

July 2, 2021

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Commerce Department, Division of Energy Resources**  
Docket No. E002/M-21-329

Dear Mr. Seuffert:

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

In the Matter of a Proposal by Northern States Power Company d/b/a Xcel Energy to Offer an Unregulated Energy, Infrastructure, and Sustainability Program for Business Customers

Xcel's request to withdraw its filing was made on June 18, 2021 by:

Amy Liberkowski  
Director, Regulatory Pricing and Analysis  
Xcel Energy  
414 Nicollet Mall  
Minneapolis, Minnesota 55401-1993

The Department recommends that the Minnesota Public Utilities Commission (Commission) accept the withdrawal, contingent upon Xcel Energy meeting with interested parties, filing a status report, and making an amended filing no later than September 1, 2021.

Sincerely,

/s/ WILL NISSEN  
Public Utilities Rates Analyst

/s/ NANCY CAMPBELL  
Public Utilities Analyst Coordinator

WN/NC/ar  
Attachment



## Before the Minnesota Public Utilities Commission

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### Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E002/M-21-329

#### I. INTRODUCTION

On May 12, 2021, Northern States Power Company, doing business as Xcel Energy (Xcel or the Company), submitted a Notice in the instant docket informing the Commission of its plan to launch a program that had the intent of providing non-regulated services to business customers (Notice).

On June 8, 2021, the Minnesota Public Utilities Commission (Commission) issued a Notice of Comment Period to determine what action the Commission should take, if any, in response to Xcel's Notice.

On June 18, 2021, Xcel submitted a letter withdrawing its Notice, stating that it planned to work to address issues that had been raised by stakeholders. In the letter, Xcel also stated that "once we have addressed the issues, we plan to submit an updated filing as soon as possible."

On June 25, 2021, the Commission issued a Notice of Comment Period to consider whether Xcel's withdrawal request should be granted and to address other related issues. The Department provides the following analysis and recommendations.

#### II. DEPARTMENT ANALYSIS

The Department issued a series of eleven (11) Information Requests (IRs) to Xcel regarding the Company's Notice. The IRs asked for further information on a range of issues presented by the filing. For example, one IR requested a detailed list of all resources and costs that would be used to provide the non-regulated services, as well as the direct and indirect allocators to ensure assignment of all costs. Other IRs asked for information such as the impacts of a regulated utility using its name and resources to offer competitive services.

The Department responds to each of the four questions in the Commission's notice below.

##### A. *DO YOU OBJECT TO ALLOWING XCEL ENERGY TO WITHDRAW ITS MAY 12, 2021 FILING ON NEW NONREGULATED SERVICES?*

The Department does not object to the withdrawal of this filing, as it seems reasonable and appropriate for Xcel to address issues with parties before refile, in the hopes that the amended filing will resolve some or all of the concerns raised. The Department is, however, concerned that issues raised in this filing may impact Xcel's upcoming electric rate case, anticipated to be filed November 1, 2021.

*B. ALTERNATIVELY, SHOULD THE XCEL ENERGY REQUEST TO WITHDRAW BE TREATED AS A REQUEST TO MAKE A FUTURE AMENDED FILING IN THIS DOCKET? IF SO, SHOULD XCEL ENERGY BE REQUIRED TO FILE STATUS REPORTS ON ITS WORK WITH STAKEHOLDERS, AND IF SO, HOW FREQUENTLY?*

Based upon the wording of the June 18<sup>th</sup> withdrawal request, the Department believes Xcel does plan to refile its proposal. The Department is concerned that issues in this docket will impact Xcel's upcoming rate case and it would benefit all parties and the Commission if the Department and other interested parties could review the new filing prior to Xcel filing its rate case. As such, the Department recommends that the Commission require Xcel to meet with interested parties and file at least one status report no later than August 20, 2021. The Department also recommends that Xcel be required to file its amended filing by September 1, 2021, to allow parties to review and comment on the amended filing prior to Xcel's expected upcoming rate case on November 1, 2021.

*C. SHOULD THE COMMENT PERIOD SET OUT IN THE COMMISSION'S JUNE 8 NOTICE BE SUSPENDED OR EXTENDED?*

The Department supports suspending the comment period. It would be a more productive use of time for Xcel to work with stakeholders, file a status report, and refile an amended filing. Once the amended filing is made, a new comment period can be established.

*D. ARE THERE ANY OTHER ISSUES RELATED TO THE WITHDRAWAL REQUEST?*

The Department is not aware of any other issues related to the withdrawal request, provided the Commission establishes the timing of the status report and amended filing to occur prior to the rate case, as outlined above.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

The Department recommends that the Commission:

- 1. Accept Xcel's withdrawal of its May 12, 2021 notice contingent upon the following requirements:**
  - a) Direct Xcel to work with stakeholders;**
  - b) Require that Xcel file a status report on its stakeholder engagement by August 20, 2021; and**
  - c) Require that Xcel file its amended filing by September 1, 2021.**
- 2. Suspend the comment period set out in the Commission's June 8 Notice in the instant docket.**

## **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. E002/M-21-329**

**Dated this 2<sup>nd</sup> day of July 2021**

**/s/Sharon Ferguson**

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600  Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-329_M-21-329
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-329_M-21-329
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd.  St. Louis, MO 63119-2044	Electronic Service	No	OFF_SL_21-329_M-21-329
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400  St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-329_M-21-329
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-329_M-21-329
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St  Duluth, MN 558022191	Electronic Service	No	OFF_SL_21-329_M-21-329
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174  Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_21-329_M-21-329
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Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_21- 329_Interested Persons
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St  Duluth, MN 558022191	Electronic Service	No	SPL_SL_21- 329_Interested Persons
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Bob	Eleff	bob.eleff@house.mn	Regulated Industries Cmte	100 Rev Dr Martin Luther King Jr Blvd Room 600 St. Paul, MN 55155	Electronic Service	No	SPL_SL_21-329_Interested Persons
Ron	Elwood	relwood@mnlisap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101  Saint Paul, MN 55114	Electronic Service	No	SPL_SL_21-329_Interested Persons
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Russell	Olson	rolson@hcpd.com	Heartland Consumers Power District	PO Box 248  Madison, SD 570420248	Electronic Service	No	SPL_SL_21-329_Interested Persons
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Greg	Palmer	gpalmer@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	SPL_SL_21-329_Interested Persons
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Generic Notice	Residential Utilities Division	residential.utilities@ag.stat e.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	SPL_SL_21- 329_Interested Persons
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