



December 31, 2024

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VIA E-FILING

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

**Re: Request for Relief –
Co-Location Determination Appeal and Breach of Settlement Agreement**

**In the Matter of Implementation of 2023 Legislation Changes to Xcel Energy’s
Community Solar Garden Program
MPUC Docket No. E-002/CI-23-335**

**In the Matter of the Petition of Xcel Energy for Approval of its Proposed Community
Solar Garden Program
MPUC Docket No. E-002/M-13-867**

Dear Mr. Seuffert:

SunShare LLC (“SunShare”) submits this letter to the Minnesota Public Utilities Commission (“Commission”) seeking relief for Xcel Energy’s failure to implement the Settlement Agreement filed in this matter on August 30, 2024.¹ Pursuant to the Settlement Agreement, SunShare notified Xcel Energy on November 27, 2024, that it failed to see sufficient efforts or progress in implementing the Settlement Agreement.² Xcel Energy has not cured its failure to implement the Settlement Agreement in good faith and SunShare requests the Commission grant relief and order Xcel Energy to issue conditional Interconnection Agreements so that SunShare’s

¹ *In the Matter of the Petition of Xcel Energy for Approval of its Proposed Community Solar Garden Program and In the Matter of the Implementation of 2023 Legislative Change to Xcel Energy Community Solar Garden Program*, MPUC Docket Nos. E-002/M-13-867 and E-002/CI-23-335 (respectively), Settlement Agreement (August 30, 2024) (eDocket No. 20248-209914-02).

² *In the Matter of the Petition of Xcel Energy for Approval of its Proposed Community Solar Garden Program and In the Matter of the Implementation of 2023 Legislative Change to Xcel Energy Community Solar Garden Program*, MPUC Docket Nos. E-002/M-13-867 and E-002/CI-23-335 (respectively), Trade Secret Settlement Agreement at [TRADE SECRET DATA BEGINS... [REDACTED] ...TRADE SECRET DATA ENDS] (August 30, 2024) [TRADE SECRET DATA BEGINS... [REDACTED] ...TRADE SECRET DATA ENDS].

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projects can maintain their queue positions in the Minnesota Department of Commerce’s (“Department”) 2024 low- and moderate-income accessible community solar program (“LMI CSG Program”).

Pursuant to the Settlement Agreement, [TRADE SECRET DATA BEGINS...

[REDACTED]
[REDACTED] ...TRADE SECRET DATA ENDS]. Instead, Xcel Energy has delayed and significantly modified its process to send all eight projects that have passed through the SIS phase through a MISO screening stage, likely followed by an internal Xcel Energy transmission study, and to-date Xcel Energy has not issued any Interconnection Agreements for any of the projects included in the Settlement Agreement. The MISO screening and Xcel’s internal transmission studies have never been required for any of SunShare’s projects, which it has been building in Minnesota since 2014, and SunShare is still trying to understand why eight of its projects are suddenly flagged for transmission studies.

At the time SunShare entered into the Settlement Agreement, it was unaware that Xcel’s new criteria for transmission studies would be applied in a manner that requires additional transmission studies for all of its projects. This screening stage at MISO is expected to take an additional six months per project. Xcel Energy executed the Settlement Agreement on August 23, 2024, [TRADE SECRET DATA BEGINS... [REDACTED] ...TRADE SECRET DATA ENDS]. Considering the time required for the transmission screening, Xcel Energy knew or should have known it could never perform under the Settlement Agreement [TRADE SECRET DATA BEGINS... [REDACTED] ...TRADE SECRET DATA ENDS].

SunShare hereby requests the Commission remedy these instances of delay and order Xcel Energy to issue conditional Interconnection Agreements for the projects SunShare submitted to the 2024 LMI CSG Program on December 30, 2024. The conditional Interconnection Agreements, which can be updated as necessary if the project costs change, are sufficient to satisfy the Department’s LMI CSG Program requirements so that the projects will remain in the 2024 LMI CSG Program queue.³ The relief SunShare seeks has been used by Xcel Energy before when it created a “bridge” for projects that were submitted in 2016 so that those projects could access the Applicable Retail Rate, and not the Value of Solar rate, which took effect January 1, 2017, if they were deemed complete by April 15, 2017.⁴ If the 2024 queue is full, SunShare requests the

³ Minn. Stat. § 216B.1641, subd. 5(b)(1) (requiring “a copy of a signed interconnection agreement between the subscriber organization and the utility, except that information that the subscriber organization cannot reasonably determine without approval of the proposed community solar garden is not required...”).

⁴ See *In the Matter of the Petition of Northern States Power Company for Approval of its Proposed Community Solar Gardens Program*, MPUC Docket No. E-002/M-13-867, Monthly Report (December 13, 2016) (eDocket No. 201612-127-262-01).

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Department hold capacity in its 2025 LMI Program for these projects. SunShare's projects could serve thousands of low-income families with much needed discounted renewable energy. SunShare requests the Commission order Xcel Energy to issue conditional Interconnection Agreements for the projects that it has submitted to the Department's 2024 LMI CSG program.

SunShare thanks the Commission for its consideration of this request. If you have any questions about this filing, please contact me at Amber.Lee@stoel.com.

Very truly yours,

/s/ Amber S. Lee

Amber S. Lee

CERTIFICATE OF SERVICE

I, Carmel Laney, hereby certify that I have this day served a true and correct copy of the following document(s) 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 Minneapolis, Minnesota.

REQUEST FOR RELIEF LETTER (PUBLIC AND TRADE SECRET VERSIONS)

SUBMITTED ON BEHALF OF SUNSHARE, LLC

In the Matter of Implementation of 2023
Legislation Changes to Xcel Energy's
Community Solar Garden Program
MPUC Docket No. E-002/CI-23-335

In the Matter of the Petition of Xcel Energy
for Approval of its Proposed Community
Solar Garden Program
MPUC Docket No. E-002/M-13-867

Dated this 31st day of December, 2024.

/s/ Carmel Laney
Carmel Laney

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5	Jessica	Burdette	jessica.burdette@state.mn.us		Department of Commerce	85 7th Place East Suite 500 St. Paul MN, 55101 United States	Electronic Service		No	23-335Official
6	Gabriel	Chan	gabechan@umn.edu			130 Hubert H. Humphrey Center 301 19th Ave S Minneapolis MN, 55455 United States	Electronic Service		No	23-335Official
7	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	23-335Official
8	Kevin	Cray	kevin@communitysolaraccess.org	CCSA		1644 Platte St Denver CO, 80202 United States	Electronic Service		No	23-335Official
9	George	Damian	gdamian@cleanenergyeconomymn.org	Clean Energy Economy MN		13713 Washburn Ave S Burnsville MN, 55337 United States	Electronic Service		No	23-335Official
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11	James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.		414 Nicollet Mall, 401-8 Minneapolis MN, 55401	Electronic Service		No	23-335Official

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13	Adam	Duininck	aduininck@ncsrcc.org	North Central States Regional Council of Carpenters		700 Olive Street St. Paul MN, 55130 United States	Electronic Service		No	23-335Official
14	Brian	Edstrom	briane@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota St Ste W1360 Saint Paul MN, 55101 United States	Electronic Service		No	23-335Official
15	Betsy	Engelking	betsy@nationalgridrenewables.com	National Grid Renewables		8400 Normandale Lake Blvd Ste 1200 Bloomington MN, 55437 United States	Electronic Service		No	23-335Official
16	John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance		2720 E. 22nd St Institute for Local Self-Reliance Minneapolis MN, 55406 United States	Electronic Service		No	23-335Official
17	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	23-335Official
18	Nathan	Franzen	nathan@nationalgridrenewables.com	Geronimo Energy, LLC		8400 Normandale Lake Blvd Ste 1200 Bloomington MN, 55437 United States	Electronic Service		No	23-335Official
19	Hal	Galvin	halgalvin@comcast.net	Provectus Energy Development llc		1936 Kenwood Parkway Minneapolis MN, 55405 United States	Electronic Service		No	23-335Official
20	Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy		408 St. Peter Street Ste 350 Saint Paul MN, 55102 United States	Electronic Service		No	23-335Official
21	Allen	Gleckner	agleckner@elpc.org	Environmental Law & Policy Center		35 E. Wacker Drive, Suite	Electronic Service		No	23-335Official

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24	Scott	Greenbert	scott@nautilussolar.com	Nautilus Solar Energy, LLC		396 Springfield Aver, Ste 2 Summit NJ, 07901 United States	Electronic Service		No	23-335Official
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27	Reuben	Hunter	bhunter@madisonei.com	Madison Energy Investments		8100 Boone Blvd Suite 430 Vienna VA, 22182 United States	Electronic Service		No	23-335Official
28	John S.	Jaffray	jjaffray@jjrpower.com	JJR Power		350 Highway 7 Suite 236 Excelsior MN, 55331 United States	Electronic Service		No	23-335Official
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25	John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance		2720 E. 22nd St Institute for Local Self-Reliance Minneapolis MN, 55406 United States	Electronic Service		No	13-867Official
26	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	13-867Official
27	Nathan	Franzen	nathan@nationalgridrenewables.com	Geronimo Energy, LLC		8400 Normandale Lake Blvd Ste 1200 Bloomington MN, 55437 United States	Electronic Service		No	13-867Official
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30	Allen	Gleckner	agleckner@elpc.org	Environmental Law & Policy Center		35 E. Wacker Drive, Suite 1600 Suite 1600 Chicago IL, 60601 United States	Electronic Service		No	13-867Official
31	Jenny	Glumack	jenny@mrea.org	Minnesota Rural Electric Association		11640 73rd Ave N Maple Grove MN,	Electronic Service		No	13-867Official

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41	Ralph	Kaehler	ralph.kaehler@gmail.com			13700 Co. Rd. 9 Eyota MN, 55934 United States	Electronic Service		No	13-867Official
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49	Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota Street, Suite W1360 St. Paul MN, 55101 United States	Electronic Service		No	13-867Official
50	Alice	Madden	alice@communitypowermn.org	Community Power		2720 E 22nd St Minneapolis MN, 55406 United States	Electronic Service		No	13-867Official
51	Gregg	Mast	gmast@cleanenergyeconomymn.org	Clean Energy Economy Minnesota		4808 10th Avenue S Minneapolis MN, 55417 United States	Electronic Service		No	13-867Official
52	Jason	Maur	jason.maur@renesolapower.com	Renesola Power Holdings, LLC		850 Canal Street 3rd Floor Stamford CT, 06902 United States	Electronic Service		No	13-867Official
53	Matthew	Melewski	matthew@theboutiquefirm.com	Nokomis Energy LLC & Ole Solar LLC		2639 Nicollet Ave Ste 200 Minneapolis MN, 55408	Electronic Service		No	13-867Official

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						United States				
54	Thomas	Melone	thomas.melone@allcous.com	Minnesota Go Solar LLC		222 South 9th Street Suite 1600 Minneapolis MN, 55120 United States	Electronic Service		No	13-867Official
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56	Brian	Millberg	fwengineering@comcast.net			695 Grand Ave #222 Saint Paul MN, 55105 United States	Electronic Service		No	13-867Official
57	Marc	Miller	mmiller@soltage.com	Soltage, LLC		66 York Street, 5th Floor Jersey City NJ, 07302 United States	Electronic Service		No	13-867Official
58	Marcus	Mills	marcus@communitypowermn.org	Community Power		2720 E 22nd St Minneapolis MN, 55406 United States	Electronic Service		No	13-867Official
59	Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP		33 South Sixth St Ste 4200 Minneapolis MN, 55402 United States	Electronic Service		No	13-867Official
60	Pouya	Najmaie	najm0001@gmail.com	Cooperative Energy Futures		3416 16th Ave S Minneapolis MN, 55407 United States	Electronic Service		No	13-867Official
61	Darin	Nelson	dnelson@minnetonkamn.gov	City of Minnetonka		14600 Minnetonka Blvd Minnetonka MN, 55345 United States	Electronic Service		No	13-867Official
62	Rolf	Nordstrom	rnordstrom@gpisd.net	Great Plains Institute		2801 21ST AVE S STE 220 Minneapolis MN, 55407-1229 United States	Electronic Service		No	13-867Official
63	Logan	O'Grady	logrady@mnseia.org	Minnesota Solar Energy Industries Association		2288 University Ave W St. Paul MN, 55114 United States	Electronic Service		No	13-867Official
64	Patty	O'Keefe	patty.okeefe@sierraclub.org			2525 Emerson Ave S Apt 2 Minneapolis MN, 55405	Electronic Service		No	13-867Official

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77	Delaney	Russell	delaney@mnipl.org	Just Solar Coalition		4407 E Lake Street Minneapolis MN, 55407 United States	Electronic Service		No	13-867Official
78	Ian	SantosMeeker	ians@ips-solar.com	IPS Solar		null null, null United States	Electronic Service		No	13-867Official
79	Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered		150 S 5th St Ste 700 Minneapolis MN, 55402 United States	Electronic Service		No	13-867Official
80	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall FL 7 Minneapolis MN, 55401-1993 United States	Electronic Service		No	13-867Official
81	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	13-867Official
82	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		No	13-867Official
83	David	Shaffer	david.shaffer@novelenergy.biz	Novel Energy Solutions		2303 Wycliff St Ste 300 St. Paul MN, 55114 United States	Electronic Service		No	13-867Official
84	Christopher L.	Sherman	csherman@sherman-associates.com	Solar Holdings LLC		233 Park Ave S Ste 201 Minneapolis MN, 55415 United States	Electronic Service		No	13-867Official
85	Doug	Shoemaker	dougs@charter.net	Minnesota Renewable Energy		2928 5th Ave S Minneapolis MN, 55408 United States	Electronic Service		No	13-867Official
86	Karl	Sonneman	karl17@hbc.com	Law Office of Karl W. Sonneman		111 Riverfront Suite 202 Winona MN, 55987 United States	Electronic Service		No	13-867Official
87	Russ	Stark	russ.stark@ci.stpaul.mn.us	City of St. Paul		Mayor's Office 15 W. Kellogg Blvd., Suite 390 Saint Paul MN, 55102 United States	Electronic Service		No	13-867Official

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90	Anna	Tobin	atobin@greeneespel.com	Greene Espel PLLP		222 South Ninth Street Suite 2200 Minneapolis MN, 55402 United States	Electronic Service		No	13-867Official
91	Zack	Townsend	zachary.townsend@brookfieldrenewable.com	Brookfield Renewable		200 Liberty St FL 14 New York NY, 10281 United States	Electronic Service		No	13-867Official
92	Pat	Treseler	pat.jcplaw@comcast.net	Paulson Law Office LTD		4445 W 77th Street Suite 224 Edina MN, 55435 United States	Electronic Service		No	13-867Official
93	Gary	Van Winkle	gvanwinkle@mylegalaid.org	Mid-Minnesota Legal Aid		111 N Fifth St Ste 100 Minneapolis MN, 55403 United States	Electronic Service		No	13-867Official
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96	Kevin	Walker	kwalker@beaconinterfaith.org	Beacon Interfaith Housing Collaborative		null null, null United States	Electronic Service		No	13-867Official
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100	Emily	Ziring	eziring@stlouispark.org	City of St. Louis Park		5005 Minnetonka	Electronic Service		No	13-867Official

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