

**STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION**

Nancy Lange	Chair
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Matt Schuerger	Commissioner
Katie Sieben	Commissioner
John Tuma	Commissioner

**In the Matter of a Commission
Inquiry into the Creation of a
Commission Subcommittee under
Minn. Stat. § 216A.03, subd. 8**

**MINNESOTA SOLAR ENERGY
INDUSTRIES ASSOCIATION’S
REPLY COMMENTS ON THE
COMMISSION’S PROPOSED
CONSUMER COMPLAINT
SUBCOMMITTEE**

June 2, 2017

Docket No. E999/CI-17-284

**REPLY COMMENTS OF THE MINNESOTA
SOLAR ENERGY INDUSTRIES ASSOCIATION AND THE MINNESOTA SOLAR
ENERGY INDUSTRIES PROJECT**

Between May 19 and May 22, 2017, eleven different persons or entities¹ filed comments regarding the Minnesota Public Utilities Commission’s (PUC or “Commission”) April 17, 2017 Request For Comments On Possible Distributed Generation Subcommittee Under Minn. Stat. 216A.03, Subd. 8 (the “Notice”). Nine of the eleven commenting parties did not dismiss the need for a subcommittee or some other improvement on the current system for disputes. Some of the groups, like the Department of Commerce (DOC), actively supported the PUC’s subcommittee idea.

Only two commenting parties, the Minnesota Rural Electric Association (MREA) and Missouri River Energy Services (MRES), objected to its implementation in full. The bulk of the arguments proffered by both MREA and MRES are predicated on either 1) the PUC’s staff time

¹ Xcel Energy (Xcel), Dakota Electric, Minnesota Municipal Utilities Association, Department of Commerce (DOC), Minnesota Solar Energy Industries Association (MnSEIA)/Minnesota Solar Energy Industries Project (MnSEIP)/Fresh Energy, Institute for Local Self Reliance, Scott Randall (solar program coordinator at Century College), Minnesota Rural Electric Association (MREA), and Missouri River Energy Services (MRES).

and efficiency; and 2) the concern that their member utilities will be subject to the new dispute resolution process.²

Today, MnSEIA and MnSEIP reply briefly to highlight that neither objection raised by MREA and MRES warrants Commission consideration.

Regarding Commission staff time concerns, the Commission staff knows if it is capable of handling this new dispute resolution process and whether it would be more efficient than pre-existing processes. MREA stated “MREA is also concerned that the suggested subcommittee would add to the already substantial workload of the MPUC staff and Commissioners while providing no value to member-owners of cooperative utilities.”³ But, based on their statement in the Notice that “Staff believes the DG subcommittee may be one way to expedite outstanding disputes or filings while providing transparency to inquiries and complaints the Commission is receiving,”⁴ Commission staff apparently disagrees with this MREA and MRES assertion. This is for the Commission and the staff to determine for themselves, and it seems that if this new process can prevent a dispute from becoming a Minn. Stat. § 216B.164, subd. 5 dispute resolution proceeding, then it is probably well worth the staffs’ time.

Lastly, the Commission is not requiring itself to do this process forever. The Commission can evaluate the efficacy of this group on an annual basis, like Xcel suggested, to ensure that it is working as designed. This process has the potential to save a significant amount of time for Commissioners and staff, and has little risk associated with trying it, thus it is a prudent step to take now.

The other issue that MREA and MRES bring up is that they do not want their members subject to the dispute resolution process. As staff articulated in the Notice, “Interested parties should note that under Minn. Stat. §216A.03 subd. 8, a party or participant may request that the Commission not delegate the proceeding to a subcommittee, and the request must be granted,”⁵ so it is fairly clear that utilities do not have to do this if they do not want to. Nonetheless, MREA and MRES are contesting having a new option available for their members. The only added work on the utilities’ end is the submission of an email stating something like “I, utility X, request that this issue not be delegated to the Commission subgroup.” It is a very simple process to get out of this subgroup.

The same is true for issues raised regarding subcommittee scope. Some of the utilities, including more than MREA and MRES, do not want the new subgroup getting into certain issues

² See COMMENTS OF MINNESOTA RURAL ELECTRIC ASSOCIATION, Docket No. E999/CI-17-284, Doc. ID. 20175-132121-01 (May 22, 2017); See also, COMMENTS OF MISSOURI RIVER ENERGY SERVICES, Docket No. E999/CI-17-284, Doc. ID. 20175-132124-01 (May 22, 2017).

³ See COMMENTS OF MINNESOTA RURAL ELECTRIC ASSOCIATION, Docket No. E999/CI-17-284, Doc. ID. 20175-132121-01 (May 22, 2017), at 3.

⁴ See NOTICE OF COMMENT PERIOD, PUC, Docket No. E999/CI-17-284, Doc. ID. 20174-130831-01 (April 17, 2017), Attachment A: Staff Proposal, at 4.

⁵ See *Id* (emphasis added).

at this time, or ever. They feel that the subcommittee does not have the sufficient level of authority, technical expertise, jurisdiction, etc. to justify the dispute being heard. If the utility feels that the subcommittee cannot handle the issue, then they should request the subcommittee not hear that specific issue – and it will respect their request. The utilities can look at each potential disputed issue on a case-by-case basis and determine whether this subgroup will help them meet their needs.

As much as MnSEIA and MnSEIP would prefer that this process be binding upon utilities, it is not currently proposed as such. Instead, this new process is a venue where utilities and customers can get guidance or rulings from the Commission without requiring an expensive and lengthy investigation or dispute resolution proceeding. It provides a new option for customers and utilities alike. Having this process available should save utilities and customers time and money, but if either party does not want to use it, then that is entirely at their discretion.

Considering heavy support for the creation of the proposed Commission subcommittee, as reflected by the comments filed to date, we urge the Commission to move forward expeditiously to establish this new subgroup.

Respectfully submitted,

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