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Minnesota Attorney General Keith Ellison
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November 7, 2024

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

Re: *In the Matter of Xcel Energy's Tariff Revisions Updating Community Solar Garden Tariff Providing Additional Customer Protections in Subscription Eligibility*
MPUC Docket No. E-002/M-21-695

Dear Mr. Seuffert:

The Office of the Attorney General – Residential Utilities Division (OAG) respectfully submits these reply comments in response to the October 24, 2024 comments of Xcel Energy. In its comments, Xcel agrees with the OAG that the best way for the Commission to protect tenants is to avoid interposing a middleman between tenants and their regulated utility. In addition, Xcel proposes revisions to sheets 9-99.1 and 9-99.3 of its solar-garden tariff to ensure consistency with newly enacted Minn. Stat. § 504B.216.¹ The OAG appreciates Xcel proposing these revisions and recommends that they be approved for the reasons described below.

Section 504B.216, subdivision 2, provides that a “landlord is prohibited from removing a directly metered tenant from the tenant’s existing utility account or requesting that a utility remove the tenant from the tenant’s existing utility account” and further provides that this protection “may not be waived by contract or otherwise.”² These requirements are effective on January 1, 2025 for leases entered into or renewed on or after that date.³

Xcel proposes a revision to the “landlord addendum” to its solar-garden standard contract stating that the addendum may only be used where the landlord complies with Minn. Stat. § 504B.216, subd. 2. Xcel further proposes revisions to Attachment A to the landlord addendum, which is an opt-in form that landlords must provide to tenants before enrolling their unit in a building subscription. Xcel’s revisions (1) state that the opt-in form can only be used when as of December 31, 2024, the tenant had a lease for a rental unit and the landlord was the Xcel customer of record for the unit; (2) clean up tariff language that assumes tenants can give up control of their Xcel account; and (3) add a recently approved “Low-Usage Affordability Credit” to the list of Xcel programs for which tenants who are not Xcel account holders are ineligible. These changes are consistent with the newly enacted statute, are otherwise reasonable, and should be approved.

¹ See 2024 Minn. Laws ch. 107, § 7.

² *Id.*, subd. 2(b), (c).

³ *Id.*, § 10(b).

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For the foregoing reasons, and for the reasons stated in the OAG's initial comments, the Commission should take the following actions:

1. Allow Xcel to withdraw its "In Care of Billing" proposal;
2. Find that the building-subscription model is incompatible with the new language in chapter 504B prohibiting landlords from removing directly metered tenants from their utility accounts;
3. Approve Xcel's proposed changes to its opt-in tariff provisions for consistency with section 504B.216;
4. Find that joint landlord-tenant utility accounts are not in the public interest; and
5. Find that further efforts to increase access to energy assistance for rebilled tenants should focus on tenants in master-metered buildings.

Sincerely,

/s/ **Peter G. Scholtz**

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CERTIFICATE OF SERVICE

Re: *In the Matter of Xcel Energy's Tariff Revisions Updating Community Solar Garden Tariff Providing Additional Customer Protections in Subscription Eligibility*
MPUC Docket No. E-002/M-21-695

I, JUDY SIGAL, hereby certify that on the 7th day of November, 2024, I e-filed with eDockets *Reply Comments of the Office of the Attorney General—Residential Utilities Division* and served a true and correct copy of the same upon all parties listed on the attached service list by e-mail, electronic submission, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

/s/ Judy Sigal

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