

May 27, 2014

Burl W. Haar  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
St. Paul, Minnesota 55101-2147

RE: **Response Comments of the Minnesota Department of Commerce**  
Docket No. E017/M-14-201

Dear Dr. Haar:

Attached are the response comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) to the reply comments of Otter Tail Power Company (Otter Tail or the Company) in the following matter:

Otter Tail Power Company's 2013 Demand Side Management Financial Incentive and Annual Filing to Update the Conservation Improvement (CIP) Rider.

The petition was filed on April 1, 2014. The Department filed its initial comments on May 1, 2014. In its initial comments, the Department stated that it would provide its final recommendation regarding the appropriate level of the Conservation Cost Recovery Adjustment (CCRA) once it had reviewed Otter Tail's reply comments. The Company filed its reply comments on May 16, 2014.

The Department recommends that the Commission **approve Otter Tail's petition, with modification**, and is available to answer any questions the Commission may have.

Sincerely,

/s/ JOHN KUNDERT  
Financial Analyst

JK/lt  
Attachment

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

RESPONSE COMMENTS OF THE  
MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. E017/M-14-201

**I. BACKGROUND**

On April 1, 2014, Otter Tail Power Company (Otter Tail, OTP or the Company) filed its *Demand Side Management (DSM) Financial Incentive, Conservation Improvement Program (CIP) Rider Update*, and *Conservation Cost Recovery Reports*. On May 1, 2014, the Minnesota Department of Commerce, Division of Energy Resource (Department or DOC) filed comments concluding that Otter Tail correctly calculated its CIP Tracker account and 2013 financial incentive. However, the Department expressed concern that the Company's proposed Conservation Cost Recovery Adjustment (CCRA) rate would result in a large tracker balance, which would impose an unnecessary level of carrying charges on ratepayers. The Department suggested two alternatives to Otter Tail's proposed CCRA of \$0.00209:

1. Set the CCRA at \$0.00388/kWh to eliminate the existing under-recovery by June 30, 2015.
2. Set the CCRA a \$0.00350/kWh to reduce the tracker balance to \$892,603 by June 30, 2015.

The Department recommended alternative #2.

Because Otter Tail indicated a concern regarding rate shock in the event of a dramatic increase in the CCRA, the Department requested that Otter Tail discuss in reply comments whether it would be reasonable to delay booking the Company's financial incentive in order to help reduce the carrying charges imposed on its customers.

In its May 16, 2014 reply comments, Otter Tail addressed two issues 1) the amount of the CCRA in balance with customer bill impacts and 2) the timing of when the financial incentive is booked in the CIP tracker. Otter Tail proposed a CCRA of \$0.00263/kWh effective July 1, 2014. As for the timing of when the financial incentive is booked, the Company recommended that the financial incentive be booked in its entirety in the month it is approved by the Commission.

Otter Tail also provided an analysis that supported its position that its “stepped” approach of increasing the CCRA to \$0.00263/kWh on July 1, 2014 and then to \$0.00280/kWh effective July 1, 2015, provides a more reasonable balance between the need to decrease the level of the existing under-recovery in the CIP Tracker and the impact of the increase in the CCRA on customer bills. The Company’s updated analysis estimated a CIP Tracker balance of \$19,033 under-recovered effective June 30, 2016 using its approach.

Otter Tail noted in its reply comments that the Department’s proposed CCRA would increase an average residential customer’s bill by 1.73 percent and a large business or school’s bill by 2.82 percent. The Company also calculated that the Department’s proposed CCRA would increase an average Interruptible Load customer’s bill by 3.40 percent.

## II. ANALYSIS

### A. APPROPRIATE LEVEL FOR THE CCRA

The Department noted in Table 3 in its original comments that during the period from 2006 through 2015 OTP’s achieved energy savings had increased by 125 percent, its CIP expenditures by 189 percent, OTP’s annual carrying charge increased by 623 percent, and its year-end tracker balance increased by 451 percent. The Department provided this information while noting that that timely cost recovery would have resulted in an overall increase in the annual carrying charge amount and year-end tracker balance that was proportional to the increases in energy saved and annual CIP expenditures. In light of the Company’s updated proposed CCRA the Department revisited this analysis. Table 1 below summarizes the estimated annual carrying charges and year-end tracker balances for 2014 and 2015 for OTP’s original and updated proposals and the Department’s recommended CCRA.

The information contained in Table 1 (following page) suggests that the Company’s updated CCRA does lower the total percentage change in annual carrying charges from 623 percent to 453 percent by the end of 2015. The total percentage change since 2006 in the year-end tracker balance also decreases from 451 percent to 242 percent. Clearly, OTP’s proposal moves these figures in the direction needed.

**Table 1: Total Percentage Change for Selected CIP Items 2006 – 2015 and 2015 Annual Carrying Charges (\$/yr)**

Achieved Energy Savings		125%			
CIP Expenditures		189%			
Carrying Charges				Annual Total in 2015 (\$/yr)	
	OTP Original	623%		\$472,375	
	OTP Updated	453%		\$361,549	
	Department	194%		\$192,370	

The DOC's proposal decreases the total percentage change to 194 percent by the end of 2015. This result is consistent with the 189 percent total percentage change in annual CIP expenditures and proportional with the 125 percent in achieved energy savings over the same time period.

Otter Tail also expressed concerns in its reply comments as to the potential for a larger over-recovered tracker balance if the Department's proposed CCRA was approved and held constant for 2014 and 2015. Table 2 provides summary information on the 2015 tracker balance.

**Table 2: CIP Tracker Balances for 2015 under Company and DOC Proposals**

		<b>30-Jun</b>		<b>31-Dec</b>
OTP Original Proposal		\$4,263,411		\$5,708,014
OTP Updated Proposal		\$2,972,463		\$3,542,207
Department		\$892,603		\$508,647

The Department notes that: 1) the tracker balance remains under-recovered through the end of 2015 and 2) the estimated \$508,647 under-recovery under the Department's proposal reduces the carrying charges associated with the CIP tracker, but does not eliminate them. Because OTP files its annual CIP status report, including its financial incentive, CIP tracker and CCRA adjustment request by April 1 of each year, a revised CCRA may be in place prior to December 2015. This revised CCRA could be designed to manage the tracker balance such that it remains as close to zero as possible for the July 2015 – June 2016 time frame.

Based on the above analysis, and as further discussed below, the Department continues to recommend that the Commission adopt a CCRA of \$0.00350/kWh. This recommendation is based upon:

- the Department's position that the CIP program parameters should be broadly proportional to one another;
- the rate principle of minimizing rates consistent with the public interest supports minimizing carrying charges whenever possible, and;
- the general accounting rule regarding the matching of revenues and expenses. OTP is requesting that a \$4.0 million incentive for 2013, which if approved, is the largest incentive Otter Tail has earned to date and is only 25 percent less than 2013 CIP expenditures, be booked in July 2014. It would make sense that rates (the CCRA in this instance) would need to increase in order to recover this additional expense.

The Department notes that OTP is allowed to charge its average weighted cost of capital, 8.61 percent, on any over- or under-recovered balance in the CIP tracker. Given that current interest rates are much lower than 8.61 percent, the Department concludes that ratepayers would be better served financially if the CCRA is set at a level that increases the rate at which the current under-recovered balance on the CIP tracker is reduced.

While setting the CCRA at \$0.00350/kWh would not reduce the tracker balance to zero by the end of 2015 the tracker balance would be significantly reduced while mitigating the rate shock that may occur with an even higher CCRA. The Department considers the bill impacts of the Department's recommendation to be within a reasonable range in this specific case and appear to be a necessary trade-off given the extent of the under-recovery in the tracker balance and the level of the carrying charge OTP is allowed to assess on that unrecovered balance.

*B. OTHER CCRA-RELATED CONCERNS*

OTP also identified several other recommendations or concerns in its reply comments.

- The Company provided an analysis that included a step approach to determining the level of the CCRA.
- OTP expressed concerns as to the Department's choice of a calendar year perspective for analyzing the CIP tracker.
- Otter Tail stated that large swings in the CCRA are inappropriate and should be minimized.

The Department appreciates the "step" analysis that Otter Tail provided in its reply comments, as it provides a useful refinement to the CCRA calculation. While it did not appear that OTP was suggesting that the Commission approve this stepped approach, the DOC notes for the record that it would not support a stepped or multi-year approach in this instance. The current procedural schedule adequately addresses the timing of these cost-recovery issues.

Regarding the choice of the calendar year versus a "CIP" or fiscal year perspective for analyzing the CIP tracker, the Department notes that the "CIP" year perspective can be a bit misleading in that the June ending balance can be significantly different from the subsequent July ending balance due to the approval and accounting for the Company's incentive in July. Consequently, the DOC used the year-end perspective due to the fact that this "lumpy" July cost is somewhat mitigated in the December-ending CIP tracker balance by 6 months of cost recovery from the new CCRA. For example, Table 2 in OTP's reply comments identifies a forecasted June-ending 2016 CIP tracker balance of \$19,033 under-recovered. While this is a very reasonable level for the CIP tracker balance, assuming the approval of a 2015 incentive in excess of \$2 million in June 2016 would result in a July-ending balance of an under-recovered tracker balance of \$1.8 million. Looking only at the June 2016 balance ignores the significant addition to the tracker expected in the next month.

OTP stated in its reply comments that large swings in the CCRA are inappropriate and should be minimized. While rate and bill consistency are laudable goals in any rate setting exercise, they are not the only goals. Nor are they necessarily the preferred goals. In this instance, the Department's focus on rates (the CCRA in this instance) that recover the costs incurred in an equitable and efficient manner is more appropriate than a focus on bill consistency.

*C. TIMING OF THE RECOGNITION AND RECOVERY OF THE OTP FINANCIAL INCENTIVE*

The Department identified four scenarios for booking OTP's \$4.0 million 2014 incentive in its comments. Three of those scenarios essentially shifted some of the carrying costs associated with the incentive from ratepayers to shareholders, all else being equal. The Company explained in its reply comments that it prefers to book the incentive in its entirety in the month which the Commission Order it's approved, consistent with past practice. The result of this decision would be to maintain the current allocation of carrying costs between the Company and its ratepayers. The Department has no additional comments on this topic.

**III. SUMMARY AND RECOMMENDATIONS**

For convenience, the Department provides the following complete listing of its final recommendations in this matter. The Department recommends that the Commission:

- approve Otter Tail's CIP tracker account, as summarized in Table 1 of the Department's May 1, 2014 comments;
- approve an incentive of \$4,026,600 for Otter Tail's 2013 CIP achievements;
- 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;
- adopt a CCRA of \$0.00350/kWh effective on the first billing cycle following Commission approval; and
- approve OTP's request to book its 2014 financial incentive in the month which the Commission orders its approval.

/lt

## **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  
Response Comments**

**Docket No. E014/M-14-201**

Dated this 27<sup>th</sup> day of May 2014

**/s/Sharon Ferguson**

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Lisa	Pickard	lpickard@minnkota.com	Minnkota Power Cooperative	1822 Mill Rd PO Box 13200 Grand Forks, ND 582083200	Electronic Service	No	OFF_SL_14-201_M-14-201
Bill	Poppert		Technology North	2433 Highwood Ave  St. Paul, MN 55119	Paper Service	No	OFF_SL_14-201_M-14-201
David G.	Prazak	dprazak@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_14-201_M-14-201
Michael	Sachse	N/A	Opower	1515 N Courthouse Rd FL 8  Arlington, VA 22201	Paper Service	No	OFF_SL_14-201_M-14-201

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750  St. Paul, MN 55101	Electronic Service	No	OFF_SL_14-201_M-14-201
Bruce	Sayler	bruces@connexusenergy.com	Connexus Energy	14601 Ramsey Boulevard  Ransey, MN 55303	Electronic Service	No	OFF_SL_14-201_M-14-201
Larry L.	Schedin	Larry@LLSResources.com	LLS Resources, LLC	12 S 6th St Ste 1137  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_14-201_M-14-201
Cindy	Schweitzer Rott	cindy.schweitzer@clearesult.com	CLEAResult's	S12637A Merrilee Rd.  Spring Green, WI 53588	Electronic Service	No	OFF_SL_14-201_M-14-201
Tom	Smilanich		Passive Concepts	228 6th Ave N  South St. Paul, MN 55075	Paper Service	No	OFF_SL_14-201_M-14-201
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd  St. Paul, MN 55102	Electronic Service	No	OFF_SL_14-201_M-14-201
Grey	Staples	gstaples@mendotagroup.com	The Mendota Group LLC	1830 Fargo Lane  Mendota Heights, MN 55118	Electronic Service	No	OFF_SL_14-201_M-14-201
Leo	Steidel	lsteidel@energyplatforms.com	Energy Platforms	8170 Old Carriage Court N Ste 200  Shakopee, MN 55379	Paper Service	No	OFF_SL_14-201_M-14-201
Leo	Steidel	N/A	The Weidt Group	5800 Baker Rd  Minnetonka, MN 55345	Paper Service	No	OFF_SL_14-201_M-14-201
John	Steinhoff		Resource Solutions, Inc.	318 Kensington Drive  Madison, WI 53704	Paper Service	No	OFF_SL_14-201_M-14-201

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Richard	Szydlowski	N/A	Center for Energy & Environment	212 3rd Ave N Ste 560  Minneapolis, MN 55401-1459	Paper Service	No	OFF_SL_14-201_M-14-201
SaGonna	Thompson	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7  Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_14-201_M-14-201
Steve	Tomac	N/A	Basin Electric Power Cooperative	1717 E Interstate Ave  Bismarck, ND 58501	Paper Service	No	OFF_SL_14-201_M-14-201
Stuart	Tommerdahl	stommerdahl@otpc.com	Otter Tail Power Company	215 S Cascade St PO Box 496 Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_14-201_M-14-201
Robert	Walsh	bwalsh@mnvalleyrec.com	Minnesota Valley Coop Light and Power	PO Box 248 501 S 1st St Montevideo, MN 56265	Electronic Service	No	OFF_SL_14-201_M-14-201
Roger	Warehime	warehimer@owatonnautilities.com	Owatonna Public Utilities	208 South WalnutPO Box 800  Owatonna, MN 55060	Electronic Service	No	OFF_SL_14-201_M-14-201
Lisa	Wilson	lisa.wilson@enbridge.com	Enbridge Energy Company, Inc.	1409 Hammond Ave FL 2  Superior, WI 54880	Electronic Service	No	OFF_SL_14-201_M-14-201
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE  Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_14-201_M-14-201

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George	Agriesti		Minnesota Power	30 W Superior St  Duluth, MN 55802	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Julie Rae	Ambach	jambach@shakopeeutilities.com	Shakopee Public Utilities	255 Sarazin St  Shakopee, MN 55379	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Tom	Balster	tombalster@alliantenergy.com	Interstate Power & Light Company	PO Box 351 200 1st St SE Cedar Rapids, IA 524060351	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
William	Black	bblack@mmua.org	MMUA	Suite 400 3025 Harbor Lane North Plymouth, MN 554475142	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson & Byron, P.A.	200 S 6th St Ste 4000  Minneapolis, MN 554021425	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Gary	Chesnut	gchesnut@agp.com	AG Processing Inc. a cooperative	12700 West Dodge Road PO Box 2047 Omaha, NE 681032047	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Gary	Connett		Great River Energy	12300 Elm Creek Blvd N  Maple Grove, MN 553694718	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174  Lake Elmo, MN 55042	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Jill	Curran	jcurran@mnychamber.com	Minnesota Waste Wise	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave  Minneapolis, MN 55402	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST

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Steve	Downer	sdowner@mmua.org	MMUA	3025 Harbor Ln N Ste 400  Plymouth, MN 554475142	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Chris	Duffrin	chrisd@thenec.org	Neighborhood Energy Connection	624 Selby Avenue  St. Paul, MN 55104	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Jim	Erchul		Daytons Bluff Neighborhood Housing Sv.	823 E 7th St  St. Paul, MN 55106	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Greg	Ernst	gaernst@q.com	G. A. Ernst & Associates, Inc.	2377 Union Lake Trl  Northfield, MN 55057	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Angela E.	Gordon	angela.e.gordon@lmco.com	Lockheed Martin	1000 Clark Ave.  St. Louis, MO 63102	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Tony	Hainault	anthony.hainault@co.hennepin.mn.us	Hennepin County DES	701 4th Ave S Ste 700  Minneapolis, MN 55415-1842	Electronic Service	No	SPL_SL_CIP SPECIAL SERVICE LIST
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Norm	Harold	N/A	NKS Consulting	5591 E 180th St  Prior Lake, MN 55372	Paper Service	No	SPL_SL_CIP SPECIAL SERVICE LIST
Jared	Hendricks	hendricksj@owatonnautilities.com	Owatonna Public Utilities	PO Box 800 208 S Walnut Ave Owatonna, MN 55060-2940	Electronic Service	No	SPL_SL_CIP SPECIAL SERVICE LIST
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Randy	Hoffman	rhoffman@eastriver.coop	East River Electric Power Coop	121 SE 1st St PO Box 227 Madison, SD 57042	Electronic Service	No	SPL_SL_CIP SPECIAL SERVICE LIST
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Eric	Jensen	ejensen@iwla.org	Izaak Walton League of America	Suite 202 1619 Dayton Avenue St. Paul, MN 55104	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Dave	Johnson	dave.johnson@aeoa.org	Arrowhead Economic Opportunity Agency	702 3rd Ave S  Virginia, MN 55792	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Andrew	Moratzka	apmoratzka@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Susan K	Nathan	snathan@appliedenergygroup.com	Applied Energy Group	2215 NE 107th Ter  Kansas City, MO 64155-8513	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Gary	Olson		Product Recovery, Inc.	2605 E Cliff Rd  Burnsville, MN 55337	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
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Lisa	Pickard	lpickard@minnkota.com	Minnkota Power Cooperative	1822 Mill Rd PO Box 13200 Grand Forks, ND 582083200	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Bill	Poppert		Technology North	2433 Highwood Ave  St. Paul, MN 55119	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Cindy	Schweitzer Rott	cindy.schweitzer@clearesult.com	CLEAResult's	S12637A Merrilee Rd.  Spring Green, WI 53588	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Tom	Smilanich		Passive Concepts	228 6th Ave N  South St. Paul, MN 55075	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd  St. Paul, MN 55102	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST

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Leo	Steidel	N/A	The Weidt Group	5800 Baker Rd  Minnetonka, MN 55345	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
John	Steinhoff		Resource Solutions, Inc.	318 Kensington Drive  Madison, WI 53704	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Richard	Szydlowski	N/A	Center for Energy & Environment	212 3rd Ave N Ste 560  Minneapolis, MN 55401-1459	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
SaGonna	Thompson	Regulatory.Records@xcel energy.com	Xcel Energy	414 Nicollet Mall FL 7  Minneapolis, MN 554011993	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Steve	Tomac	N/A	Basin Electric Power Cooperative	1717 E Interstate Ave  Bismarck, ND 58501	Paper Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Lisa	Wilson	lisa.wilson@enbridge.com	Enbridge Energy Company, Inc.	1409 Hammond Ave FL 2  Superior, WI 54880	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST
Robyn	Woeste	robynwoeste@alliantenerg y.com	Interstate Power and Light Company	200 First St SE  Cedar Rapids, IA 52401	Electronic Service	No	SPL_SL__CIP SPECIAL SERVICE LIST