

**BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS**  
**FOR**  
**THE MINNESOTA PUBLIC UTILITIES COMMISSION**

<b>In the Matter of the Petition of Northern</b>	)	
<b>States Power Company d/b/a Xcel Energy</b>	)	
<b>for Approval of Competitive Resource</b>	)	MPUC Docket No. E-002/CN-12-1240
<b>Acquisition Proposal and Certificate of</b>	)	
<b>Need</b>	)	OAH Docket No. 8-2500-30760
	)	

**COMMENTS**  
**OF ECOS ENERGY LLC**

To: The Honorable Eric Lipman  
Administrative Law Judge

In accordance with the timeframe set by the Eighth Pre-hearing Order, Ecos Energy LLC (“Ecos”) hereby files these brief comments in the above-captioned matter. Ecos makes two points.

*First*, there is no longer a need to be filled by these proceedings.

*Second*, if there were a need, the only option would be to fulfill it using a renewable resource. None of the non-renewable proposals can satisfy the statutory criteria for selection, which is that selecting a renewable resource is not in the public interest.

**I. THE NEED NO LONGER EXISTS.**

Attached as Exhibit A is Xcel’s response to Ecos’ information request ECOS-013 from Docket No. 13-603. Exhibit A is Xcel’s recent forecasted capacity need, which is substantially revised from what this proceeding is premised on. Attached as Exhibit B, is Exhibit A but with the effect of the balance of the solar resources that the Department of Commerce assumes that

Xcel is obligated to acquire under the 1.5% solar energy standard (the “SES”). Exhibit B does not include any solar resources that might be acquired pursuant to the community solar garden program or the other solar incentives enacted in May 2013.

As shown on Exhibit B, with the solar resources that Xcel is mandated to acquire under the SES, the need in this proceeding is extinguished. There is no need to build fossil fuel plants.

Notably, the need in 2017, which was the alleged basis on which this proceeding was placed on an accelerated schedule, and which was the basis on which the Commission denied Ecos’ petition to submit a solar energy proposal, has evaporated. Moreover, Xcel was aware of that fact in June of this year.

**II. THE NON-RENEWABLE OPTIONS CANNOT SATISFY THE REQUIREMENTS OF MINN. STAT. §216B.2422, SUBD. 4.**

Minn. Stat. §216B.2422, subd. 4, provides that the Commission

*shall not approve* a new or refurbished nonrenewable energy facility in an integrated resource plan or a certificate of need, pursuant to section 216B.243, nor shall the commission allow rate recovery pursuant to section 216B.16 for such a nonrenewable energy facility, unless the utility has demonstrated that a renewable energy facility is not in the public interest. (Emphasis added.)

Renewable resources (from Ecos and others) are available to satisfy the alleged requirement (whether or not those resources are before the Commission in this Docket) and the new solar law requires that NSP acquire such additional solar resources.

Renewable energy facilities are the only facilities that are in the public interest to satisfy whatever the alleged need is. Renewable energy facilities would avoid the destructive effects to the environment from the proposed fossil fuel plants. Those destructive effects not only include the direct generation effects from burning natural gas at the plant itself, but the environmentally

destructive practice of fracking. Fracking causes ground water contamination, more air pollution, migration of gases and chemicals to the surface, and the related health effects. Moreover, fracking causes further increase in atmospheric CO2 levels by enabling the extraction of previously-sequestered hydrocarbons including methane. The release of these destructive gases and chemicals from fracking operations in nearby states clearly affects Minnesota's environment.

The Minnesota Legislature has recognized the destructive effects on our environment due to global warming and has set a public interest goal of being the first State in the United States to generate electricity from 100% renewable resources. In light of that clear policy statement of what is in the public interest, one can only hope that the Commission, and if not the courts, would recognize that the statutory requirements of Minn. Stat. §216B.2422, subd. 4, cannot be met with respect to any of the proposed fossil fuel plants.

Dated: November 22, 2013

Respectfully submitted,

/s/ Thomas Melone

Thomas Melone

President

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## Certificate of Service

I certify the attached *Comments of Ecos Energy LLC* has been served this day, November 22, 2013, via U.S. mail and e-mail as designated on the Official Service List for the proceeding on file with the Minnesota Public Utilities Commission.

/s/ Thomas Melone

Thomas Melone

## EXHIBIT A

**Size and Timing Assessment - 12/18/12 Resource Plan Comments  
 (Docket No. E002/RP-10-825)**

<i>megawatts</i>	2015	2016	2017	2018	2019	2020
Peak (Fall 2011 Forecast)	9,428	9,524	9,613	9,708	9,799	9,881
<u>RM%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>
Obligation	9,786	9,885	9,977	10,076	10,170	10,255
Total Resources	10,091	9,917	9,823	9,757	9,727	9,724
<b>Long (Short)</b>	<b>305</b>	<b>32</b>	<b>(154)</b>	<b>(319)</b>	<b>(443)</b>	<b>(532)</b>

Resource Acquisition Period

**Size & Timing Assessment - Rate Case Forecast  
 (Docket No. E002/GR-12-961)**

<i>megawatts</i>	2015	2016	2017	2018	2019	2020
Peak (August 2012 Forecast)	9,370	9,440	9,517	9,589	9,658	9,736
<u>RM%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>
Obligation	9,726	9,797	9,877	9,952	10,024	10,104
Total Resources	10,091	9,917	9,823	9,757	9,727	9,724
<b>Long (Short)</b>	<b>365</b>	<b>120</b>	<b>(54)</b>	<b>(195)</b>	<b>(297)</b>	<b>(381)</b>

**Approval of the Acquisition of Wind Generation  
 (Docket No. E-002/M-13-603 and E-002/M-13-716)**

<i>megawatts</i>	2015	2016	2017	2018	2019	2020
Peak (March 2013 Forecast)	9,334	9,411	9,500	9,590	9,676	9,770
<u>RM%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>	<u>3.8%</u>
Obligation	9,687	9,767	9,860	9,953	10,042	10,140
Total Resources	10,191	9,848	9,835	9,860	9,953	10,042
Accredited AC Solar Capacity Included	23	35	49	66	83	103
<b>Long (Short)</b>	<b>504</b>	<b>81</b>	<b>(25)</b>	<b>(93)</b>	<b>(89)</b>	<b>(97)</b>

EXHIBIT B

**Size and Timing Assesment - 12/18/12 Resource Plan Comments  
(Docket No. E002/RP-10-825)**

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**Additional Solar Capacity to  
meet MN Solar Energy Standard**

	97	97	97	97	97	
<b>Long (Short)</b>	<b>504</b>	<b>179</b>	<b>72</b>	<b>4</b>	<b>8</b>	<b>0</b>

**Total Solar Resources Included = 200MW of capacity**