COMMERCE DEPARTMENT

May 31, 2019

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Commerce Department, Division of Energy Resources**
Docket No. E017/M-19-256

Dear Mr. Wolf:

Attached are the Comments of the Minnesota Commerce Department, Division of Energy Resources (Department) in the following matter:

> Otter Tail Power's 2018 Demand Side Management Financial Incentive Project and Annual Filing to Update the Conservation Improvement Project Rider (*Petition*)

The Application was filed on April 1, 2019 by:

> Jason Grenier
> Manager, Market Planning
> Otter Tail Power Company
> 215 South Cascade Street
> P.O. Box 496
> Fergus Falls, MN 56538-0496

The Department recommends that the Commission **approve Otter Tail's *Petition*, with modifications.** The Department is available to answer any questions that the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ DANIELLE WINNER
Rates Analyst

DW/ar
Attachment

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Commerce Department
Division of Energy Resources

Docket No. E017/M-19-256

I. INTRODUCTION

On April 1, 2019, Otter Tail Power Company (Otter Tail, OTP, or the Company) submitted its annual Conservation Improvement Program (CIP) filing (*Petition*) for 2018 with the Minnesota Public Utilities Commission (Commission) in Docket No. E017/M-19-256. The *Petition* contains the following requests:

- Approval to include Otter Tail's Company-Owned Light Emitting Diode (LED) Street Light project expenses, less any rate of return for the project, within the financial incentive mechanism;
- Approval of a Demand Side Management (DSM) financial incentive of $3,004,311;
- Approval of proposed recoveries and expenditures in the Company's CIP tracker account during 2018 resulting in a year-end 2018 balance of $5,994,017;
- Approval of a 2019/2020 Conservation Cost Recovery Adjustment (CCRA) of $0.00710 per kWh for bills rendered on and after October 1, 2019; and
- Approval of a variance to Minnesota Rule 7820.3500 (E & K) to allow Otter Tail to continue to combine the Fuel Clause Adjustment (FCA) with the Conservation Improvement Adjustment on customer bills.

The filing also contains the Company's 2018 CIP Status Report (*Status Report*). The *Status Report* is intended to fulfill the requirements of the Minnesota Commerce Department, Division of Energy Resources' (Department) annual CIP reporting rules contained in Minnesota Rules part 7690.0550. Since the Company's *Status Report* does not require Commission approval, this portion of the *Petition* has been assigned to a separate docket.[1]

[1] See Docket No. E017/CIP-16-116.02.

II. COMMISSION'S 2018 ORDER

On October 30, 2018, in Docket No. E017/M-18-119 (Docket 18-119), the Commission approved Otter Tail's 2018-2019 CCRA and 2017 Shared Savings DSM Financial Incentive. The Commission's Order:

1. Approved a financial incentive of $2,938,110 for Otter Tail's 2017 CIP achievements, subject to a true-up after resolution in this year's CIP proceeding as to whether the LED street lighting expenditures qualify as part of the CIP-incentive calculation;
2. Approved Otter Tail's 2017 CIP tracker account resulting in a December 31, 2017 tracker balance of $7,362,345;
3. Approved a CCRA of $0.00600 per kWh, to be effective the first day of the month following that October 30, 2018 Order's issuance;
4. Granted a variance to Minnesota Rules parts 7820.3500(K) and 7825.2600 for one year after the date of that October 30, 2018 Order;
5. Directed Otter Tail to submit a compliance filing within ten days of that October 30, 2018 Order with revised tariff sheets reflecting the Commission's determinations in this matter; and
6. Became effective immediately.

Regarding Order Point 1, the Commission's Docket 18-119 Order at pages 6-7 provided the following context:

> The Department also argued that a July 16, 2013 Commission order may preclude the project's CIP rebate from being counted toward the financial incentive. That order was the result of a Department investigation into CIP projects involving utility-owned facilities. For example, a utility might use a CIP rebate to cover the cost of a recommissioning study to determine the feasibility of energy upgrades to its headquarters.
>
> The Commission concluded that utilities should be able to participate in CIP in that manner. However, it also concluded that "utilities should not be allowed to count the energy savings from their own CIP projects toward earning a DSM financial incentive." This was primarily because
>
>> the purpose of DSM financial incentives is to neutralize, at least in part, the significant disincentive to conservation posed by lost energy sales. These incentives compensate utilities for a portion of sales lost to conservation and have proven to be effective tools for maximizing utility participation in conservation efforts. Here, however, there are no lost energy sales, just cost savings like those enjoyed by any utility customer who has installed efficiency improvements

> The Department argued that, just as the savings from a utility-owned CIP project cannot be counted toward a utility's incentive, so also must CIP-rebate costs for utility-owned projects not count toward the incentive. The Commission concludes that this issue is not sufficiently developed to be resolved at this time. It will approve an incentive of $2,938,110 for Otter Tail's 2017 CIP achievements – which reflects the LED streetlight project costs – subject to true-up after this issue is addressed further in next year's CIP proceeding.

The Company submitted its compliance filing on October 31, 2018 to fulfill the Commission's Order Point 5.

III. DEPARTMENT ANALYSIS

The Department provides its analysis of Otter Tail's *Petition* below in the following sections:

- In Section III.A, Otter Tail's 2017 and 2018 Shared Savings DSM Financial Incentives, including further development of the eligibility of utility-owned CIP project costs issue noted above;
- In Section III.B, Otter Tail's Proposed 2018 CIP Tracker;
- In Section III.C, Otter Tail's proposed CCRA for 2019/2020;
- In Section III.D, Otter Tail's request for a waiver from Minnesota Rules part 7820.3500 (E) and (K); and
- In Section III.E, Otter Tail's historical CIP achievements and incentives.

A. OTTER TAIL'S 2017 AND 2018 DSM FINANCIAL INCENTIVES

1. Background of DSM Financial Incentive

The Shared Savings DSM financial incentive plan was initially approved by the Commission in Docket No. E,G999/CI-08-133 on January 27, 2010. The Commission approved a modified Shared Savings DSM financial incentive mechanism in that same docket in its August 5, 2016 *Order Adopting Modifications to Shared Savings Demand-Side Management Financial Incentive Plan* (August 5, 2016 Order). The new mechanism, which began January 1, 2017, is triggered when electric utilities achieve energy savings of 1 percent, and gas utilities achieve 0.7 percent, of the utility's most recent three-year average of weather-normalized retail sales.[2] The Commission's August 5, 2016 Order included the following:

> 1. The Commission hereby revises its Shared Savings DSM Financial Incentive Plan with the modifications set forth below.

[2] Excluding retail sales to customers who are owners of a large customer facility and have been granted an exemption by the Department's Commissioner under Minnesota Statutes § 216B.241, Subd. 1a(b).

A. For electric utilities, the plan is modified to do the following:

1) Authorize financial incentives for a utility that achieves energy savings of at least 1.0 percent of the utility's retail sales.
2) For a utility that achieves energy savings equal to 1.0 percent of retail sales, award the utility a share of the net benefits as set forth in Attachment A.
3) For each additional 0.1 percent of energy savings the utility achieves, increase the net benefits awarded to the utility by an additional 0.75 percent until the utility achieves savings of 1.7 percent of retail sales.
4) For savings levels of 1.7 percent and higher, award the utility a share of the net benefits equal to the Net Benefits Cap.

B. For gas utilities, the plan is modified to do the following:

1) Authorize financial incentives for a utility that achieves energy savings of at least 0.7 percent of the utility's retail sales.
2) For a utility that achieves energy saving equal to 0.7 percent of retail sales, award the utility a share of the net benefits as set forth in Attachment A.
3) For each additional 0.1 percent of energy savings the utility achieves, increase the net benefits awarded to the utility by an additional 0.75 percent until the utility achieves savings of 1.2 percent of retail sales.
4) For savings level of 1.2 percent and higher, award the utility a share of the net benefits equal to the Net Benefits Cap.

C. For all utilities, set the following Net Benefit Caps:

1) 13.5 percent in 2017,
2) 12.0 percent in 2018, and
3) 10.0 percent in 2019.

D. For all utilities, set the following Conservation Improvement Plan (CIP) Expenditure Caps:

1) 40 percent in 2017,
2) 35 percent in 2018, and
3) 30 percent in 2019.

2. The Commission retains certain provisions from the current Shared Savings DSM Financial Incentive Plan, with slight modifications, as follows:

    A. CIP-exempt customers shall not be allocated costs for the new shared savings incentive. Sales to CIP-exempt customers shall not be included in the calculation of utility energy savings goals.

    B. If a utility elects not to include a third-party CIP project, the utility cannot change its election until the beginning of subsequent years.

    C. If a utility elects to include a third-party project, the project's net benefits and savings will be included in the calculation of the energy savings and will count toward the 1.5 percent savings goal.

    D. The energy savings, cost, and benefits of modifications to non-third-party projects will be included in the calculation of a utility's DSM incentive.

    E. The costs of any mandated, non-third-party projects (e.g., the 2007 Next Generation Energy Act assessments,[68] University of Minnesota Initiative for Renewable Energy and the Environment costs[69]) shall be excluded from the calculation of net benefits and energy savings achieved and incentive awarded.

    F. Costs, energy savings, and energy production related to Electric Utility Infrastructure Costs,[70] solar installation,[71] and biomethane purchases[72] shall not be included in energy savings for DSM financial incentive purposes.

3. The new Shared Savings DSM Incentive Plan shall be in effect for 2017-2019.

4. Utilities may discontinue the annual February 1 compliance filing because a scale of net benefits will no longer be required since the Department's proposal sets percentages at certain savings thresholds and calibrates the mechanism to dollars per until of energy.

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[68] *See* 2007 Laws, art. 2
[69] *Id*., § 3, subd. 6.
[70] Minn. Stat. § 216B.1636
[71] Minn. Stat. § 216B.241, subd. 5a.
[72] *Id*., subd. 5b.

The instant filing covers CIP activities occurring in 2018, and so the 2018 financial incentive is subject to the following two caps: 12.0 percent of net benefits and 35 percent of expenditures. The Department's engineering-oriented analysis of the demand and energy savings that underpin Otter Tail's proposed 2018 DSM financial incentive is ongoing. This analysis will not be completed before the instant Comments are due. The existence of this lag between the Company's request for recovery of the incentive and the completion of the Department's engineering review is a recurring phenomenon.

In the event that the Deputy Commissioner of the Department approves a different CIP energy savings or budget for the instant filing, the Commission can approve any adjustments to the Company's DSM financial incentive for 2018 achievements as part of the Company's 2019 filing, which Otter Tail will make by April 1, 2020.

2. *Otter Tail's Provisionally Approved 2017 DSM Financial Incentive*

In Docket No. E017/M-18-119, the Commission approved a financial incentive of $2,938,110 for Otter Tail's 2017 CIP achievements, subject to a true-up after resolution in the instant docket as to whether the LED street lighting expenditures qualify as part of Otter Tail's CIP incentive calculation.

Otter Tail's 2017 provisionally approved Shared Savings DSM Financial Incentive was based on the following assumptions:

- 2017 CIP expenditures of $6,605,899;
- 2017 energy savings of 52,497,167 kWh;
- 2017 net benefits of $23,642,360;[3] and
- Budgeted but not actual 2017 LED expenditures of $739,375 (in addition to the actual 2017 expenditures value of $6,605,899), which does not include any rate of return.

The budgeted but not actual LED expenditures were responsible for $295,750 of Otter Tail's provisionally approved 2017 financial incentive; this was calculated based on the 2017 Expenditure Cap of 40 percent of the $739,375 LED project budget. Without the provisional inclusion of these expenditures towards the cap, the financial incentive for 2017 would have been $2,642,360.

In addition to the discussion of whether the LED expenditures should count towards the financial incentive Expenditure Cap, Otter Tail noted that the Company did not actually spend the full $739,375 of 2017 budgeted expenditures in 2018. To account for this, the Company

[3] This net benefits value excludes assessments, House Therapy, POP Solar, and Company-Owned LED Street Lighting.

proposed an adjustment to the 2018 financial incentive of ($148,786). Therefore, the following two issues need to be resolved concerning the 2017 financial incentive:

- Whether or not Otter Tail's $739,375 of LED expenditures count towards the Expenditure Cap for the 2017 financial incentive;
- If the Commission determines that Otter Tail's LED expenditures may count towards the Expenditure Cap for the 2017 financial incentive, whether Otter Tail's proposed adjustment for not spending the full amount of 2017 LED budgeted expenditures is appropriate;

The Department will discuss each of these issues in the following sections.

a. LED Expenditures Counting Towards 2017 Financial Incentive Expenditure Cap

In its July 16, 2013 Order in Docket No. E,G,999/DI-12-1342 (Docket 12-1342), the Commission decided that while utilities may participate in their own CIP programs, they may not count the savings and net benefits of these projects towards the financial incentive (July 16, 2013 Order). The Commission based its decision on the following reasoning:[4]

> The Commission also concurs with the Department that utilities should not be allowed to count the energy savings from their own CIP projects toward earning a DSM financial incentive. Utilities have an obligation to minimize costs and adopt efficient operations. Moreover, the purpose of DSM financial incentives is to neutralize, at least in part, the significant disincentive to conservation posed by lost energy sales. These incentives compensate utilities for a portion of sales lost to conservation and have proven to be effective tools for maximizing utility participation in conservation efforts. Here, however, there are no lost energy sales, just cost savings like those enjoyed by any utility customer who has installed efficiency improvements. There is no principled reason to treat these cost savings as lost sales for which the utility should receive a DSM financial incentive.

Prior to 2017, the Company calculated the financial incentive based upon the savings and net benefits achieved in a given year. Beginning in 2017, the Commission adopted the new shared savings mechanism outlined in Section III.A.1 of these Comments. The new mechanism uses a Net Benefits Cap and an Expenditures Cap. The new mechanism did not address the treatment of DSM investments at a utility's own facilities.[5]

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[4] Commission *Order Determining Ratemaking Treatment of Utility CIP Project Costs and Requiring Further Filings*, July 16, 2013, Docket No. E,G999/DI-12-1342, page 4.

[5] DSM investments at utility facilities are different from Electric Utility Infrastructure (EUI) investments; while the former reduce energy use and demand, the latter makes energy supply more efficient.

In Docket No. E017/M-17-152 (Docket 17-152), the Commission approved Otter Tail's Company-Owned LED Street Lighting Program as eligible for recovery through the Company's CIP tracker.[6] In its 2018 CIP filing in Docket 18-119, Otter Tail proposed to include LED expenditures in the CIP tracker, as approved in Docket 17-152. However, the Company also proposed to count LED expenditures towards the financial incentive Expenditure Cap, which had not been discussed in Docket 17-152.[7]

During the Docket 18-119 proceeding, the Department did not oppose the Company's proposal to include the LED expenditures in the CIP tracker. However, the Department pointed out that the Company's proposal to include LED expenditures towards the financial incentive Expenditure Cap may conflict with the Commission's July 16, 2013 Order in Docket 12-1342. The Commission provisionally approved the Company's proposal to include the LED expenditures in calculating OTP's financial incentive, subject to true-up if needed based upon further development of the issue in the instant docket.

In Otter Tail's *Petition*, the Company argued that it is appropriate to include expenditures towards the financial incentive Expenditure Cap. The Company argued the following:

- The Commission's July 16, 2013 Order allows utilities to participate in their own CIP programs, provided no double recovery exists;
- The Commission's July 16, 2013 Order specified that energy savings and net benefits may not count towards the financial incentive, but did not specify the same for expenditures; and
- One purpose of the DSM incentive is to compensate the utility for lost sales due to conservation, which was acknowledged in the Commission's July 16, 2013 Order.

To support its first argument, the Company provided the following Order Point from the Commission's July 16, 2013 Order:[8]

> The Commission hereby finds that utilities may participate in CIP projects at their own facilities and that the associated customer and/or vendor incentives, program delivery, evaluation, marketing, and administrative costs may be recovered through the CIP ratemaking process if the costs are approved by the Department as part of CIP and provided a utility demonstrates that its participation in CIP does not result in double recovery of ratepayer funds. This finding does not extend to electric utility infrastructure projects governed by Minnesota Statutes section 216B.1636.

[6] Commission Order dated December 13, 2017, Docket No. E017/M-17-152.
[7] The Company proposed to include 2017 budgeted, rather than actual, expenditures. This issue is discussed in more depth in Section III.C.3. of these Comments.
[8] Commission *Order Determining Ratemaking Treatment of Utility CIP Project Costs and Requiring Further Filings*, July 16, 2013, Docket No. E,G999/DI-12-1342, page 4.

The Department notes that this Order Point is specific to recovery of program costs through the CIP Rider (or CCRA), to which the Department is not opposed. While the Order Point mentions "customer and/or vendor incentives," this does not refer to the DSM shared savings financial incentive (which is intended to incentivize utility participation in CIP); instead it refers to CIP rebates that are provided to customers or vendors (and are intended to encourage customers and vendors to participate in CIP). Therefore, this Order Point is not applicable to the current discussion of whether or not CIP expenditures at a utility's own facilities may count towards the financial incentive.

In regards to the Company's second argument, the Company provided the following Order Point from the July 16, 2013 Order:[9]

> The Commission further finds that energy savings and net benefits resulting from utility participation in CIP projects at their own facilities shall not count toward the determination of the utility's DSM financial incentive.

The Department agrees that the Order Point does not explicitly mention "expenditures," but notes that the Company appears to ignore some important context. As discussed above, at the time of the July 16, 2013 Order, the financial incentive was calculated based upon net benefits and energy savings. There was no Expenditures Cap, as there is now, and thus no need to specify whether expenditures should count towards the calculation of the financial incentive. Therefore, it is unlikely that the Commission intentionally excluded expenditures from its Order Point, but instead simply did not consider it relevant to the discussion at the time. Given this context, it appears to the Department that the Commission found that utility participation in CIP projects should not be considered when calculating a utility's financial incentive.

Further, the Department notes that both then and now, net benefits are calculated by subtracting avoided costs from actual costs, the latter of which comprises both the financial incentive and CIP expenditures. If "net benefits" is replaced with its component parts, "avoided costs and actual costs," the Commission's Order Point reads: "energy savings, avoided costs, and actual costs resulting from utility participation in CIP projects at their own facilities shall not count toward the determination of the utility's DSM financial incentive." Therefore, the Commission's July 13, 2016 Order indirectly incorporates expenditures because it specifies net benefits.

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[9] Commission *Order Determining Ratemaking Treatment of Utility CIP Project Costs and Requiring Further Filings*, July 16, 2013, Docket No. E,G999/DI-12-1342, page 4.

In its third argument, Otter Tail stated that the Commission acknowledged that part of the purpose of the financial incentive is to neutralize the impact of potential lost sales due to conservation. The Company argues that it has "clearly proven" that its financial incentive proposal is tied to lost sales.[10] The Department notes that the main purpose of the financial incentive is to incentivize IOUs to maximize the amount and cost effectiveness of their CIP energy savings. The Shared Savings mechanism has been, and continues to be, one part of a package of regulatory strategies to promote CIP. Another part of this package of regulatory strategies is revenue decoupling, the goal of which is to remove the inherent disincentive utilities have to energy savings programs because they result in lost sales and thus lost revenues.[11]

The Department agrees that the Commission's July 13, 2016 Order referenced the importance of lost sales, and also specified that utilities don't experience lost sales when efficiency improvements are pursued at their own facilities. The Department also notes that the types of DSM investments contemplated by the Commission in that Order are materially different from Otter Tail's Company-Owned LED Street Lighting investments: while the former references a utility providing service to itself, the latter references a utility providing service to LED lighting customers. If the Company were to experience a loss in profit as a result of conservation due to LED lighting, it may be appropriate to count those expenditures toward the financial incentive Expenditure Cap.

However, in the case of Otter Tail's program, the Company is not experiencing a loss in profit due to conservation. To calculate the LED lighting rates, the Company simply used the same revenue requirement from the old lights and applied it to the new lights, which is discussed in detail in Docket 17-752. This means that the Company's street lighting revenues should not have been impacted by the conservation measures. Instead, due to the conservation associated with new lights, the Company should only experience reduced costs. This means that with this particular program, revenues have remained constant and costs have decreased; in other words, profits should have actually *increased* as a result of the conservation, contrary to the Company's assertion.

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[10] *Petition*, Page 8 of Financial Incentive section.

[11] The following utilities have implemented a decoupling mechanism: Xcel Electric (Docket No. E002/GR-15-826, CenterPoint Energy (Docket No. G008/GR-17-285), Minnesota Energy Resources Corporation (G011/GR-15-736), and Great Plains Natural Gas (G004/GR-15-879).

The Department therefore concludes that consistent with the Commission's July 13, 2016 Order, the Company's LED program expenditures should be excluded from Otter Tail's financial incentive calculation for the following reasons:

- Otter Tail has not shown that past Commission Orders support inclusion of Company-owned CIP projects towards the financial incentive;
- The Commission's July 13, 2016 Order, when read in the context of the financial incentive calculation in place at the time, indicates that Company-owned CIP project expenditures are not to be included in the financial incentive calculation; and
- Contrary to OTP's argument that the CIP financial incentive is intended to mitigate lost sales, the Company is not experiencing a loss in profit due to the LED street lighting project. Further, the CIP incentive encourages utilities to fully engage in CIP, whereas revenue decoupling is the appropriate mechanism to remove the disincentive of lost sales due to conservation.

The Department therefore recommends that the Company make an adjustment of ($295,750) to the proposed 2018[12] financial incentive, to remove the portion of the 2017 financial incentive associated with budgeted LED street lighting expenditures.

b. Budgeted versus Actual LED Expenditures Counting Towards 2017 Financial Incentive Expenditure Cap

Consistent with the Department's recommendation to exclude Company-owned CIP projects from the financial incentive calculation, the Department concludes that the Commission need not consider Otter Tail's proposal to adjust the Company's 2018 financial incentive to account for the actual spending shortfall compared to the budgeted spending conditionally included in the 2017 financial incentive. However, in the event that the Commission decides to allow Otter Tail to include Company-owned CIP project expenditures in the financial incentive calculation, the Department provides the following discussion.

Otter Tail originally budgeted $775,483 for 2017 LED expenditures, but did not spend any of the budgeted money in 2017. In Docket 18-119, Otter Tail proposed to include these 2017 budgeted expenditures, less any rate of return, towards the financial incentive Expenditure Cap, despite spending $0 on the program that year; this amount proposed for inclusion was $739,375. The Commission permitted Otter Tail include the budgeted $739,375 in the calculation of the financial incentive, subject to further discussion of OTP's LED expenditures in the instant docket.

[12] Whether the Commission intended the potential true-up to be made by adjusting the 2017 financial incentive is not clear; however, the Department suggests that adjusting the 2018 financial incentive is administratively simpler.

In its *Petition*, the Company stated that it did not spend the full $739,375 of budgeted expenditures in 2018, but only spent $367,411.[13] In other words, the Company proposed to use the actual 2018 spending to represent the 2017 budgeted expenditures, for purposes of calculating the 2017 financial incentive. Separately from this, Otter Tail also proposes to include the same $367,411 in 2018 actual expenditures towards the 2018 financial incentive, which is discussed in Section III.A.3 below. Therefore, OTP proposed that the same set of actual 2018 expenditures represents both the 2017 budgeted expenditures and the 2018 actual expenditures.

To account for the fact that the full budgeted 2017 expenditures ($739,375) were not spent ($0 in 2017 and $367,411 in 2018), the Company proposed an adjustment to the 2018 financial incentive. The Company calculated the amount of incentive associated with the shortfall that was approved in last year's incentive as $148,786, or 40% of the difference between 2017 budgeted expenditures and 2018 actual expenditures ($739,375 - $367,411 = $371,964). As a result of this proposed adjustment to the 2018 incentive, the Company proposed an incentive that represents 33% of expenditures (equal to $3,004,311) rather than an incentive reflecting the 2018 allowed expenditure cap of 35% (equal to $3,153,096).

If the Commission determines that Otter Tail's LED street lighting expenditures do count towards calculating the financial incentive, the Department is not opposed to the Company's proposal.

3. *Otter Tail's Proposed 2018 DSM Financial Incentive*

Otter Tail requested recovery of a DSM financial incentive of $3,004,311 for 2018. Otter Tail estimated that in 2018, the Company incurred CIP expenditures of $9,027,762, achieved energy savings of 70,237,937 kWh, and produced net benefits equal to $34,609,459.[14] These energy savings are approximately 4.03 percent of Otter Tail's 3-year average weather-normalized, non-CIP-exempt retail sales of 1,741,875,298 kWh.[15] Otter Tail's proposed 2018 DSM incentive is 33 percent of the Company's 2018 expenditures and 8.7 percent of the Company's net benefits. The Company's proposed 2018 financial incentive includes an adjustment of ($148,786) to reflect the difference from budgeted versus actual LED expenses applied to the 2017 financial incentive, as discussed in Section III.A.2.b.

[13] The amount spent was $386,327 if including $18,916 in rate of return.
[14] The net benefits amount excludes Next Generation Energy Act Assessments, as well as the following OTP programs: House Therapy, Company-Owned Street and Area Lighting, and Publicly-Owned Property Solar Program.
[15] The energy savings amount excludes Made in Minnesota Program and allocated savings from OTP's Company-Owned Street and Area Lighting Program and Publicly-Owned Property Solar Program.

As discussed in Section III.A.2.a, the Department concluded that it is inappropriate to include *any* of the LED street lighting expenditures when calculating Otter Tail's financial incentive.

Therefore, in addition to the recommended ($295,750) adjustment to account for estimated 2017 expenditures provisionally included in the Company's 2017 financial incentive, the Department recommends that the Commission require an adjustment of ($128,594) to Otter Tail's proposed 2018 financial incentive to account for the 2018 LED street lighting program expenditures (35% of Otter Tail's 2018 LED spending of $367,411).

In summary, the Department recommends that the Commission:

- Direct Otter Tail to make an adjustment of ($295,750) to its 2018 financial incentive, to account for 2017 LED expenditures provisionally included in the 2017 financial incentive, equal to 40% of budgeted 2017 LED expenditures of $739,375;
- Direct Otter Tail to make an adjustment of ($128,594) to its 2018 financial incentive, to account for 2018 LED expenditures included in the 2018 financial incentive, equal to 35% of actual 2018 LED expenditures of $367,411; and
- Take no action on, or deny, Otter Tail's request to make an adjustment of ($148,786) to its 2018 financial incentive, to account for the difference between budgeted 2017 LED expenditures and actual 2018 LED expenditures (so that the financial incentive reflects spending of $367,411 in each year).

Table 1 below shows how the Department proposes that Otter Tail's 2018 financial incentive should be calculated:

Table 1. Department's Proposed 2018 Financial Incentive, as Adjusted from Otter Tail's Proposed 2018 Financial Incentive

Line	Description	Amount
1	OTP's Proposed Financial Incentive	$3,004,311
2	OTP's Proposed 2017 LED Adjustment	($148,786)
3	OTP's Proposed Financial Incentive without OTP's Proposed 2017 LED Adjustment [Line 1 - Line 2]	$3,153,096
4	Department's Proposed 2017 LED Adjustment	($295,750)
5	Department's Proposed 2018 LED Adjustment	($128,594)
6	Department's Recommended DSM Financial Incentive [Line 3 + Line 4 + Line 5]	$2,728,752

The Department therefore recommends that the Commission approve a 2018 financial incentive of $2,728,752.

B. OTTER TAIL'S PROPOSED 2018 CIP TRACKER

In its *Petition*, Otter Tail requested approval of its report on recoveries and expenditures included in the Company's 2018 CIP tracker account. This activity is summarized below in Table 2.

Table 2: A Summary of Otter Tail's Proposed 2018 CIP Tracker Account

Line	Description	Time Period	Amount
1	Beginning Balance	December 31, 2017	$7,365,957
2	CIP Expenses	January 1, 2018 through December 31, 2018	$9,027,762
3	DSM Financial Incentive	Approved in 2018 for 2017 activities	$2,938,110
4	Carrying Charges (set to short term cost of debt rate)	January 1, 2018 through December 31, 2018	$120,007
5	CIP Expenses Subtotal [Line 1 + Line 2 + Line 3 + Line 4]	January 1, 2018 through December 31, 2018	$19,451,836
6	CCRC Recovery (in base rates)	January 1, 2018 through December 31, 2018	($3,900,402)
7	CCRA Recovery	January 1, 2018 through December 31, 2018	($9,557,418)
8	CIP Revenues Subtotal [Line 6 + Line 7]	January 1, 2018 through December 31, 2018	($13,457,820)
9	Ending Balance [Line 5 + Line 8]	December 31, 2018	$5,994,017

The Department reviewed Otter Tail's 2018 CIP tracker account and notes that the Company's December 31, 2017 balance does not match the December 31, 2017 balance approved in the Commission's October 30, 2018 Order in Docket 18-119. In that Order, the Commission approved Otter Tail's 2017 CIP tracker account resulting in a December 31, 2017 tracker balance of $7,362,345. It is not clear to the Department what accounts for the $3,612 difference.

The Company should set its beginning tracker balance to the approved amount, and provide adjustments to the 2018 CIP tracker, if needed. Since these changes may also affect the Company's carrying charges, the Company should also submit an updated copy of Table 1 in Appendix A, which calculates the 2018 carrying charges, if appropriate.

The Department will make a final recommendation on Otter Tail's 2018 CIP tracker after receiving the Company's reply.

C. OTTER TAIL'S PROPOSED CCRA

OTP's current CCRA (CIP Rider) is $0.00600 per kWh, as approved by the Commission on October 30, 2018 in Docket 18-119. For October 2019 through September 2020, Otter Tail proposed an 18.3 percent increase in the surcharge to $0.00710 per kWh.

Otter Tail projected that its proposal will reduce the Company's under-recovered CIP tracker balance from $3,532,791 on October 1, 2019 to ($68,871) on September 30, 2020. OTP estimated that this CCRA increase will increase an average residential customer's bill by $0.88/month. The Company estimated that the carrying costs associated with this proposal for the October 1, 2019 through September 30, 2020 time period would be equal to $10,136. Table 3 below delineates the Company's estimate.

Table 3: Otter Tail's Projected 2019-2020 CIP Tracker Account, using a CCRA of $0.00710/kWh

Line	Description	Time Period	Amount
1	Beginning Balance[16]	October 1, 2019	$3,532,791
2	CIP Program Expenses	October 1, 2019 - September 30, 2020	$9,342,954
3	CIP Incentive[17]	Forecasted 2019 incentive that would be approved in 2020	$2,716,510
4	Carrying Charges (set to short term cost of debt rate)	October 1, 2019 - September 30, 2020	$10,136
5	CIP Expenses Subtotal [Line 1 + Line 2 + Line 3 + Line 4]	As of September 30, 2020	$15,602,391
6	CCRC Recovery (included in base rates)	October 1, 2019 - September 30, 2020	($3,745,650)
7	CCRA Recovery	October 1, 2019 - September 30, 2020	($11,925,612)
8	CIP Revenues Subtotal [Line 6 + Line 7]	As of September 30, 2020	($15,671,262)
9	Ending Balance [Line 5 + Line 8]	As of September 30, 2020	($68,871)

[16] This beginning balance incorporates the Company's proposed 2019 financial incentive of $3,004,311, which Otter Tail books in September 2019, as shown in Exhibit 1, Page 1 of the Conservation Cost Recovery Adjustment section of its *Petition*.

[17] This forecasted incentive for 2019 CIP achievements represents the third year in which the revised financial incentive mechanism will have been in place, as approved in the Commission's August 5, 2016 Order in Docket No. E,G999/CI-08-133. This financial incentive for 2019 CIP achievements should not be confused with OTP's proposed incentive of $3,004,311 for 2018 CIP achievements that Otter Tail proposed in its *Petition.*

The Department typically recommends that the CCRA be set to a value that brings the projected tracker balance to $0 over the time that the proposed rate is in place. This is largely due to the fact that maintaining a higher tracker balance engenders associated carrying charges, and thus increases costs to ratepayers. However, the goal of recovering the tracker balance quickly through a higher rate must be balanced with the goal of avoiding rate shock.

Since the Company's proposal does not bring the tracker balance back to $0, the Department ran an alternative projected CIP tracker, setting the tracker balance to $0 by the end of September 2020, but otherwise using the same values. The Department found the difference in CCRA rate to be quite minimal; therefore, the Department concludes that the Company's proposed methodology is reasonable, even though the ending balance is not $0.

However, the Department's recommendations concerning the 2018 financial incentive and 2018 CIP tracker are likely to change the Company's projected October 1, 2019 beginning balance. Therefore, the Department requests that the Company recalculate its CCRA by using an October 1, 2019 beginning balance adjusted to reflect the Department's recommendations concerning the 2018 financial incentive and 2018 CIP tracker.

D. OTTER TAIL'S ANNUAL REQUEST FOR VARIANCES FROM COMMISSION RULES

Otter Tail requested two rule variances:

- A variance from Minnesota Rules part 7820.3500 (K), which requires the fuel clause adjustment to be listed on customers' bills as a separate line item; and
- A variance from Minnesota Rules part 7825.2600, which states that the FCA should be stated on a per-kWh basis on customer bills.

Otter Tail requested a variance of these two rules so that the Company may combine the FCA and CIP adjustment rate on one bill line-item called a "Resource Adjustment."

Otter Tail stated that "as in prior years, Otter Tail is requesting a variance to Minnesota Rule 7820.3500 K and Minnesota Rules part 7825.2600, which require that the Fuel Clause Adjustment ("FCA") be stated as a separate line item on customer bills. The requested variance would allow the Company to continue to combine the FCA with the CCRA on customer bills."

Minnesota Rules part 7829.3200 authorizes the Commission to grant a variance to its rule when:

- Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- Granting the variance would not adversely affect the public interest; and
- Granting the variance would not conflict with standards imposed by law.

With respect to the first rule requirement, Otter Tail stated that the company has been combining its FCA and CIP Rider as a Resource Adjustment line item on customers' bills since July 1995, and that customers have become familiar with the single line-item on their bills. With respect to the second rule requirement, Otter Tail stated that continuation of the variances would not adversely affect the public interest and may avoid customer confusion if the presentation of customers' bills were altered at this time. With respect to the third rule requirement, Otter Tail stated that there are no statutory provisions that would prohibit the Commission from granting the variance.

Based on its review of the Company's rationale for the proposed variances, the Department concludes that Otter Tail has met the conditions set forth in Minnesota Rules part 7829.3200 for the Commission to grant the requested variances. Thus, the Department recommends that the Commission grant Otter Tail's proposed variances to Minnesota Rules part 7820.3500 (K) and Minnesota Rules part 7825.2600, effective until the Commission issues an Order setting the Company's 2020-2021 CCRA.

E. HISTORY OF OTTER TAIL'S CIP ACHIEVEMENTS AND FINANCIAL INCENTIVES

The Department provides a summary of historical and forecasted CIP-related information for Otter Tail in Attachment A. The information in Attachment A provides summary information for the period from 2008 through 2018. In addition, the Department developed Table 4 below, reproduced largely from Otter Tail's *Petition*, which summarizes the Company's DSM financial incentives, CIP expenditures, reported energy savings, and first-year average cost per kWh saved between 2014 and 2018.

As indicated in Table 3, Otter Tail's spending and savings have increased significantly since 2014. Otter Tail's 2018 average cost per kWh saved is similar to recent historical savings costs. Further, in 2018, the Company achieved its highest percentage of energy savings to date at 4.03 percent.

Table 4: Selected Summary Statistics for Otter Tail's CIP Program (2014-2018)

Description	2014	2015	2016	2017	2018 (Proposed)
DSM Financial Incentive	$2,957,972	$4,257,105	$5,031,678	$2,642,360	$3,004,311
CIP Expenditures	$5,188,931	$6,105,445	$7,770,781	$6,491,039	$9,027,762
Achieved Energy Savings	33,805,392	48,652,628	57,504,891	52,497,167	70,237,937
Average Cost Per kWh Saved (does not include incentive)	$0.15	$0.13	$0.14	$0.12	$0.13

The information provided in Attachment A and Table 4 demonstrate that Otter Tail's CIP efforts have been very successful to date.

IV. DEPARTMENT RECOMMENDATIONS

The Department requests that in Reply Comments, the Company provide:

- A revised 2018 CIP tracker that includes:
  - A beginning balance equal to the 2017 ending balance approved by the Commission in Docket 18-119; and
  - Carrying charges that reflect these adjustments.
- An updated carrying charge calculation, as shown in copy of Table 1 in Appendix A, if appropriate.
- A recalculated Conservation Cost Recovery Adjustment that uses an October 1, 2019 beginning balance that reflects the Department's recommendations concerning the 2018 financial incentive and 2018 CIP tracker.

The Department recommends that the Commission:

- Find that CIP expenditures for Otter Tail's Company-Owned Street and Area Lighting program be ineligible to be included in the Shared Savings DSM financial incentive calculation; however, if the Commission finds that these expenses are eligible, the Department is not opposed to the Company's proposal to adjust the 2018 financial incentive by ($148,786);
- Approve a 2018 financial incentive of $2,728,752;
- Grant a variance to Minnesota Rules parts 7820.3500(K) and 7825.2600, effective until the Commission issues an Order setting the Company's 2020-2021 CCRA; and
- Direct Otter Tail to submit a compliance filing within ten days of the Commission's Order with revised tariff sheets reflecting the Commission's determinations in this matter.

The Department will make a final recommendation on the 2018 CIP Tracker and the proposed CCRA after reviewing Otter Tail's Reply Comments.

Attachment A

Table 1. Otter Tail Power's Historical CIP Achievements, Incentives, and Tracker Balance 2008-2018 (2018 reflects OTP proposed values)

Line No.	1	2	3	4	5	6	7	8	9	10	11	12	13
Year	Achieved First Year Energy Savings (kWh)	CIP Expenditures	Net Benefits	DSM Financial Incentive	Carrying Charges	Year-End Tracker Balance	Average Cost per kWh Saved (excluding incentive)	Average Cost per kWh Saved (including incentive)	Incentive as a % of CIP Expenditures	Incentive as a % of Net Benefits	Incentive per kWh saved	Carrying Charges as a % of Expenditures	Year-End Tracker Balance as a % of Expenditures
2008	15,994,719	$2,345,874	$9,891,448	$273,798	($4,830)	$265,056	$0.15	$0.16	12%	3%	$0.02	0%	11%
2009	35,706,319	$4,093,050	$35,624,398	$1,101,060	$26,437	$1,927,314	$0.12	$0.15	27%	3%	$0.03	1%	47%
2010	31,792,750	$5,030,119	$28,444,292	$3,531,538	$146,441	$3,721,665	$0.16	$0.27	70%	12%	$0.11	3%	74%
2011	27,957,635	$4,344,581	$19,307,820	$2,608,098	$221,862	$5,188,129	$0.16	$0.25	60%	14%	$0.09	5%	119%
2012	30,793,654	$4,816,994	$21,167,988	$2,681,575	$222,097	$3,572,621	$0.16	$0.24	56%	13%	$0.09	5%	74%
2013	35,792,002	$5,253,935	$32,764,856	$4,026,600	$237,859	$4,835,558	$0.15	$0.26	77%	12%	$0.11	5%	92%
2014	33,805,392	$5,188,931	$26,035,459	$2,957,972	$219,788	$5,731,183	$0.15	$0.24	57%	11%	$0.09	4%	111%
2015	48,652,628	$6,105,445	$38,079,065	$4,257,105	$31,473	$4,333,061	$0.13	$0.21	70%	11%	$0.09	1%	71%
2016	57,504,891	$7,770,781	$49,691,112	$5,031,678	$26,368	$4,835,852	$0.14	$0.22	65%	10%	$0.09	0.3%	62%
2017	52,497,167	$6,491,039	$23,626,518	$2,642,360	$102,386	$7,362,345	$0.13	$0.18	41%	11%	$0.05	1.6%	113%
2018 (proposed)	70,237,937	$9,027,762	$34,609,459	$3,004,311	$120,007	$5,994,017	$0.13	$0.17	33%	9%	$0.04	1.3%	66%

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. **E017/M-19-256**

Dated this **31st** day of **May, 2019**.

/s/Linda Chavez

____

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