

Minnesota Public Utilities Commission

Staff Briefing Paper

Meeting Date: October 26, 2017..... * Agenda Item # 2

Companies: Rate-Regulated Energy Utilities

Docket No. E-002/M-13-867

In the Matter of the Petition of Northern States Power Company, dba Xcel Energy, for Approval of its Proposed Community Solar Garden Program

E,G-999/CI-12-1344

In the Matter of a Commission Inquiry into the Privacy Policies of Rate-Regulated Energy Utilities

Issues: **1.** Should the Commission approve Xcel’s proposed modification to its Solar*Rewards Community tariff?
2. Should the Commission allow Xcel to accept the current Subscriber Agency Agreement and Consent Form (SAA) for an additional 24 months?

Staff: Kevin O’Grady.....651-201-2218

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1. Relevant Documents

Order Rejecting Xcel's Solar-Garden Tariff Filing

*and Requiring the Company to File a Revised Solar-Garden Plan*¹ (13-867) April 7, 2014

Order Approving Customer Energy Use Data Consent Form (12-1344)..... June 9, 2017

Xcel's Petition (12-1344)..... June 19, 2017

2. Background

In 2014, the Commission rejected Xcel's proposed Solar Garden tariff requiring Xcel to modify the tariff. Among other revisions the Commission sought clarification of a number of terms regarding customer account and energy use data.² At the time the *Solar Garden Order* was issued the Commission was in the process of investigating data privacy issues.³ As such, the Commission explicitly recognized that Xcel may need to file revisions in the future:

These provisions addressing data privacy shall remain in place until and unless other requirements are adopted by the Commission in its generic privacy proceeding Xcel shall file the necessary revisions to its tariffs and contracts within 30 days of such order.⁴

On June 9, 2017, the Commission issued its *Order Approving Customer Energy Use Data Consent Form*. That order established a model consent form to guide utilities in developing company-specific forms if they so choose.⁵

On July 19, 2017, Xcel filed this petition to modify its Solar*Rewards Community tariff (1) to incorporate terms to reconcile its tariff with the Commission's model consent form guidelines, and (2) to seek approval to allow the Company to accept the current Subscriber Agency Agreement and Consent Form (SAA) for an additional 24 months.

¹ *Order Rejecting Xcel's Solar-Garden Tariff Filing and Requiring the Company to File a Revised Solar-Garden Plan*. Docket 13-867, April 7, 2014. (*Solar Garden Order*).

² *Solar Garden Order*, Ordering Paragraph 19.

³ [In the Matter of a Commission Inquiry into the Privacy Policies of Rate-Regulated Energy Utilities](#). Docket 12-1344.

⁴ *Solar Garden Order*, Ordering Paragraph 20.

⁵ Docket 12-1344.

3. Petition

3.1 Tariff Change

Xcel's proposed tariff change (1) adds provisions for a Solar Garden fax and Subscriber mailing address, (2) adds the company's mailing address and contact information to match its consent form, and (3) incorporates Customer Disclosure terms from the model form approved by the Commission.

3.2 Transition Period

Xcel seeks approval of a transition period in the use of its SAA forms. Xcel states:

Currently, we have over 2,000 customers subscribed to active community solar gardens in our service area – all of whom have signed the SAA contained in our tariff. We estimate that there could be *double* this amount of customers who have already signed the current SAA, in anticipation of additional community solar gardens to become active.

In the interest of customers who may have signed the currently-approved SAA in anticipation of a garden – and administrative efficiency for garden operators – we request the Commission allow the Company to accept either the current or new SAA for a period not to exceed 24 months from the Commission's Order in this proceeding. Once accepted by the Company, the signed SAA can be used for the duration of the Subscriber's subscription in the Solar*Rewards Community program. We believe this 24 month time period is reasonable, because it is equal to the timeframe garden operators have to achieve mechanical completion – and the likelihood that garden operators have begun obtaining signatures of customers using the currently-approved SAA tariff form well ahead mechanical completion of their gardens.⁶

⁶ Petition, p. 7.

4. Staff Comment

Staff believes that Xcel's proposed tariff change is consistent with the Commissions June 9th Consent Form order.⁷

Staff believes that Xcel's proposed transition process is not unreasonable. Garden operators may have obtained signatures using the current SAA. Allowing Xcel to continue to accept the currently-approved SAA tariff form for a limited period could reduce administrative burden.

Commission Options

Re: Tariff Change

1. Approve Xcel's proposed tariff change.
2. Reject Xcel's proposed tariff change.
3. Take other action.

Re: Transition Period

4. Allow Xcel to accept either the current SAA (pre-tariff-change) or the new SAA (post-tariff-change) for a period not to exceed 24 months from the date of the Commission order.
5. Reject Xcel's proposed transition process.
6. Take other action.

⁷ Docket 12-1344.