

May 28, 2015

Mr. Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Sue 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E017/M-15-279

Dear Mr. Wolf:

Attached are the Comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

A Request by Otter Tail Power Company (OTP) for approval of the Company's 2014 Conservation Cost Recovery Adjustment and 2014 Electric Demand Side Management Financial Incentive (*Petition*).

The *Petition* was filed on April 1, 2015 by:

Jason Grenier
Manager, Market Planning
Otter Tail Power Company
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Fergus Falls, MN 55538-0496

The Department recommends that the Minnesota Public Utilities Commission (Commission) **approve** OTP's *Petition*. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ JOHN KUNDERT
Financial Analyst

EA/ja
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE
MINNESOTA DEPARTMENT OF COMMERCE
DIVISION OF ENERGY RESOURCES

DOCKET No. E017/M-15-279

I. SUMMARY OF THE UTILITY'S PROPOSAL

On April 1, 2015, Otter Tail Power Company (Otter Tail, OTP or the Company) submitted its annual Conservation Improvement Program (CIP) report (*Report or Petition*) for 2014 with the Minnesota Public Utilities Commission (Commission) in Docket No. E017/M-15-279. The *Petition* contains the following sections:

- proposed recoveries and expenditures in the Company's CIP tracker account during 2014;
- proposed Conservation Cost Recovery Adjustment (CCRA) for 2015/2016, and;
- request for approval of a proposed Demand Side Management (DSM) financial incentive of \$2,957,972.

The Company also filed its 2014 CIP Status Report (*Status Report*). The *Status Report* is intended to fulfill the requirements of the Minnesota Department of Commerce, Division of Energy Resources' (Department) annual CIP reporting rules contained in Minnesota Rules part 7690.0500. Since the Company's *Status Report* does not require Commission approval, this portion of the *Petition* has been assigned to a separate docket.¹

II. DEPARTMENT ANALYSIS

The Department's analysis of Otter Tail's *Petition* is provided below in the following sections:

¹ See Docket No. E017/CIP-13-277.01

- in Section II.A, Otter Tail's proposed 2014 DSM financial incentive;
- in Section II.B, Otter Tail's proposed reconciliation for the 2014 CIP Tracker Account;
- in Section II.C, Otter Tail's proposed 2014 CCRA for 2015/2016;
- in Section II.D, OTP's request for a waiver from Minnesota Rules part 7820.3500 (K) and Minnesota Rules part 7825.2600 and its proposed notice of the rate increase; and
- in Section II.E, Otter Tail's historical CIP achievements and incentives.

A. *OTTER TAIL'S PROPOSED FINANCIAL INCENTIVE FOR 2014*

1. *Background and Summary of Otter Tail's Proposed 2014 DSM Incentive*

The Shared Savings DSM financial incentive plan was approved by the Commission in Docket No. E,G999/CI-08-133 on January 27, 2010. On December 20, 2012 the Commission issued its *Order Adopting Modifications to Shared Savings Demand Side Management Financial Incentives* (Modification Order). The Shared Savings approach emphasizes a 1.5 percent energy savings goal, and ties the incentive earned by the utility to pursuit of the 1.5 percent savings goal. The incentive mechanism sets a specific dollar amount per unit of energy saved that each utility will earn at energy savings equal to 1.5 percent of annual non-CIP-exempt retail sales. That dollar amount is referred to as the incentive calibration. The higher the calibration, the higher the incentive will be at all energy savings levels after the threshold. Specifically, each electric utility's incentive is calibrated so that when the utility achieves energy savings equal to 1.5 percent of retail sales, electric utilities will earn an incentive equal to \$0.07 per kWh saved and gas utilities will earn \$9 per thousand cubic feet (Mcf) saved. The Commission's Modification Order stated, in part:

The Commission hereby adopts the Department's proposal for the continuation of the new shared savings financial incentive with the following:

- A. A threshold set at half of the utility's average achievements from 2007 to 2011 for utilities with triennial CIPs beginning in 2013, removing both the maximum and minimum achievements, or at 0.4 percent of retail sales, whichever is lowest. For utilities with triennial Conservation Improvement Programs beginning in 2014, the threshold shall be set at half of the utility's average achievements from 2008 to 2012, removing both the maximum and minimum achievements, or at 0.4 percent of retail sales, whichever is lowest.

- B. The calibration at 1.5 percent of retail sales for each utility set as follows: (1) \$9.00 per Mcf for natural gas utilities, and (2) \$0.07 per kWh for electric utilities.
- C. A utility may not modify its incentive to correct for non-linear benefits.
- D. The incentive shall be capped at 20 percent of net benefits for all utilities except for Minnesota Power. The Commission will defer a decision on the application of the 20 percent cap of net benefits for Minnesota Power until 2013 to allow for the consideration of updated avoided cost information for this utility.
- E. The existing cap of 125 percent of a utility's 1.5 percent calibration level for the electric utilities (\$0.0875 per kWh) and a cap of 125 percent of the 1.0 percent target calibration for gas utilities (\$6.875) per Mcf are continued.
- F. The percentage of net benefits to be awarded to each utility at different energy savings levels will be set at the beginning of each year.
- G. The CIP-Exempt Class shall not be allocated costs for the new shared savings incentive. Sales to the CIP-Exempt Class shall not be included in the calculation of utility energy savings goals.
- H. If a utility elects not to include a third-party CIP project, the utility cannot change its election until the beginning of subsequent years.
- I. If a utility elects to include a third-party project, the project's net benefits and savings will be included in calculation of the percentage of net benefits awarded at specific energy savings levels (calculated before the CIP year begins) and in the post CIP year calculations of net benefits and energy savings achieved and incentive awarded. In any case, the energy savings will count toward the 1.5 percent savings goal.
- J. The energy savings, costs, and benefits of modifications to non-third-party projects will be included in the calculation of a utility's DSM incentive, but will not change the percent of net benefits awarded at different energy savings levels.
- K. The costs of any mandated, non-third-party projects (e.g., Next Generation Energy Act assessment, University of Minnesota Institute for Renewable Energy and the Environment costs) shall be excluded from the calculation of net benefits awarded at specific energy savings levels (calculated before the CIP year begins) and in the post-CIP

- year calculations of net benefits and energy savings achieved and incentive awarded.
- L. Costs, energy savings, and energy production from Electric Utility Infrastructure Projects (EUIC), solar installation and biomethane purchases shall not be included in energy savings for DSM financial incentive purposes.
 - M. The Department shall file a recommendation with the Commission on the application of a net benefits cap for Minnesota Power's incentive by October 1, 2013. The recommendation should be filed in Docket No. E,G-999/CI-08-133.
 - N. No adjustment will be made at this time to the calibration of the incentive mechanism for utilities that have Commission-approved decoupling mechanisms.
 - O. The new shared savings DSM incentive shall be in operation for the length of each utility's triennial CIP plan.

Otter Tail estimated that its 2014 achievements resulted in \$26,275,803 of net benefits. Otter Tail also stated in its *Petition* that its CIP activities achieved energy savings in 2014 of 33,805,392 kWh, which is approximately 1.62 percent of Otter Tail's weather normalized, non-CIP-exempt retail sales of 2,091,441,300 kWh. Based on the terms and conditions of its approved DSM incentive plan, Otter Tail requests recovery of a DSM financial incentive of \$2,957,972 for 2014, which is approximately 57 percent (\$2,957,972/\$5,188,931) of the Company's 2014 CIP actual expenditures.

1. *The Department's Review of Otter Tail's Proposed 2014 DSM Incentive*

Otter Tail estimated that its 2014 performance should result in a Shared Savings DSM financial incentive of \$2,957,972.

The Department's engineering-oriented analysis of the demand and energy savings that underpin Otter Tail's proposed 2014 DSM financial incentive of \$2,957,972 is ongoing. In all likelihood, it will not be completed before the fall of 2015. The existence of this lag between the Company's request for recovery of the incentive and the completion of the DOC's engineering review is a recurring phenomenon.

In 2014, the Department compensated for this lag by simply assuming OTP's claimed energy savings for 2013 were correct as filed and planned to make in the instant filing any adjustments approved by the Deputy Commissioner of the Department. However, the Deputy Commissioner approved Otter Tail's 2014 Status Report, covering 2013 CIP activity, without any adjustments in Docket No. E017/CIP-10-356.03, and thus none need to be made this year.

In the event that the Deputy Commissioner of the Department approves different 2014 CIP energy savings or budget, the Commission can approve any adjustments to the Company's DSM financial incentive for 2014 achievements as part of the Company's 2015 filing, which will be made April 1, 2016.

A. OTTER TAIL'S PROPOSED 2014 CIP TRACKER ACCOUNT

In its *Petition*, Otter Tail requests approval of its report on recoveries and expenditures included in the Company's CIP tracker account balance during 2014. Activity in Otter Tail's CIP tracker account during 2014 is summarized below in Table 1.

Table 1: A Summary of OTP's 2014 CIP Tracker Account

Description	Time Period	Amount
Beginning Balance	December 31, 2013	\$4,835,558
CIP Expenses	January 1 through December 31, 2014	\$5,188,931
DSM Financial Incentive	Approved in 2014 for 2013	\$4,026,600
Carrying Charges	January 1 through December 31, 2014	\$219,788
Combined Base Rate and CCRA Recovery	January 1 through December 31, 2014	(\$8,539,694)
Ending Balance	December 31, 2014	\$5,731,183

The Department reviewed Otter Tail's CIP Tracker account and concludes that the Company correctly calculated its CIP tracker account for 2014. The Department recommends that the Commission approve Otter Tail's 2014 CIP Tracker account as summarized in Table 1.

B. OTTER TAIL'S PROPOSED UPDATED CIP RIDER AND CCRA

OTP's approved CCRA (CIP adjustment rate) is \$0.00263 per kWh, as approved by the Commission on September 26, 2014 in Docket No. E017/M-14-201. For October 2015 through September 2016, Otter Tail is proposing an increase in the surcharge to \$0.00287/kWh or an increase of 9 percent over the Company's current surcharge.

Otter Tail's proposal would reduce the Company's under-recovered CIP tracker balance by \$3,653,394 to \$0 by September 30, 2016. OTP estimates that this rate increase will increase an average residential customer's bill by \$0.20/month. The Company estimates that the carrying costs associated with this proposal for the October 1, 2015 through September 30, 2016 time period would be equal to \$11,037. Table 2 below delineates the Company's estimate.

Table 2: OTP's Forecasted 2015-2016 CIP Tracker Account

Line No.	Description	Time Period	Amount
1.	Beginning Balance	October 1, 2015	\$3,653,393
2.	CIP Program Expenses	October 1, 2015 through September 30, 2016	\$5,836,950
3.	CIP Incentive	Forecasted 2015 incentive that would be approved in in 2016 ²	\$2,213,641
4.	Carrying Charges	October 1, 2015 through September 30, 2016	\$11,037
5.	CIP Expenses Subtotal (Line 1 + Line 2 + Line 3 + Line 4)	As of September 30, 2016	\$11,715,021
6.	Conservation Cost Recovery Charge -Included in Base Rates	October 1, 2015 through September 30, 2016	(\$4,389,673)
7.	CCRA	October 1, 2015 through September 30, 2016	(\$7,325,348)
8.	CIP Revenues Subtotal (Line 6 + Line 7)	As of September 30, 2016	(\$11,715,021)
9.	Ending Balance (Line 8 - Line 5)	As of September 30, 2016	\$0

Historically, the Department has taken the position that a utility's CIP tracker balance should be managed such that it remains as close to a zero balance (neither under- or over-recovered) as possible.³ The information in Table 2 suggests that the Company's proposed CCRA and cost recovery approach would provide an adequate amount of revenue to offset the Company's current under-recovered CIP Tracker Account balance of \$3.65 million. The Department recommends that the Commission approve OTP's 2015/2016 CCRA if \$0.00287 per kWh.

C. OTP'S ANNUAL REQUEST FOR VARIANCES FROM COMMISSION RULES

Otter Tail requests renewal of two variances:

- a variance from Minnesota Rules part 7820.3500 (K), which requires the fuel clause adjustment to be listed on customers' bills as a separate line item; and
- a variance from Minnesota Rules part 7825.2600, which states that the Fuel Clause Adjustment (FCA) should be stated on a per-kWh basis on customer bills.

² This 2015 incentive should not be confused with OTP's proposed 2014 incentive of \$2,957,972 that is included in this *Petition*.

³ One reason for this position is the Department's goal to minimize the carrying costs associated with the current balance contained CIP Tracker Account.

OTP seeks a variance of these two rules so that the Company may calculate the CIP adjustment rate as a percent of customers' bills, and combine the FCA and CIP adjustment rate on one bill line-item called a "Resource Adjustment."

Minnesota Rules part 7829.3200 authorizes the Commission to grant a variance to its rules when:

- enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- granting the variance would not adversely affect the public interest; and
- granting the variance would not conflict with standards imposed by law.

With respect to the first rule requirement, Otter Tail states that the Company has been combining its FCA and CIP Rider as a Resource Adjustment line item on customers' bills since July 1995, and that customers have become familiar with the single-line item on their bills. With respect to the second rule requirement, Otter Tail states that continuation of the variances would not adversely affect the public interest and may avoid customer confusion if the presentation of customers' bills were altered at this time. With respect to the third rule requirement, Otter Tail states that there are no statutory provisions that would prohibit the Commission from granting the variance.

Based on its review of the Company's rationale for the proposed variances, the Department concludes that Otter Tail has met the conditions set forth in Minnesota Rules part 7829.3200 for the Commission to grant the requested variances. Thus, the Department recommends that the Commission grant Otter Tail's proposed variances to Minnesota Rules part 7820.3500 (K) and Minnesota Rules part 7825.2600 for one year after issue date of the Commission's *Order* in the present docket.

A. *HISTORY OF OTTER TAIL'S CIP ACHIEVEMENTS AND FINANCIAL INCENTIVES*

The Department has included a summary of historical and forecasted CIP-related information for Otter Tail in Attachment A. The information in Attachment A provides summary information for the period from 2006 through 2016. In addition, the Department developed Table 3 below, reproduced from OTP's Petition that summarizes the Company's DSM financial incentives, CIP expenditures, reported energy savings and first year average cost per kWh saved between 2012 and 2014.

As indicated in Table 3, Otter Tail's 2014 energy savings are lower than 2013, but still relatively high. Otter Tail's 2014 average cost per kWh saved is the same as in 2013 and lower than the one estimated in 2012.

Table 3: Selected Summary Statistics for OTP's CIP Program (2012-2014)

Description	2012	2013	2014
DSM Financial Incentive	\$2,681,575	\$4,026,600	\$2,957,972
CIP Expenditures	\$4,816,994	\$5,259,625	\$5,188,931
Achieved Energy Savings (kWh)	30,793,654	35,792,002	33,805,392
Average Cost per kWh Saved	\$0.16	\$0.15	\$0.15

The information included in Attachment A and Table 3 demonstrate that Otter Tail's CIP efforts have been very successful to date.

III. THE DEPARTMENT'S RECOMMENDATIONS

Based on the analysis provided above, the Department recommends the Commission:

1. approve Otter Tail's 2014 CIP tracker account, as summarized in Table 1 above;
2. approve an incentive of \$2,957,972 for Otter Tail's 2014 CIP achievements;
3. approve a CCRA factor of \$0.00287/kWh with an effective date of October 1, 2015;
4. grant Otter Tail a variance to Minnesota Rules part 7820.3500 (K) and a variance to Minnesota Rules part 7825.2600 for one year after the issue date of the Commission's *Order* in the present docket; and
5. require Otter Tail to submit a compliance filing, within 10 days of the issue date of the *Order* in the present docket, with revised tariff sheets reflecting the Commission's determinations in this matter.

/ja

Otter Tail Power Summary CIP Information 2006 to 2016

Year	Achieved Energy Savings (MWh)	CIP Expenditures (\$/yr)	Carrying Charges (\$/yr)	Carrying Charges/Expenditures (%)	DSM Financial Incentive (\$/yr)	Year-End Tracker Balance (\$)	YE Tracker Balance/Expenditures (%)	Expenditures per First Year Kwh Saved
2006	13,984	\$1,938,812	\$65,371	3.37%	\$158,363	\$1,035,608	53%	\$0.14
2007	11,469	\$1,862,697	\$53,025	2.85%	\$25,066	\$490,713	26%	\$0.16
2008	15,995	\$2,345,874	(\$4,830)	-0.21%	\$273,798	\$265,056	11%	\$0.15
2009	35,706	\$4,093,050	\$26,437	0.65%	\$1,101,060	\$1,927,314	47%	\$0.11
2010	31,793	\$4,984,050	\$146,441	2.94%	\$3,531,538	\$3,721,665	75%	\$0.16
2011	27,958	\$4,344,581	\$221,862	5.11%	\$2,608,098	\$5,188,129	119%	\$0.16
2012	30,794	\$4,816,994	\$222,097	4.61%	\$2,681,575	\$3,572,621	74%	\$0.16
2013	35,792	\$5,259,625	\$237,859	4.53%	\$4,026,600	\$4,835,558	92%	\$0.15
2014	33,805	\$5,188,931	\$219,788	4.24%	\$2,957,972	\$5,731,183	110%	\$0.15
2015*	NA	\$5,778,411	\$25,798	0.45%	\$2,213,974	\$3,653,591	63%	NA
2016*	NA	\$5,836,950	\$3,960	0.07%	NA	\$224,510	4%	NA

*Forecasted

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. E017/M-15-279

Dated this 28th day of May 2015

/s/Sharon Ferguson

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