

**STATE OF MINNESOTA  
PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

**In the Matter of the Petition of Northern States  
Power Company, dba Xcel Energy, for Approval  
of its Proposed Community Solar Garden Program**

**May 1, 2015  
Docket No. E002/M-13-867**

**MINNESOTA CENTER FOR ENVIRONMENTAL ADVOCACY AND SIERRA CLUB  
COMMENTS IN SUPPORT OF SOLAR GARDEN COMMUNITY'S PETITION FOR  
EXPEDITED RELIEF**

The Minnesota Center for Environmental Advocacy (MCEA) and the Sierra Club submit these comments in support of the Petition for Expedited Relief filed by Solar Garden Community on April 29, 2015.

On April 28, 2015, Xcel Energy filed Supplemental Comments and Notice to Administer Program Consistent with the Community Solar Gardens (CSG) Statute. In this Notice, Xcel Energy indicated its intention to cut the applications for its Community Solar Garden program from 560 MegaWatts (MWs) to approximately 80 MWs—an 85% reduction. Xcel indicated that it would implement this drastic maneuver sometime in the next 31 days and without further action by the Commission. MCEA and Sierra Club oppose this action because it is simply an attempt to constrain an uncapped program and because it would set an unworkable precedent by allowing a regulated entity to seek out-of-time reconsideration of a Commission decision simply by declaring its intention to violate the decision. For these reasons, MCEA and Sierra Club support the Petition for Expedited Relief filed by Solar Garden Community on April 29, 2015.

The Minnesota Legislature enacted the 2013 legislation establishing a community solar garden program. The statute specifically states that “[t]here shall be no limitation on the number or cumulative generating capacity of community solar garden facilities.” Minn. Stat. § 216B.1641, subd. (a). An 85% reduction in the MWs of solar waiting to be developed would severely limit the cumulative generating capacity in contravention of this statutory language.

More importantly, the question of whether community solar gardens could be co-located with one another was debated by the interested parties and addressed by the Commission in its September 17, 2014 Order. Xcel did not seek reconsideration of that Order and should not now be able to seek reconsideration by declaring its intent to violate the Order. For these reasons, MCEA and Sierra Club support the Petition for Expedited Relief filed by Solar Garden Community. We request that the Commission issue an immediate order directing Xcel to consider all applications, including those co-located with other community solar gardens

resulting in an aggregate capacity of more than 1 MW, consistent with the Commission's September 17, 2014 Order.

Dated: May 1, 2015

Respectfully submitted,

/s/ Leigh Currie

Leigh Currie  
Minnesota Center for  
Environmental Advocacy  
26 E. Exchange St., Suite 206  
St. Paul, MN 55101  
lcurrie@mncenter.org  
(651) 287- 4873