

NOTICE OF SUPPLEMENTAL COMMENT PERIOD

Issued: February 2, 2022

In the Matter of Xcel Energy's Petition for a Proposed Tariff Modification for a Nonstandard Provision to the Uniform Statewide Contract for Cogeneration and Small Power Production Facilities

PUC Docket Number(s): E002/M-21-433

Comment Period: Supplemental Initial comment period closes February 28, 2022 at 4:30pm
Supplemental Reply comment period closes March 10, 2022 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: Should the Commission approve or modify Xcel Energy's December 17, 2021 proposed tariff to allow a tenant to benefit from net metering (including the PV Demand Credit Rider) where the DER system is owned by the commercial property owner?

Topic(s) Open for Comment:

1. Does the proposed tariff language (see Attachment A to this Notice) achieve the stated objective?
2. Does the proposed tariff language have identifiable unintended consequences or implementation concerns that warrants modification?
3. Should the landlord be able to either opt in or opt out on whether the tenant at the connected meter is the sole beneficiary of the net metering? Please comment on the following potential addition to the proposed language in Attachment A:
 - a) "The landlord owner may decide to assign the benefits of net metering to a tenant."; and/or
 - b) "The landlord owner may opt out of this arrangement upon written request acknowledging the new program or rate offering the DER will participate in."
4. Are there other issues or concerns related to this matter?

Background

On December 22, 2021, the Commission considered Xcel Energy's proposed tariff revision from the Company's December 17th filing in the docket. The Commission, upon hearing the immediate need to address this issue had subsided, requested supplemental comment to address the topics in this Notice. Namely, Commissioners discussed issues; including, among other things, whether

landlord/DER owners supported the language, whether the arrangement should be limited to “landlords”, an option for the landlord/DER owner on whether the DER output solely benefits only the tenant at the connected meter, and whether and under what circumstances a landlord/DER owner could utilize meter aggregation for multiple tenants. The Commission’s discussion of the issue can be viewed at the December 17 Agenda Meeting at the 30:37 – 1:03 mark on the archived webcast available at:

https://minnesotapuc.granicus.com/MediaPlayer.php?view_id=2&clip_id=1611

On June 29, 2021, Xcel Energy filed a petition requesting a tariff revision and nonstandard provision to the Uniform Statewide Contract for Cogeneration and Small Power Production (Minn. R. 7835.9910) pursuant to Minn. R. 7835.9920. Through the initial comment period, Xcel modified the tariff language to address issues identified by Department of Commerce – Division of Energy Resources and Commission staff resulting in the December 17, 2021 proposed revisions. A clean version of Xcel Energy’s December 17, 2021 proposed tariff is included in Attachment A to this Notice.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to efile documents using the Commission’s electronic filing system (eFiling). All parties, participants, and interested persons are encouraged to use eFiling at:

<https://www.edockets.state.mn.us/EFiling>

Submit Public Comments:

Online: mn.gov/puc/consumers/public-comments, and follow the instructions.

Email: <mailto:consumer.puc@state.mn.us>

U.S. Mail: Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul MN 55101

Full Case Record: See all documents filed in this matter on the Commission’s website at: mn.gov/puc/edockets, select *Go to eDockets Project Database*, enter the year (21) and the docket number (433), and select *Search*.

Subscribe: To receive email notification when new documents are filed in this matter visit: <https://www.edockets.state.mn.us/EFiling> and select *Subscribe to Dockets*.

Questions about this docket or Commission process and procedure? Contact Commission staff, Derek Duran, at Derek.Duran@state.mn.us or 651-201-2206.

Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Consumers with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

Attachment A

Xcel Energy's proposed tariff language to be added at [Section 9; Sheet No. 12.1](#):

Where a landlord owner of a premises is the owner of a non-Solar* Rewards DER system that is the subject of a Section 10 tariff Interconnection Agreement or MN DIA, and that DER system is connected to the meter where a tenant is the named Customer receiving retail electrical service, then the tenant (and any subsequent tenant) who is receiving electrical service at that premise shall be entitled to the net metering benefits as set forth in the Uniform Statewide Contract without the need for that tenant to sign the Uniform Statewide Contract. As used in this section, and consistent with Minn. Stat. § 216B.02, the term "tenant" means any of the following: 1. a tenant or cooperative or condominium owner in a building owned, leased, or operated by the owner of the DER system; or 2. an occupant of a manufactured home or trailer park owned, leased, or operated by the owner of the DER system. The benefits (but not the responsibilities) of net metering as, set forth in the Uniform Statewide Contract shall flow to the named customer whose meter is connected to the DER, subject to offset for metering charges. The named customer remains responsible for terms, conditions and responsibilities of all retail electric customers that may also be identified as responsibilities in the Uniform Statewide Contract. In the absence of an affirmative selection by the tenant, then the A50 net metering rate code shall apply provided that the tenant would otherwise qualify for that rate code. If the tenant does not qualify for the A50 net metering rate code, then in the absence of a selection by the tenant the A55 net metering rate code shall apply for retail customers on non-time of day service, and the A56 net metering rate code shall apply for retail customers on time of day service, provided that the tenant would otherwise qualify for these rate codes. The then-current tenant can contact Northern States Power Company by telephone or other reasonable means mutually agreed upon at any time to change this selection from among the available net metering rate codes for that premise. Northern States Power Company shall provide written notice to the then-current tenant of the applicability of certain provisions of the Uniform Statewide Contract and of the applicable net metering rate code. The monthly metering charges associated with the QF DER system would be applied to the tenant notwithstanding provisions to the contrary that may be in the Interconnection Agreement or MN DIA, and the net metering benefits less monthly metering charges are the only terms being assigned to the Interconnection Customer to the named customer receiving retail service at the meter where the DER is interconnected. This tariff provision only applies where the DER system is physically connected to the meter where a tenant is the named Customer receiving retail electric service. Accordingly, in the case of multi-tenant apartment buildings, this tariff provision only applies where the DER system is physically connected to the meter where a tenant is the named Customer receiving retail electric service.

CERTIFICATE OF SERVICE

I, Chrishna Beard, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission
NOTICE OF SUPPLEMENTAL COMMENT**

Docket Number **E002/M-21-433**

Dated this 2nd day of February, 2022

/s/ Chrishna Beard

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Robert	Jagusch	rjagusch@mmua.org	MMUA	3025 Harbor Lane N Minneapolis, MN 55447	Electronic Service	No	OFF_SL_21-433_M-21-433
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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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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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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Doug	Renier	doug.renier@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-433_M-21-433
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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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