

NOTICE OF COMMENT PERIOD

Issued: September 30, 2020

In the Matter of Application of Northern States Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota, et al. (Sherco 3 outage-related issues)

PUC Docket Number(s): E-002/GR-12-961; E-002/GR-13-868; E-999/AA-13-599; E-999/AA-14-579; E-999/AA-16-523; E-999/AA-17-492; E-999/AA-18-373

Comment Period: Initial comment period closes October 30, 2020 at 4:30pm
Reply comment period closes November 16, 2020 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Topic(s) Open for Comment:

- Did Northern States Power Company d/b/a Xcel Energy (Xcel Energy) provide the required compliance information related to the November 19, 2011 accident at Sherco 3?
- Are all of the issues related to the Sherco 3 outage resolved and, if so, should Xcel Energy be authorized to discontinue providing quarterly litigation updates?
- How should the Commission proceed regarding the issue of Xcel Energy's prudence, recoverability of costs related to the accident, and ratemaking treatment of replacement power and additional fuel costs?
- What further procedural steps, if any, do the parties recommend?
- Are there other issues or concerns related to this matter?

Background: On November 19, 2011, an accident at Xcel Energy's Sherburne County Generating Station (Sherco), forced the shutdown of one of its three units, Sherco 3. It remained shut down from November 2011 to October 2013.

To replace Sherco 3's output, Xcel Energy bought both replacement power and additional fuel for other Company-owned generators; these costs were passed on to ratepayers through the Company's fuel clause adjustment mechanism.

Xcel Energy, along with the joint owner of Sherco 3, Southern Minnesota Municipal Power Agency, and insurers of Sherco 3, filed a joint complaint against General Electric Company (GE).

In its May 8, 2015 FINDINGS OF FACT, CONCLUSIONS, AND ORDER, (Docket No. E-002/GR-13-868), the Minnesota Public Utilities Commission (Commission) referred the issues of prudence, recoverability and ratemaking treatment of replacement power and additional fuel costs to the annual fuel-clause adjustment dockets.

In its August 31, 2015 ORDER REOPENING, CLARIFYING, AND SUPPLEMENTING MAY 8, 2015 ORDER, (Docket No. E-002/GR-13-868), the Commission required Xcel Energy to include Sherco 3 insurance proceeds as an offset to its rate base.

In Ordering Paragraph (OP) 3 of its June 2, 2016, ORDER ACTING ON ELECTRIC UTILITIES' ANNUAL REPORTS AND REQUIRING ADDITIONAL FILINGS, (Docket No. E-999/AA-14-579), the Commission determined that it would be premature to render a decision regarding Xcel Energy's prudence in connection with this outage while the Company's litigation against GE was pending. Therefore, the Commission deferred any decision on the recovery of energy replacement costs until there is a sufficient record to determine if recovery is appropriate and clarified that it may act in the future to remedy any inequities for ratepayers.

On September 20, 2018, Xcel Energy reached a settlement with GE resulting in a payment to Xcel Energy, which Xcel indicated would be credited in its entirety to ratepayers. On December 3, 2018, Xcel Energy submitted an update stating that it planned on returning the settlement payment as a credit to customers through the monthly fuel clause adjustment for the month beginning February 1, 2019.

On December 6, 2018, the Commission issued a Notice of Comment Period requesting comment on the following topics:

- Should the Commission authorize the refund amount and method proposed by Xcel for the GE settlement related to the 2011 - 2013 Sherco 3 outage?
- Are all the issues related to the Sherco 3 outage resolved and, if so, should Xcel be authorized to discontinue providing quarterly litigation updates?
- Are there any other issues or concerns related to this matter?

On January 14, 2019, the Department filed comments recommending that: (1) Xcel's request to refund the settlement proceeds through the FCA be approved with a minor adjustment; (2) Xcel be required to return a portion of replacement power costs to ratepayers; and (3) Xcel be required to provide additional information in its upcoming general rate case.

The OAG agreed with the Department's recommendation that the Commission approve the settlement refund to ratepayers, but also recommended that the Commission withhold judgment on the prudence of the replacement power costs resulting from the Sherco 3 outage until the conclusion of the related civil litigation process. The OAG also recommended that the Company be required to submit a compliance filing reporting all costs and regulatory proceedings related to the litigation after the civil litigation is complete.

On January 29, 2019, Xcel Energy filed reply comments, again recommending that the Commission approve the Company's settlement refund proposal but concluding that no additional refunds or credits were necessary in connection with the Sherco 3 outage. Alternatively, Xcel Energy recommended that the Commission allow the pending civil litigation to reach its conclusion, including appeals, before conducting its own factual, legal, and regulatory analysis.

In reply, the OAG argued against Xcel Energy's assertion that no additional refunds or credits to ratepayers are necessary. Both the OAG and the Department recommended that the Commission withhold judgment on the prudence of replacement power costs resulting from the Sherco 3 outage until the conclusion of the related civil litigation process.

On April 11, 2019, the Commission issued its ORDER AUTHORIZING SHERCO UNIT 3 RATEPAYER REFUND AMOUNT AND METHOD AND REQUIRING COMPLIANCE FILING, (Docket No. E-999/AA-17-492). The Commission authorized the refund amount and method proposed by Xcel Energy for the GE settlement related to the 2011 - 2013 Sherco Unit 3 outage.

In addition, in OP 2, in its April 11, 2019 Order, the Commission required Xcel Energy to submit a compliance filing with the following information at the conclusion of the civil litigation concerning the Sherco Unit 3 outage:

- Total cost to the Company (total company and Minnesota jurisdictional);
- Identification of which of those costs have been recovered or approved for recovery, including both the mechanisms of recovery and citations to the Commission orders approving those recoveries;
- Identification of any attempts to recover costs that the Commission denied, including citations to the Commission orders denying those recoveries;
- Identification of any costs that the Commission has deferred or delayed final decisions on, including citations to Commission orders deferring or delaying those recoveries; and
- Identification of any insurance proceeds or settlements with third parties, including description of how those proceeds have been returned to ratepayers.

On June 24, 2019, March 10, 2020, and May 26, 2020, Xcel Energy submitted compliance filings regarding the status of the ongoing civil litigation. In its May 26, 2020 filing, Xcel Energy noted that on April 28, 2020, the Minnesota Supreme Court denied Insurers' petition for further review and that the litigation between the Insurers and General Electric had concluded.

On August 24, 2020, Xcel Energy submitted a compliance filing pursuant to OP 2 of the Commission's April 11, 2019 Order, noted above.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties,

PUC Docket Number E-002/GR-12-961; E-002/GR-13-868; E-999/AA-13-599; E-999/AA-14-579; E-999/AA-16-523; E-999/AA-17-492; E-999/AA-18-373

participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Submit Public Comments:

Online: Visit mn.gov/puc, select Comment and follow the prompts

Email: consumer.puc@state.mn.us

U.S. Mail: Consumer Affairs Office
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul MN 55101

Full Case Record: See all documents filed in these dockets via the Commission's website at mn.gov/puc, and, for example, select *Search eDockets*, enter the year (17) and the docket number (492), select *Search*.

Subscribe to receive email notification when new documents are filed in this docket at mn.gov/puc, select *Subscribe*, or click [HERE](#) and follow the prompts.

Questions about this docket or Commission process and procedure? Contact Commission staff, Jason Bonnett, at Jason.bonnett@state.mn.us or 651-201-2235.

Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

To request this document in another format such as large print or audio, call 651-296-0406 (voice). Consumers with a hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

CERTIFICATE OF SERVICE

I, Leesa Norton, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission NOTICE OF COMMENT PERIOD

Docket Number **E-002/GR-12-961; E-002/GR-13-868; E-999/AA-13-599; E-999/AA-14-579; E-999/AA-16-523; E-999/AA-17-492; E-999/AA-18-373**

Dated this 30th day of September, 2020

/s/ Leesa Norton

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Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_16-523_AA16-523
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-523_AA16-523
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_16-523_AA16-523
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_16-523_AA16-523
Leann	Oehlerking Boes	lboes@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_16-523_AA16-523
Randy	Olson	rolson@dakotaelectric.com	Dakota Electric Association	4300 220th Street W. Farmington, MN 55024-9583	Electronic Service	No	OFF_SL_16-523_AA16-523
Catherine	Phillips	Catherine.Phillips@wecenergygroup.com	Minnesota Energy Resources	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_16-523_AA16-523

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_16-523_AA16-523
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-523_AA16-523
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-523_AA16-523
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_16-523_AA16-523
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_16-523_AA16-523
Mary	Wolter	mary.wolter@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_16-523_AA16-523

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Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Derek	Bertsch	derek.bertsch@mrenergy.com	Missouri River Energy Services	3724 West Avera Drive PO Box 88920 Sioux Falls, SD 57109-8920	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
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_17-492_OFF_SL_17-492_AA-17-492
Marie	Doyle	marie.doyle@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall P O Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Leann	Oehlerking Boes	lboes@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Randy	Olson	rolson@dakotaelectric.com	Dakota Electric Association	4300 220th Street W. Farmington, MN 55024-9583	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492

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Catherine	Phillips	Catherine.Phillips@wecenergygroup.com	Minnesota Energy Resources	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
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_17-492_OFF_SL_17-492_AA-17-492
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492
Mary	Wolter	mary.wolter@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_17-492_OFF_SL_17-492_AA-17-492

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Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_18-373_AA -18-373
Derek	Bertsch	derek.bertsch@mrenergy.com	Missouri River Energy Services	3724 West Avera Drive PO Box 88920 Sioux Falls, SD 57109-8920	Electronic Service	No	OFF_SL_18-373_AA -18-373
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_18-373_AA -18-373
Marie	Doyle	marie.doyle@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall P O Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_18-373_AA -18-373
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_18-373_AA -18-373
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_18-373_AA -18-373
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_18-373_AA -18-373
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_18-373_AA -18-373
Leann	Oehlerking Boes	lboes@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_18-373_AA -18-373
Randy	Olson	rolson@dakotaelectric.com	Dakota Electric Association	4300 220th Street W. Farmington, MN 55024-9583	Electronic Service	No	OFF_SL_18-373_AA -18-373

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Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_18-373_AA -18-373
Isabel	Ricker	ricker@fresh-energy.org	Fresh Energy	408 Saint Peter Street Suite 220 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_18-373_AA -18-373
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_18-373_AA -18-373
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_18-373_AA -18-373
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_18-373_AA -18-373
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_18-373_AA -18-373
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_18-373_AA -18-373
Mary	Wolter	mary.wolter@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_18-373_AA -18-373