



August 18, 2025

Mike Bull, Acting Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Subject: Dakota Electric Association Comments

In the Matter of Impacts of the “Capacity” Definition in Minnesota Statute 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities

Docket Nos. E-002, -111, -017, -015/CI-24-200 and E999/R-25-86

Dear Mr. Bull:

On January 23, 2025, the Minnesota Public Utilities Commission (Commission) issued an *Order Initiating Rulemaking Proceeding* (Rulemaking Order) in Docket No. E002, E111, E017, E015/CI-24-200 (Docket 24-200). The Rulemaking Order arose from the Commission’s request for comment on how to apply the definition of “capacity” under Minn. Stat. § 216B.164.¹ In its Rulemaking Order, the Commission concurred with parties that clarifying the rule has merit and that opening a rulemaking proceeding to consider amending the rule’s definition of “capacity” was appropriate. The Commission delegated authority to the Executive Secretary to open a new rulemaking proceeding to clarify that “capacity,” as defined under Minn. Stat. § 216B.164,

¹ Docket No. E002, E111, E017, E015/CI-24-200, Commission Notice of Comment (June 4, 2024).

subd. 2a (c), for purposes of eligibility for net-metering in Minn. Stat. § 216B.164, subd. 3(d), is determined by, and measured at, the qualifying facility’s inverter or a power control system or supplemental device that controls production at the qualifying facility before the net-metered customer’s load.² On July 14, 2025, the Commission issued a Request for Comment (Request) in Docket No. E999/R-25-86 (Rulemaking) soliciting comment on the proposed rulemaking.

Background

The Rulemaking in question is the culmination of the Commission’s review in Docket No. 24-200 regarding the definition and interpretation of capacity in Minn. Stat. § 216B.164. On October 2, 2023, the Minnesota Solar Energy Industries Association (MnSEIA) filed an objection in Docket No. E999/CI-16-521 to specific statements in Section 11 of Dakota Electric Association’s (Dakota Electric or Cooperative) updated Technical Specifications Manual (TSM) governing metering requirements. MnSEIA argued in that proceeding that Minnesota law regarding compensation for qualifying facilities with a capacity of less than 40 kilowatts (kW) at the average retail utility energy rate must be based on “export capacity at the point of interconnection/common coupling, not . . . generation capacity at the point of connection.”³ Dakota Electric, along with the Minnesota Rural Electric Association (MREA) and the Minnesota Municipal Utility Association (MMUA) disagreed, explaining that, while facilities are compensated based on the amount of net energy production, or net input, that they add to the utility’s system, nameplate capacity is used to measure capacity for purposes of managing capacity limits and determining compensation levels.⁴ The Cooperative noted that while a facility with a nameplate capacity of 40 kW or more could be modified to limit production to less than 40 kW, doing so could require adjustments to its distribution system to protect the integrity of its operations, including safety and reliability.⁵ Ultimately, the Commission concluded that MnSEIA had not demonstrated that

² Docket No. E002, E111, E017, E015/CI-24-200, Commission Order (January 23, 2025).

³ Docket Nos. E-111/M-18-711, E-999/CI-16-521, MnSEIA Initial Comments at 2 (January 12, 2024).

⁴ Docket Nos. E-111/M-18-711, E-999/CI-16-521, MMUA Comments at 2 (January 12, 2024), MREA Comments at 2-5 (January 12, 2024), Dakota Electric Comments at 6-8 (January 12, 2024) and Reply Comments at 3-8 (January 22, 2024).

⁵ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 12-16 (September 3, 2024).

Dakota Electric’s use of nameplate rating had impeded installation of net-metered or qualifying facilities and opened a separate docket to explore the use and definition of capacity as set forth in Minnesota Statute 216B.164, subd. 3(d).⁶

The parties in Docket 24-200 largely provided comments in line with filings made in response to MnSEIA’s dispute of Dakota Electric’s TSM modifications. The Cooperative and other utilities provided analysis and discussion supporting the use of nameplate rating as the correct application of capacity in Minn. Stat. § 216B.164 as supported by the record in the Commission’s 2013 rulemaking.⁷ MnSEIA maintained its export-based definition of capacity, and the Minnesota Department of Commerce (Department) provided comments expressing concern with the Cooperative and the utilities definition of capacity because it could unnecessarily restrict development of distributed energy resources (DER), especially energy storage. In the lead up to, and at, the Commission’s November 7, 2024 Agenda Meeting, the utilities and the Department reached consensus on a recommended definition of capacity which is measured prior to the impact of load associated with a consumer’s DER. As noted above, the Commission determined that clarification of Minnesota Rule 7835.0100 was warranted and delegated authority to the Executive Secretary to open a rulemaking.

Introduction and Scope

On July 14, 2025, the Commission issued a Request in the Rulemaking Docket soliciting comments on the definition of capacity in Minnesota Rules 7835.0100. The Commission’s Request stated that the Commission’s current draft of a possible amendment is as follows:

7835.0100 DEFINITIONS

Subp. 4. Capacity. “Capacity” means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric system. “Capacity,” as defined under Minn. Stat. § 216B.164, subd. 2a (c), for purposes of eligibility for net-metering in Minn. Stat. § 216B.164,

⁶ Docket Nos. E111/M-18-711 and E999/CI-16-521 Order at 4 (May 22, 2024).

⁷ Docket No. E999/R-13-729.

subd. 3(d), is determined by, and measured at, the qualifying facility's inverter or a power control system or supplemental device that controls production at the qualifying facility before the net-metered customer's load.

Dakota Electric believes the Commission's current draft language is generally reasonable and encompasses the intent of the Rulemaking and the Commission's discussion on the topic at its November 7, 2024 Agenda meeting. However, as discussed further below, the Cooperative suggests minor adjustments to the draft language that the Commission may wish to consider. The changes to the draft that Dakota Electric presents, and supports below, are minor and provide additional clarity and support for the Commission's conclusions from its Rulemaking Order and the definition application of capacity in Minn. Stat. § 216B.164.

Dakota Electric would also like to briefly address the scope included in the Commission's Request. The scope of the rulemaking was characterized as:

The Commission requests comments on whether to measure capacity based on a qualifying facility's electric energy production, rather than its nameplate capacity. Under Minn. Stat. § 216B.164, subd. 3(d), a qualifying facility with less than 40-kilowatt (kW) capacity may elect to be compensated for its net input into a utility's system at the average retail utility energy rate. The scope of this rulemaking proceeding is to consider amending the rule to clarify that a qualifying facility with a nameplate rating of 40 kW capacity or more may be compensated for up to 39 kW of net input into the utility's system at the rate allowed under Minn. Stat. § 216B.164, subd. 3(d).⁸

Dakota Electric acknowledges that this is a complex issue and the records in the previous two dockets included significant information; however, there are concerns with the rulemaking scope that the Cooperative wishes to note.

First, as explained in the Commission's Rulemaking Order, "The thrust of the disagreement among the parties is whether capacity is measured according to the maximum number of kilowatts (nameplate rating or nameplate capacity) the facility is capable of producing, or rather, if capacity is measured by the output generated regardless of the facility's nameplate

⁸ Docket No. E999/R-25-86 Request (July 14, 2025).

rating.” Based on Dakota Electric’s review of previous rulemakings, and discussed in prior comments,⁹ the Commission has already determined that a qualifying facility’s capacity is based on capability to produce. Specifically, as noted in its Statement of Need and Reasonableness (SONAR) and Order Adopting Rules, the “capability to produce” was a foundational part of the Commission’s final ruling that determined the current definition of capacity in Minnesota Rule 7835.0100.¹⁰ Utilities have historically used nameplate capacity because it is a fixed measure and reflects a DER’s ability to produce; however, the Cooperative acknowledged that under certain circumstances something other than nameplate capacity could be used as the basis of capability to produce.¹¹ As discussed later in these comments, nameplate capacity can still be used to determine capacity but it may not be the only determinant.

Second, the Cooperative is concerned that the final sentence in the Commission’s presentation of scope is too broad. As written, the scope would suggest that any qualifying facility greater than 40kW in nameplate capacity is eligible for net metering. The facts presented to the Commission in the previous dockets, and in particular at the November 7, 2024 Agenda Meeting, show that the circumstances where this could occur may be limited and would require specific, concrete steps by the DER to ensure that safety and reliability are maintained and that load is not considered in any calculation. The Commission may wish to modify this sentence or add an additional sentence noting that this would only be considered under certain circumstances.

Dakota Electric Analysis

The Cooperative appreciates the opportunity to respond to the Commission’s Request regarding the definition of capacity. As noted above, there has been significant record development across two proceedings on this issue. In addition, the issue of capacity and its

⁹ Docket Nos. E111/M-18-711 and E999/CI-16-521 Dakota Electric Reply Comments at 3-5 (January 22, 2024) and Docket No. E002, E015, E017, E111/M-24-200 Dakota Electric Comments at 7-8 (September 3, 2024).

¹⁰ Docket No. E999/R-13-729 Commission SONAR at 3-4 (December 29, 2014) and Commission—Order Adopting Rules at 3-4 (July 17, 2015).

¹¹ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 12-16 (September 3, 2024).

relation to distributed generation facilities has previously been addressed through statutory changes and in subsequent rulemakings.¹² The Commission’s Rulemaking Order and subsequent Request seek to provide additional clarity on this topic especially in light of continued developments in DER technology.

In its Rulemaking Order, the Commission noted the following regarding this issue:

The thrust of the disagreement among the parties is whether capacity is measured according to the maximum number of kilowatts (nameplate rating or nameplate capacity) the facility is capable of producing, or rather, if capacity is measured by the output generated regardless of the facility’s nameplate rating. In other words, a 40-kilowatt (kW) nameplate facility has the capacity to generate a maximum of 40 kW. But the output of a facility with a nameplate rating greater than 40 kW could be limited by technology (such as an inverter or power control system) to limit the facility’s output to no more than 40 kW, making it a de facto 40-kW facility when operated.¹³

At a high level, the Commission’s assessment of the two schools of thought are accurate. With that in mind, Dakota Electric believes it is important to review the basis for these two interpretations and the Commission’s subsequent conclusion that a rulemaking clarifying capacity was needed.

As noted earlier in these comments, the original impetus for this rulemaking was associated with MnSEIA’s interpretation of capacity, which is tied to the export capacity of a system regardless of a facility’s nameplate rating.¹⁴ Although never explicitly addressed by MnSEIA, this could only be achieved through a system of supplemental controls such as power control systems (PCS). Furthermore, MnSEIA’s interpretation of capacity is complicated and inconsistent with Statute because it would occur after the impact of consumer load. This is based on MnSEIA’s use of the term “point of common coupling” in a manner inconsistent with that term as it was understood and defined by the Commission in prior rulemakings. The Cooperative will address point of common coupling later in these comments but reliance on

¹² Docket No. E999/R-13-729.

¹³ Docket No. E002, E015, E017, E111/M-24-200, Commission Rulemaking Order, Page 2 (January 23, 2025).

¹⁴ Docket No. E999/CI-16-521, MnSEIA Objection to Dakota Electric TSM at 6 (October 2, 2023).

export is not appropriate and does not comport with Minnesota Statutes or the Commission's conclusion in the Rulemaking Order.

As discussed at length in the previous dockets, it is unclear how an export-based definition of capacity could be reasonably applied, as the capacity of a facility would vary over time with changes in consumer load. With the uncertainty of load, there is no meaningful measure, or standard, for whether the facility meets the requirement of having less than 40-kW capacity. An export-based interpretation would insert substantial uncertainty in determining whether a particular facility is entitled to the net metered rate and what the implications are if the facility's actual exports are in excess of the 40-kW limit.¹⁵ As the Department observed in Docket No. E002, E111, E017, E015/CI-24-200, "a variable capacity would be impractical to determine eligibility and would be an absurd outcome. Determination of eligibility requires a fixed value for capacity."¹⁶

Minn. Stat. § 216B.164, subd. 2a(c) defines "capacity" as:

the number of megawatts alternating current (AC) at the point of interconnection between a distributed generation facility and a utility's electric system.¹⁷

A plain reading of this definition supports the interpretation that a facility's "capacity" is the facility's AC output, not its export to the grid. While "point of interconnection" is not defined in the Statute, that term is commonly understood in the industry, and discussed in these comments, to be the output of the generating device(s), exclusive of any offset from load.¹⁸ That understanding comports with the remainder of the statutory definition of capacity, which refers to interconnection between the utility's system and "distributed generation," which is defined as the facility that generates electricity.¹⁹ The Statute is clear that it is the facility's

¹⁵ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 5 (September 3, 2024).

¹⁶ Docket No. E002, E015, E017, E111/M-24-200, Department Reply Comments at 4-5 (September 17, 2024).

¹⁷ Minn. Stat. § 216B.164, subd. 2a(c).

¹⁸ It is important note that the industry uses the Point of Interconnection and Point of DER Connection interchangeably.

¹⁹ Minn. Stat. § 216B.164, subd. 2a(h) ("Distributed generation" means a facility that: (1) has a capacity of ten megawatts or less; (2) is interconnected with a utility's distribution system, over which the commission has

output where connected, not its export to the grid, that determines its capacity for net metering.

An export-based definition is also at odds with much of the Commission’s discussion and supporting information in Docket No. E999/R-13-729 (2013 Rulemaking). The Commission’s draft language in its Request includes reference to output which is synonymous with capability to produce. Capability to produce was referenced in previous rulemaking orders and included in previous rule changes to reflect the Commission’s interpretation of capacity.²⁰ The words “capability to produce” would have no meaning under MnSEIA’s interpretation of capacity as net export because, under that interpretation, what the system is *capable of producing* or its output is not considered.²¹ Furthermore, the “capability to produce” was not intended to include the local load at the premise. This load is not required for the operation of the DER to be capable of producing, transmitting, or delivering electric energy. This aligns with the second sentence in the Commission’s draft rule language in its Request. Additionally, this local load is highly variable and exclusive from the DER’s actual capacity to produce.²²

In the previous dockets, in particular Docket 24-200, MnSEIA argued that an export-based definition of capacity was appropriate and supported by Minn. Stat. § 216B.164 which states:

This section shall at all times be construed in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.²³

It is true that Minnesota Statute shows a preference for cogeneration and small power production, but MnSEIA ignores the explicit ratepayers protections included in Statute.²⁴ It is clear that the phrase, “consistent with protection of the ratepayers and the public,” shows that

jurisdiction; and (3) generates electricity from natural gas, renewable fuel, or a similarly clean fuel, and may include waste heat, cogeneration, or fuel cell technology.”).

²⁰ Docket No. E999/R-13-729 Commission SONAR at 3-4 (December 29, 2014) and Commission—Order Adopting Rules at 3-4 (July 17, 2015).

²¹ Docket Nos. E-111/M-18-711, E-999/CI-16-521, MnSEIA Comments at 8 (January 12, 2024).

²² Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 7-8 (September 3, 2024).

²³ Minn. Stat. § 216B.164, subd. 1.

²⁴ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 11-12 (September 3, 2024).

the Legislature intended guardrails on compensation and DER developments if there are concerns about costs shifts to other ratepayers. Dakota Electric provided discussion in Docket No. 24-200 showing that MnSEIA’s interpretation of capacity has the potential to significantly impact costs for other ratepayers and complicate the review of DER interconnections.²⁵

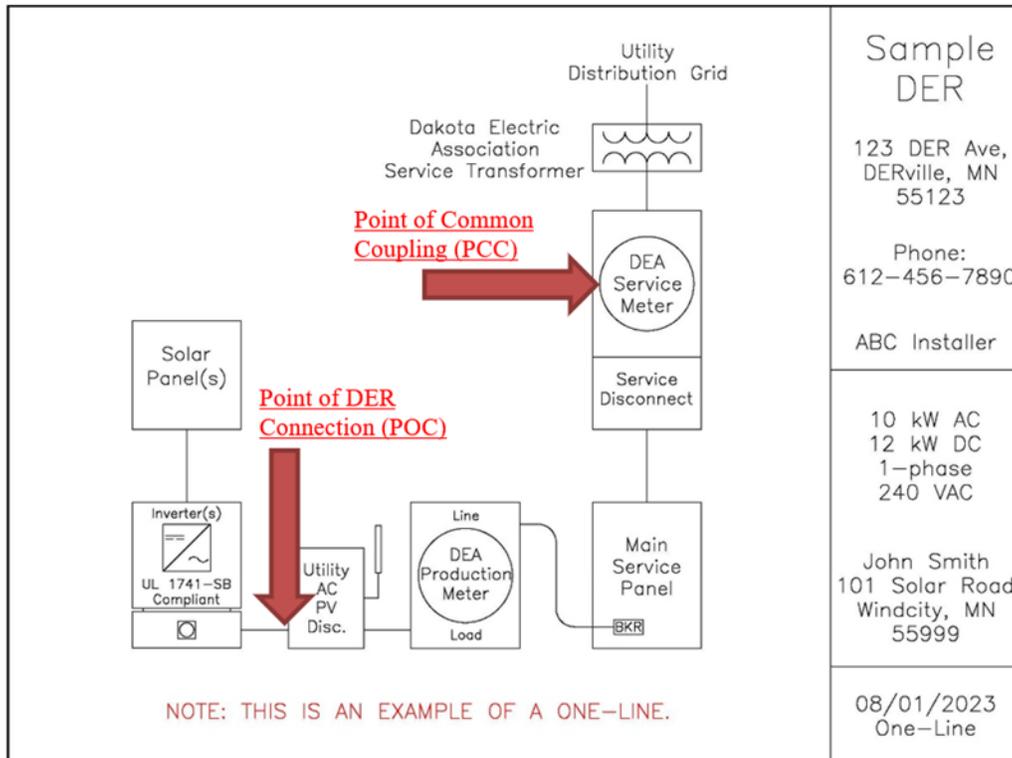
Most importantly on this topic, Minn. Stat. § 216B.164 does not refer to the amount “exported” to the grid as the capacity of the facility or uses the term “point of common coupling.”²⁶ The term “point of common coupling” that is currently in Minnesota Rule 7835.0100 was a significant complicating factor in the previous dockets, as the definition contained in Minnesota Rules does not align with MnSEIA’s proposed interpretation or common industry usage, as discussed in more detail below.

In Docket No. 24-200, several utilities, including Dakota Electric, provided pictorial diagrams denoting the difference between the point of common coupling and the point of interconnection.²⁷ The Cooperative provides a sample one-line diagram from our TSM to illustrate the difference between the two points.

²⁵ Docket Nos. E111/M-18-711, E999/CI-16-521, Dakota Electric Comments at 4 (January 12, 2024).

²⁶ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 6-7 (September 3, 2024).

²⁷ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 14 (September 3, 2024); MREA Comments at 4 (September 3, 2024); and Otter Tail Comments at 3 (September 3, 2024).



As detailed in Dakota Electric’s comments in Docket No. 24-200, the Commission adopted the term “point of common coupling” rather than using the statutory term “point of interconnection” based on its understanding at the time that “the point of interconnection and the point of common coupling are not necessarily distinct concepts.”²⁸ This conclusion was likely driven by the fact that when the Commission conducted its 2013 Rulemaking, the Commission likely understood the “point of common coupling” to be what is now referred to as the “point of DER connection”²⁹ under the MN DIP,³⁰ because the Commission was operating under the directives and understandings associated with the 2004 State of Minnesota Distribution Generation Interconnection Requirements. When these standards were being established, IEEE had not yet defined “*point of DER connection*,” only a definition for “*point of common coupling*” existed. These separate terms had not been defined in the approved

²⁸ Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 8-9 (September 3, 2024).

²⁹ As noted in footnote 16, the industry uses the Point of Interconnection and Point of DER Connection interchangeably.

³⁰ Docket No. E-999/CI-16-521, MN DIP Updated by Apr. 14, 2024 Order, MN DIP Glossary of Terms at 4 (May 3, 2024).

interconnection process for distributed generation systems and a difference between “point of DER connection” and “point of common coupling” was not envisioned at that time.³¹ In the simplest sense, the definition of “point of common coupling” used in the update to Minnesota Rules 7835 is not the same concept that is used today or in the arguments made by MnSEIA in the previous dockets.³²

The current wording in Minn. Rule 7835.0100 defines “point of common coupling” as “the point where a qualifying facility’s generation system, including the point of generator output, is connected to the utility’s electric power grid.”³³ In adopting that definition, the Commission stated its intent to, “clarify that the point of generator output is relevant in measuring capacity.”³⁴ This “point of generator output” clarification by the Commission in its 2013 Rulemaking is important because it shows that when the Commission defined point of common coupling it did so assuming no impact from consumer load.³⁵ In addition, it is also possible that when the Commission conducted its 2013 Rulemaking, it was also conducted with an eye toward community solar gardens. A community solar garden by its nature is not associated with consumer load on site. These facts were discussed at length before the Commission at the November 7, 2024 Agenda Meeting. The utilities noted that the only way that the point of

³¹ Docket No. E-999/R-13-729, Order Adopting Rules (July 17, 2015) (“Use of this term [point of common coupling] is consistent with recent Commission decisions, including the Commission’s decision establishing interconnection standards, which define ‘point of common coupling’ as the point where the local area electric power system (the customer’s system) is connected to an area electric power system (the utility’s system)”) (citing *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212*, Docket No. E-999/CI-01-1023, Order Establishing Standards (Sept. 28, 2004) and *In the Matter of the Petition of Northern States Power Company, d/b/a Xcel Energy for Approval of its Proposed Community Solar Garden Program*, E-002/M-13-867, Order Approving Solar Garden Plan with Modifications at 14 (Sept. 17, 2014) (replacing the term “point of interconnection” with “point of common coupling,” a term that was defined and used elsewhere in Xcel’s tariffs as the point where the Local EPS is connected to Xcel Energy, with the Local EPS defined as “an electric power system contained entirely within a single premise or group of premises” and understood in that proceeding to be “facilities that deliver electric power to a load.”)).

³² Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 8-9 (September 3, 2024).

³³ Minn. R. 7835.0100, subp. 17a.

³⁴ Docket No. E-999/R-13-729, Order Adopting Rules at 4 (July 17, 2015).

³⁵ Docket No. E999/R-13-729 Commission SONAR at 3-4 (December 29, 2014) and Commission—Order Adopting Rules at 3-4 (July 17, 2015).

common coupling is applicable is if it is meant to be the point of interconnection or DER interconnection or if some sort of power control device is present *before* consumer load.

Dakota Electric Suggested Modifications

The Commission’s Rulemaking Order and Request is limited to the issue and definition of capacity related to net metering for facilities under 40kW. This, by itself, is not problematic because the focus of the previous dockets, and the Commission’s Rulemaking Order, has been on net metering. It is important to note that Minnesota Rule 7835, which implements Minn. Stat. § 216B.164, has additional applications of net metered capacity, and capacity in general, beyond Minn. Stat. § 216B.164, subd. 3(d). However, for the sake of simplicity, the Cooperative limits its discussion and proposed modifications associated with the Commission’s proposed language strictly to capacity as it relates to the statutory references in the Commission’s Request. The Cooperative reviewed the draft language and provides the following edits for the Commission’s consideration. Dakota Electric provides its rationale for these suggestions below.

7835.0100 DEFINITIONS

Redline

Subp. 4. Capacity. “Capacity” means the capability to produce, transmit, or deliver electric energy, and is measured ~~as by~~ the number of megawatts in alternating current at the point of ~~common-coupling interconnection~~ between a qualifying facility and a utility’s electric system. “Capacity,” as defined under Minn. Stat. § 216B.164, subd. 2a (c), for purposes of eligibility for net-metering in Minn. Stat. § 216B.164, subd. 3(d), is determined by ~~, and measured at,~~ the qualifying facility’s ~~nameplate rating, inverter settings, supplemental devices or combination thereof or a power control system or supplemental device that controls production at the qualifying facility~~ before the net-metered customer’s load.

Clean

Subp. 4. Capacity. “Capacity” means the capability a to produce, transmit, or deliver electric energy, and is measured as the number of megawatts in

alternating current at the point of interconnection between a qualifying facility and a utility's electric system. "Capacity," as defined under Minn. Stat. § 216B.164, subd. 2a (c), for purposes of eligibility for net-metering in Minn. Stat. § 216B.164, subd. 3(d), is determined by the qualifying facility's nameplate rating, inverter settings, supplemental devices or combination thereof before the net-metered customer's load.

The first, and most important or necessary, modification involves replacement of "at the point of common coupling" with "at the point of interconnection." As discussed above, and in the prior dockets, the Commission's use of "point of common coupling" is well reasoned in the SONAR, based on facts at the time,³⁶ but inserts uncertainty into the application of Minnesota Rule 7835.0100. The use of "at the point of interconnection" reverts to the statutory definition of capacity which, in the case of net metered facilities or any facility with associated load, is clearly in line with the Commission's intent in the 2013 Rulemaking and industry standards for DER interconnection. The use of "point of interconnection" also addresses the issue of consumer load.

The second modification involves replacement of "by" to "as" and the inclusion of "in" prior to "alternating current". These are minor grammatical changes to improve clarity.

The third modification involves replacement of the phrase "and measured at" with the word "by" and the inclusion of "nameplate rating, inverter settings, supplemental devices, or a combination thereof." This is an important change in light of the Commission's Rulemaking Order and the potential use of supplemental devices such as power control systems. The current phrase "measured at" assumes a fixed location for the measurement of capacity; however, with technology such as energy storage systems and power control systems, there may be multiple different physical connection points. Regardless of location, capacity should be calculated as the aggregated AC output of these inverters or devices prior to the consumer's load.

³⁶Docket No. E002, E015, E017, E111/M-24-200, Dakota Electric Comments at 8-9 (September 3, 2024).

Conclusion

Dakota Electric appreciates the opportunity to respond to the Commission's request for comment on its draft language regarding the definition of capacity for purposes of net metering eligibility. This is an important policy consideration and has been the focus of significant discussion and record development in two proceedings over the prior two years. Although the draft language proposed by the Commission is generally reasonable, the Cooperative respectfully requests that the Commission consider, and accept, the minor modifications we propose and support in these comments. Dakota Electric believes these modifications are reasonable and further clarify the Commission's interpretation and application of capacity in Minn. Stat. § 216B.164.

If you or your staff have any questions about these comments, please contact me at 651-463-6258 or aheinen@dakotaelectric.com.

Sincerely,

/s/ Adam J. Heinen

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