

Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: April 1, 2014*Agenda Item #16

Company: Xcel Energy

Docket No. **E-002/M-13-642**

In the Matter of Tariff Modifications Implementing Net Metered Facility Provisions, Standby Service Exemptions, and Meter Aggregation Pursuant to the 2013 Omnibus Energy Bill

Issue: Should the Commission clarify its January 27, 2014 Order?

Staff: Michelle Rebholz 201-2206

Relevant Documents

Commission Order..... January 27, 2014
Xcel Energy, Request for Clarification..... February 18, 2014

The attached materials are workpapers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

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Statement of the issue

Should the Commission clarify its January 27, 2014 Order?

Statutory Authority

Minnesota Rules 7829.3000 states:

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. Time for request.

A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary.

Subp. 2. Content of request.

A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed. A request for amendment must set forth the specific amendments desired and the reasons for the amendments.

Subp. 3. Service.

A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding to which they relate.

Subp. 4. Answers.

Other parties to the proceeding shall file answers to a petition for rehearing, amendment, vacation, reconsideration, or reargument within ten days of service of the petition.

Subp. 5. Replies.

Replies are not permitted unless specifically authorized by the commission.

Subp. 6. Commission action.

The commission shall decide a petition for rehearing, amendment, vacation, reconsideration, or reargument with or without a hearing or oral argument. The commission may vacate or stay the order, or part of the order, that is the subject of the petition, pending action on the petition.

Subp. 7. Second petition not entertained.

A second petition for rehearing, amendment, vacation, reconsideration, or reargument of a commission decision or order by the same party or parties and upon the same grounds as a former petition that has been considered and denied, will not be entertained.

Xcel Petition

On February 18, 2014, Xcel filed a request for clarification. Because Xcel's request is clear and no one has filed replies, staff has not repeated it here.

Staff Analysis

Xcel's proposed changes to its standby tariff was heard at the Commission's December 12, 2013 agenda meeting. The tariff was filed because 2013 legislation made changes to standby service thresholds. Updated tariffs were also filed by OTP, IPL, and MP. Several parties had objected to portions of Xcel's proposed tariff; in the course of rejecting portions of Xcel's tariff, the Commission also approved several provisions of Xcel's tariff that related to the 2013 statutory changes.

When the Commission rejected portions of the tariff related to Xcel's proposed contract but approved other provisions, an inadvertent result was that the contract provisions that were approved were so brief that it would not be practical at this time for Xcel to simply file a contract that only contains one section relating to production meters. A copy of Xcel's original proposed tariff amendments is provided as Attachment 1.

Staff agrees that one solution would be to clarify its Order by adding its proposed language: "*The Commission will take no other action on Xcel Energy's proposed contract for net-metered facilities at this time*" and to include the word "proposed" before "tariff."

Decision Options

1. Grant Xcel's request for clarification, including its proposed language addition at page 3 of its petition; OR
2. Deny Xcel's request for clarification.