, 2024, for filing initial comments.

On August 15, 2024, MP filed Utility Comments in response to the Notice.

The Department offers these Comments in response to the Public Utilities Initial Comments on the Notice Topics.

III. DEPARTMENT ANALYSIS

A. COMMENT TOPIC #1: UTILITY COMMENT SHOULD INCLUDE TARIFF LANGUAGE ON THE OMBUDSPERSON FEE AND A NARRATIVE EXPLANATION OF HOW THE UTILITY IS COLLECTING, TRACKING, AND REMITTING FEES TO THE COMMISSION CONSISTENT WITH THE LEGISLATION.

1. Xcel Energy's Response

Xcel proposes the following proposed tariff language to comply with the 2024 Legislation, which modifies Xcel tariff Section No. 10, Original Sheet No. 81.5, Exceptions to the MN DIP⁴:

2. In addition to the application fees as set forth in the Company's MN DIP tariff in sections 1.5.1.2, 1.5.1.3, and 1.5.1.4, the Interconnection Customer must pay an Ombudsperson Surcharge in the amount of \$50.00. This Ombudsperson Surcharge must be paid before an Interconnection Application can be deemed complete under MN DIP 1.5.2.

The Department notes Xcel confirms they started collecting the \$50 interconnection application surcharge on May 29, 2024, which was communicated to applicants via email.⁵ Xcel states all collected surcharge fees are held in a specialized account and tracked within their interconnection application

⁴ Docket No. E002/CI-24-248 Xcel Energy Utility Comments, Pp. 6-9, and Xcel's [MN Electric Rate Book Section No. 10](#).

⁵ Docket No. E002/CI-24-248 Xcel Energy Utility Comments, Attachment A, Pp. 1-2.

portal. Xcel also notes that payments to the Commission are expected to be mailed on a monthly cadence on or before the 15th of each month, with the first payment made on August 15, 2024.

The Department concurs that the updated Xcel tariff language, fee tracking, and fee remitting complies with the 2024 Legislation mandate.

2. Otter Tail Power's Response

Regarding tariff language, OTP offers the following Minnesota Small Power Producer tariffs, which reference the Commission's standard Interconnection Application: Sections 12.01, 12.02, and 12.03 and OTP's Distributed General Service Rider Section 12.04.⁶ OTP states they do not currently discuss Interconnection Application fees within their tariffs. As a substitute, OTP recommends the Ombudsperson Fee should be included with these fees in the MN DIP Interconnection Application, in lieu of their own tariff. OTP believes this would avoid misalignment with the state application requirements and allow the Commission to adjust this fee as warranted.

OTP states they have added language to their Minnesota Interconnections webpage outlining and explaining the additional Ombudsperson Fee, and its collection during the initial Application Fee payments either through mail by check or through their online Paymentus payment portal.⁷

OTP also confirms they maintain a Distributed Energy Resources Tracking Spreadsheet with an added new column to specifically track the interconnection requests associated with the \$50 Ombudsperson Fee, as well as the month to be remitted to the Commission. OTP states they are committed to the 15th of the month due date for fees to be sent to the Commission after collection.

The Department agrees with OTP's suggestion that tariff language should be added the MN DIP Interconnection Process guidelines, as this would provide uniform process alignment. The Department concurs OTP's fee tracking and fee remitting process complies with the 2024 Legislation mandate.

3. Minnesota Power's Response

MP states they concur with OTP's Initial Comments regarding tariff language and believe that as the Interconnection Fees are already published in the MN DIP, MP should not need to define the fees on its website⁸. MP recommends that the Ombudsperson Fee should be included with the fees listed in section 1.5.1 of MN DIP instead.⁹

MP states they began collecting the Ombudsperson Fee for interconnection applications starting June 3. MP creates a billable charge within its customer information system and has established a work

⁶ [OTP Purchase-Power Riders](#) see links for sections 12.01, 12.02, 12.03 and 12.04.

⁷ [OTP MN Interconnection](#) see link to the Distributed Energy Resource Interconnection Process (MN DIP) PDF.

⁸ [MP Interconnection Standards](#) see links for MP Interconnection guidelines, Generator Interconnection Standards, and MISO's Generation Interconnection Process.

⁹ [MN DIP](#) see page 7, section 1.5 Interconnection Application.

order to track the fees and payments to the Commission. MP has also confirmed commitment to remit payment to the Commission by the 15th of each month. The Department notes MP's position on tariff language aligns with OTP, which requests the MN DIP tariff language be updated to include the \$50 Ombudsperson Fee process.

The Department also concurs MP's fee tracking and fee remitting process complies with the 2024 Legislation mandate.

The Department concurs these Initial Comments include reasonable requests with regards to Comment Topic #1. The Department notes that if MN DIP section 1.5.1 tariff is updated to reflect the \$50 Ombudsperson Fee policy, the individual utility companies are still able to update their own tariffs with regards to the fee if they so choose (as Xcel indicates they will), as long as they align with the updated language in the MN DIP. The Department notes all three public utilities have confirmed their practices in collecting, tracking, and remitting fees by the 15th of each month to the Commission are consistent with the 2024 Legislation requirements.

B. COMMENT TOPIC #2: WHAT PROCESS SHOULD THE COMMISSION ESTABLISH TO REPORT AND TRACK SURCHARGES COLLECTED BY PUBLIC UTILITIES AND REMITTED TO THE COMMISSION, AND ADJUST THE SURCHARGE AS NEEDED?

1. Xcel Energy's Response

Xcel states the Commission Staff should periodically report on total surcharges collected and expenses incurred for the Ombudsperson role and how this compares to the ten percent metric in the new law. Xcel recommends that Commission staff should periodically propose changes to the Ombudsperson surcharge, provide supporting data, and allow interested parties to comment before the Commission has a hearing on the request. Additionally, at some later time, Xcel recommends the Commission adopt a 30-day negative check-off process on the Commission Staff's request to revise the amount of the surcharge. If there is no opposition to the surcharge change, then utilities would be authorized to file revised tariffs.

2. Otter Tail Power's Response

OTP recommends the Commission provide annual summaries of fees collected by the state per utility. OTP believes this would allow a helpful view of the Ombudsperson's expense compared to the collection of fees, and the fee amount could then be adjusted accordingly.

3. Minnesota Power's Response

MP states they are open to an annual or biannual review of the surcharge and recommends this be established after the Ombudsperson position is filled and the costs of the position are more clearly understood. MP also recommends that the Commission plan for fluctuations in the interconnection market by establishing a financial "buffer" for the Ombudsman position.

The Department concurs these Initial Comments are reasonable requests with regards to Comment Topic #2. The Department notes periodic (probably annually) Commission reports on total surcharges collected and expenses incurred for the Ombudsperson Role, after the position has been established, will provide useful metrics for adjusting the surcharge moving forward. The Department agrees that establishing a financial buffer would prove useful as it relates to the ten percent metric in the new law, and a future 30-day negative check-off process could be used for future surcharge change proposals.

C. *COMMENT TOPIC #3: SHOULD THE COMMISSION ESTABLISH AN ANNUAL CADENCE TO REVIEW THE OMBUDSPERSON SURCHARGE AND ADJUST THE SURCHARGE AS NEEDED?*

1. *Xcel Energy's Response*

Xcel states that Commission Staff should periodically report on total surcharges collected and total expenses incurred for the Commission Ombudsperson role, and how this compares to the ten percent metric in the new law. Xcel recommends Commission Staff be able to periodically propose changes to the Ombudsperson surcharge, provide supporting data, and allow interested participants to comment before the Commission has a hearing on the request. The Commission can then authorize tariff changes to align with the updated surcharge as ordered by the Commission at the hearing. Xcel recommends the initial cadence of this reporting should not exceed one year between such reports, with the first such report due no later than one year after the Ombudsperson Fee was first established.

2. *Otter Tail Power's Response*

OTP states they agree with establishing an annual cadence review, but requests the Commission limit the number of fee adjustments from year to year in order to limit the process updates each utility would be required to undertake, particularly if included in tariffs.

3. *Minnesota Power's Response*

MP states they are open to an annual or biannual cadence to review the Ombudsperson surcharge, and recommends this cadence be established after the position is filled and costs are more clearly understood. MP also suggests the Commission plan for fluctuations in the interconnection market by establishing a financial "buffer" for the position.

The Department concurs that the Public Utilities' responses are reasonable suggestions and requests with regards to Comment Topic #3. The Department notes an annual cadence review would both allow time for data to be collected and analyzed, then adjusted based on Commission Staff proposed changes and the Public Utilities and other interested parties' comments. The Department agrees with limiting the number of adjustments from year to year to limit process updates, with the first cadence to begin one year after the Ombudsperson Fee was established. The Department concurs a financial buffer for the position would be prudent in adjusting for interconnection market fluctuations.

D. COMMENT TOPIC #4: ARE THERE OTHER ISSUES OR CONCERNS RELATED TO THIS MATTER?

The Department notes OTP requests the Ombudsperson Fee be added to the MN Interconnection Application document to limit any confusion from the Interconnection Customer on the fee that is required for their application.

The Department notes Xcel and MP does not have additional issues or concerns listed in their Initial Comments.

The Department concurs OTP's request is reasonable. The Department recommends the \$50 Ombudsperson Fee be added to the MN Interconnection Application document to limit Interconnection Customer confusion.

IV. CONCLUSIONS AND RECOMMENDATIONS

The Department appreciates the Initial Comments filings made by the Public Utilities in response to the Notice of Comment Period. Based on the Department's review and analysis of the requests and suggestions of the utility companies, the Department recommends:

(1) The Commission establish tariff language in the MN DIP regarding the \$50 Ombudsperson Fee, as it relates to the Interconnection Application process, and for the Commission to include the Ombudsperson Fee in the list of fees in section 1.5.1 of the MN DIP. This would allow for a uniform Interconnection process explanation. The Department recommends that utility companies also be allowed to update their own tariff language with the new Fee requirements if desired (to be in accordance with the MN DIP rule book). The Department notes all three Public Utilities have confirmed their practices in collecting, tracking, and remitting fees by the 15th of each month to the Commission are consistent with the 2024 Legislation requirements.

(2) The Commission establish periodic reports (probably annually) on total surcharges collected by the Commission as well as total Commission expenses incurred for the Ombudsperson role, and how it compares to the ten percent metric in the new law. The Department recommends the first such report be due no later than one year after the Ombudsperson Fee was first established, to allow for sufficient sample size to adjust the Fee, if necessary. The Department also recommends a future 30-day negative check off process be considered at a later date for surcharge change proposals.

(3) The Commission establish an annual cadence review, to periodically propose changes to the Ombudsperson Fee surcharge, provide supporting data regarding Ombudsperson position cost compared to fees collected, and allow interested participants to comment before the Commission has a hearing on the request. The Department recommends the Commission limit the number of fee adjustments from year to year to limit the process updates each utility would be required to undertake. The Department also recommends the Commission plan for fluctuations in the interconnection market by establishing a financial "buffer" for the position.

(4) The Commission include the Ombudsperson Fee in the MN Interconnection Application document to limit any confusion from the Interconnection Customer on the fees that are required for their application.

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. E002, E015, E017/CI-24-248

Dated this 9th day of **September 2024**

/s/Sharon Ferguson

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_24-248_Official
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