BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy for Approval of 2021 True-Up Mechanisms

ISSUE DATE: April 2, 2021

DOCKET NO. E-002/M-20-743

ORDER APPROVING TRUE-UPS WITH MODIFICATIONS AND REQUIRING XCEL TO WITHDRAW ITS NOTICE OF CHANGE IN RATES AND INTERIM RATE PETITION

PROCEDURAL HISTORY

On November 2, 2020, Northern States Power Company d/b/a Xcel Energy (Xcel or the Company) filed a multiyear general rate case (the Rate Case and Interim Rates Petition) under Minn. Stat. § 216B.16, subd. 19.[1] The Company sought rate increases of $405.8 million, or 13.2% in 2021 (the test year); an incremental rate increase of $98.5 million, or 3.3% in 2022; and another incremental rate increase of $93.1 million, or 3.2% in 2023, together with a proposed interim rate schedule.

Prior to filing the Rate Case and Interim Rates Petition, Xcel filed, on September 16, 2020, a petition (the Stay Out Proposal)[2] seeking approval to maintain its existing base rates, which if approved, would extend the three true-up mechanisms originally approved as part of the Stipulation of Settlement in Xcel's previous rate case.[3] and subsequently approved by the Commission in 2020.[4] The Company stated that if the Commission approved the Stay Out Proposal it would withdraw its general rate case filing.

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[1] *In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota*, Docket No. E-002/GR-20-723 (the General Rate Case Docket).

[2] The petition was initially filed in Docket Nos. E,G-999/CI-20-492 and E,G-002/M-20-716, but the Company subsequently re-filed its initial petition on October 1, 2020, in this docket for separate consideration of the Stay Out Proposal.

[3] *See In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota*, Docket No. E-002/GR-15-826, Findings of Fact, Conclusions, and Order (June 12, 2017) (Xcel's 2015 multiyear rate plan, or MYRP).

[4] *In the Matter of Northern States Power Company d/b/a Xcel Energy for Approval of True-Up Mechanisms*, Docket No. E-002/M-19-688, Order Approving True-Ups and Requiring Xcel to Withdraw Its Notice of Change in Rates and Interim Rates Petition (March 13, 2020).

On September 24, 2020 the Commission issued a notice requesting comments on the following topics:

- Should the Commission approve Xcel's proposed 2021 sales true-up that, as proposed, would operate similarly to the currently-approved 2020 sales true-up?
- What benchmark (or amount of baseline sales) should the 2021 sales true-up be compared against?
- Should the Commission approve Xcel’s proposed 2021 capital true-up that, as proposed, would operate consistently with the current capital true-up established in Xcel’s 2015 MYRP?
- What benchmark (or amount of baseline capital projects revenue requirement) should the 2021 capital true-up be compared against?
- Should the Commission approve Xcel’s proposed 2021 property tax true-up that, as proposed, would operate consistently with the current property tax true-up established in Xcel’s 2015 MYRP?
- Should the Commission approve Xcel’s request to delay currently required and any other changes to the Nuclear Decommissioning Trust (NDT) and end-of-life (EOL) nuclear fuel accruals until January 1, 2022?
- How would Xcel’s 2021 true-ups proposed in this docket, be reconciled with amounts that will be recovered in all other currently active COVID-19 related proceedings?
- Are the rate mitigation measures and other consumer safeguards proposed by Xcel in this filing adequate and how do they fit in with the other currently active COVID-19 related filings and proposals?
- If the true-ups are approved, how long should it be before Xcel may file its next electric rate case?
- Are there any other issues or concerns related to this matter?

By October 30, 2020, the Commission received comments or reply comments on the Stay Out Proposal from the following:

- Xcel Large Industrials (XLI)[5]
- The Department of Commerce, Division of Energy Resources (the Department)

[5] XLI is an ad hoc association of large industrial customers of Xcel that includes: Flint Hills Resources Pine Bend, LLC; Marathon Petroleum Corporation; and USG Interiors, Inc.

- Minnesota Energy Consumers (MEC)[6]
- Office of the Attorney General—Residential Utilities Division (the OAG)
- Laborers' International Union of North America (LIUNA)
- The Commercial Group[7]
- Xcel

On November 4, 2020, the Commission issued an additional notice requesting comments on the following topics:

- Should the Commission approve a sales true-up mechanism as proposed by Xcel or should approval be contingent on Xcel accepting modifications?

- Is there sufficient information provided in Xcel's October 30, 2020 reply comments to approve Xcel's proposed capital true-up or should approval be contingent on Xcel accepting modifications?

- Should the Commission approve Xcel's property tax true-up as proposed or should approval be contingent on Xcel accepting modifications?

- Should the Commission approve Xcel's request to delay until January 1, 2022 currently required and any other changes to the Nuclear Decommissioning Trust (NDT) and end-of-life (EOL) nuclear fuel accruals?

- Should Xcel's proposals be considered a continuation of its 2015 Multi-Year Rate Plan (MYRP) and, if so, would Commission approval of the proposed 2021 true-up mechanisms conflict with the five-year limit on MYRPs in the MYRP statute?

By November 17, 2020, the Commission received comments or reply comments in response to the Commission's notice from the following:

- MEC
- XLI
- The OAG
- The Commercial Group
- The Department
- Energy CENTS Coalition (Energy CENTS)
- LIUNA

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[6] MEC is an ad hoc group of a few of Xcel's large commercial and industrial customers, including the Chamber of Commerce.

[7] The Commercial Group is an ad hoc consortium of large commercial customers. Walmart, Inc. participated on behalf of the Group.

- Xcel
- The Suburban Rate Authority (SRA)

On December 4 and 9, 2020, Xcel filed modifications to its Stay Out Proposal.

On December 8, 9, and 17, 2020, the Commission met to consider the matter. At the Commission meeting, Xcel requested that the proposed rates in its General Rate Case Docket be suspended, and that consideration of the proposed interim rate schedule be stayed, pending resolution of the Stay Out Proposal.

On December 30, 2020, the Commission issued an order in the Company's General Rate Case Docket suspending the Company's rates and staying its rate petition pending a final Commission determination.

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

In this order, the Commission will approve Xcel's Stay Out Proposal on the condition that Xcel withdraws its Rate Case and Interim Rates Petition and does not implement the rates set forth in that petition. The Commission will also establish other related requirements to effectuate the purpose of the Stay Out Proposal, which is to take up the matter of an Xcel general rate proceeding no sooner than November 1, 2021, while maintaining just and reasonable base rates as established in Xcel's last general rate proceeding.

II. Xcel's Stay Out Proposal

Xcel's petition requests that the Commission approve a one-year extension of three true-up mechanisms and a delay in any increase to its Nuclear Decommissioning Trust (NDT) as follows:

- A 2021 sales true-up that would operate in the same manner as the currently approved sales true-up established in the 2020 Stay Out Docket;[8]
- A 2021 capital true-up that would operate in the same manner as the current capital true-up established in the MYRP Docket and approved again in the 2020 Stay Out Docket;
- A 2021 property tax true-up that would operate in the same manner as the current property tax true-up established in the MYRP Docket and approved again in the 2020 Stay Out Docket; and

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[8] *In the Matter of Northern States Power Company d/b/a Xcel Energy for Approval of True-Up Mechanisms*, Docket No. E-002/M-19-688, Order Approving True-Ups and Requiring Xcel to Withdraw Its Notice of Change in Rates and Interim Rates Petition (March 13, 2020).

- Delay any increase to the NDT accrual until January 1, 2022 or, alternatively, approve deferral of the increase so the Company can fund the increased accrual in 2021 and recover that increase in a future rate case.

Xcel's proposal would continue its three true-ups through 2021 similar to the manner in which the Commission authorized Xcel to continue its true-ups through 2020. Xcel had sought to either continue the true-ups, or in the alternative, proceed with a general rate case. In this case, the Company makes a similar request to either continue the true-ups through 2021, or in the alternative, proceed with its Rate Case Docket.

According to Xcel, continuation of the true-ups through 2021 would enable the Company to defer the ratepayer impact of an immediate interim rate increase as requested in Docket No. E-002/GR-20-723, an outcome that the Company said best protects ratepayers, particularly under the current economic strain caused by the COVID-19 pandemic.

Xcel stated that the decision to continue the true-ups would not alter the Company's base rates and would shift some of the risk of avoiding a rate case to the Company, while maintaining just and reasonable rates that reflect the Company's cost of service. The Company also stated that rates authorized under the Stay Out Proposal would be lower than the interim rates the Company otherwise proposes to implement in its general rate case filing.

A. The Sales True-Up

Xcel's current rates include a sales true-up mechanism, which operates in a similar manner to revenue decoupling, a regulatory tool designed to sever the link between sales and revenues.[9] Under decoupling, the utility recovers the revenue requirement established in a rate case even if the sales forecast over- or underestimates actual sales. The purpose of this tool is to reduce a utility's disincentive to promote energy efficiency.[10]

In approving Xcel's request to continue its sales true-up through 2020, the Commission authorized the Company to apply the true-up to all customers in a manner consistent with the true-up established as part of a settlement approved in the Company's 2015 multiyear rate plan.[11] Xcel's current Stay Out Proposal requests that the Commission authorize the Company to again continue its sales true-up in similar fashion to the sales true-up currently in place, and as follows:

1. Forecasted base revenues for 2019 will be calculated using 2016 weather-normalized actual sales by class and current base rates (effective June 1, 2019, including reduction

[9] *In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota*, Docket No. E-002/GR-15-826, Findings of Fact, Conclusions, and Order (June 12, 2017) (Xcel's 2015 multiyear rate plan). This decision applied a sales true-up mechanism to demand-metered commercial and industrial customers not already subject to a sales true-up or similar decoupling mechanism.

[10] Minn. Stat. § 216B.2412.

[11] The Commission's 2020 approval of Xcel's true-ups authorized the Company to apply the sales true-up to all customers, which allowed the true-up to apply to customer classes whose rates were previously subject to an expiring decoupling mechanism or functionally equivalent sales true-up approved in the Company's 2015 multiyear rate plan.

for a 2017 federal tax reduction). This is the same baseline revenue level as used for the 2019 and 2020 sales true-up measurements.

2. Actual revenues for 2021 will be calculated using 2021 actual customer counts and actual sales and current base rates (effective June 1, 2019, including reduction for TCJA[12]).

3. The 2021 revenue comparison will include the same Commercial and Industrial (C&I) sales growth as assumed in 2018, 2019 and 2020.

4. Any over/under collections from the 2020 sales true-up mechanism will be included with the 2021 results.

5. The true up will include all discounts and incentive rates approved by the Commission.

6. After 2021 actual sales are available in January 2022, the Company will provide the actual 2021 customer counts, sales, and resulting revenues by class for all classes in a compliance filing consistent with the method used in Docket No. E-002/GR-15-826, to be filed February 1, 2022.

7. If the 2021 revenues are greater than the approved plan year level, the difference will be deferred as a regulatory liability and refunded to customers. If the 2021 revenues are lower than the approved plan year level, the difference will be deferred as a regulatory asset and collected from customers. A refund or surcharge factor will be calculated for each class based on the deferral amount and the current sales forecast. These factors will be placed on customer bills effective April 1, 2022 for 12 months.

B. Property Tax and Capital True-Ups

Xcel's petition also requests to continue two other true-ups currently in effect. The proposed property tax true-up would apply the same methodology of annually adjusting for actual property tax expenses as has been in effect through the Company's 2015 multiyear rate plan and as approved by the Commission in the Company's 2020 true-up proposal. The proposed capital expenses true-up would likewise apply the same methodology as approved in the Company's multiyear rate plan for the 2017-2019 period and as approved by the Commission in 2020. The capital true-up is asymmetrical, meaning that ratepayers would receive a refund if applicable capital expenditures fall below the baseline established in the last rate proceeding, but are protected from recovery of capital expenditures above the benchmark.

C. Rate Mitigation

Recognizing that there are potential ratepayer risks associated with continuing the true-ups and avoiding a general rate case proceeding, the Company proposed mitigating the impacts of the Stay Out Proposal by subsequently modifying its initial proposal with additional measures, including: a commitment to not seek recovery of pandemic-related costs; a commitment to pay the full amount of bill credits under the Company's residential payment plan credit program; and a proposal to recover the projected demand-metered C&I customers' sales true-up surcharge over 21 months, instead of 12. Altogether, the Company committed to taking the following steps:

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[12] The TCJA is a 2017 federal tax law affecting tax rates.

- Commit to not seeking recovery of any pandemic-related costs, including bad debt costs, that are currently deferred and being tracked in a separate docket; the Company will withdraw its request for deferral in that docket.[13]

- Commit to paying the full $17.5 million of bill credits proposed in the residential payment plan credit program filed in a separate Commission docket,[14] on the condition that should any portion of the $17.5 million not be used to pay for the costs of the program, the remaining amount will be used to fund similar programs at the Commission's discretion.

- Recover sales through its sales true-up from the Demand class over 21, not 12, months beginning April 2022.

- Apply an earnings cap to the Company's Minnesota jurisdictional earnings for 2021 at 9.06 percent return-on-equity (ROE), meaning that if Xcel's ROE exceeds 9.06, Xcel will return the excess earnings via the 2021 sales true-up.

- Apply approximately $53 million in an accelerated return of Accumulated Deferred Income Tax (ADIT) to reduce the $171 million forecasted Demand class sales deficiency.[15]

The Company emphasized that its Stay Out Proposal is not a request to extend its 2015 multiyear rate plan, which authorized the Company to preserve the status quo at the conclusion of its plan, but rather, is offered as an alternative to taking up a rate case at this time. Under the Stay Out Proposal, base rates would be held flat in 2021 and there would be no 2021 true-up surcharge applied to customers' bills prior to April 2022; recovery of the surcharge to the Demand class would be applied over the following 21-month billing period.

Xcel also maintained that the Stay Out Proposal better protects ratepayers not only by eliminating the immediate rate impacts of a general rate case but also by avoiding the litigation of a rate case, which enables the Company and other parties and stakeholders participating in dockets involving pandemic-related mitigation efforts to more squarely focus their resources on those important policy decisions. Together, these features provide significant benefits to customers most directly affected by the pandemic.

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[13] *In the Matter of the Petition of the Minnesota Rate Regulated Electric and Gas Utilities for Authorization to Track Expenses Resulting from the Effects of the COVID-19 and Record and Defer Such Expenses into a Regulatory Asset*, Docket No. E,G-999/M-20-427, Order Approving Accounting Request and Taking Other Action Related to COVID-19 Pandemic (May 22, 2020).

[14] *In the Matter of an Xcel Payment Plan Credit Proposal*, Docket No. E-002/M-20-760.

[15] ADIT accounts for tax liability between the time when reported income tax obligation is accrued and when the income tax obligation is paid. Due to changes in federal tax law affecting utilities' tax rates, Xcel accrued over $100 million in unprotected ADIT expenditures from all customer classes that will no longer be due, resulting in what is described as unprotected excess ADIT. The return of the Company's unprotected ADIT balance is subject to regulatory approval. Xcel proposed an accelerated return of a portion of that balance to reduce the rate impact of the Stay Out Proposal on the Demand class.

In response to comments that the Stay Out Proposal is particularly unfavorable for the Demand class, the Company asserted that the proposal appropriately balances the consequences for all customer classes, that further reductions to one class of customers does not automatically make the proposal better for all classes, and that in the absence of approval of the proposed true-ups, the Company would seek to recover sales declines through interim rates. For these reasons, the Company stated that the Stay Out Proposal best balances the impacts to all customer classes, with rate mitigation commitments that further reduce the rate impacts to other customer classes.

According to the Company, lower sales to the Demand class in 2021 also suggest that some of that reduction may be pandemic-related and therefore anomalous, making the data potentially less useful for a 2021 rate case test year. Instead, the Company stated that the benefits of extending the true-up by one year, in light of the pandemic, along with proposed mitigation efforts, including those that reduce impacts to the Demand class, make the Stay Out Proposal consistent with the public interest.

The Company acknowledged that continuation of the sales true-up would shift some of the risk to customers but asserted that as a fully regulated cost-of-service utility, the Company is allowed to recover its costs, which would be capped under its Stay Out Proposal with an earnings test that would return to customers any revenues exceeding its 9.06 percent ROE benchmark.

Finally, Xcel explained that although its current proposal includes the use of accelerated ADIT to mitigate the rate impact to the Demand class, the Commission could instead use ADIT in 2021 once actuals sales to the Demand class are known.

III. Comments Supporting the Stay Out Proposal

A. The OAG

The OAG recommended that the Commission approve Xcel's Stay Out Proposal with several modifications with which Xcel agreed and which would, for example, preserve the asymmetrical cap on the capital true-up and preserve the customer class allocation of the sales true-up consistent with the Company's 2015 multiyear rate plan class-cost-of-service study.

The OAG concurred with Xcel that the Commission has the authority to approve the Stay Out Proposal under applicable law. The proposal does not alter the base rates established in the Company's 2015 multiyear rate plan, which the Commission previously determined to be just and reasonable, consistent with the multiyear rate plan statute.[16]

In response to the Department's recommendation that Xcel share the cost of the Demand class sales decline, the OAG stated that it did not oppose such an approach but emphasized that the Demand class revenue loss should not be shifted to the Residential and Small C&I class, an unreasonable outcome for people struggling to feed their families and pay their utility bills as a result of the pandemic.

The OAG also disagreed with assertions that Xcel's sales true-up is no longer working as intended due to the projected surcharge to the Demand class. The OAG explained that the sales true-up was designed to refund or surcharge each class for its change in sales. And although the

[16] Minn. Stat. § 216B.16, subd. 19.

impacts of a true-up are unknown in advance, the OAG maintained that parties understood and accepted the risks of approving Xcel's 2020 true-ups in exchange for the benefits of avoiding a rate case. Based on its analysis of the current Stay Out Proposal, the OAG claimed that the benefits of the proposal are greater when compared to a general rate case, which could result in final rates that are higher than those proposed under the Stay Out Proposal.

Further, the OAG noted that proceeding with a rate case would not avert parties' disputes over how to address the sales decline to the Demand class, an issue that would arise within that context as well. Recognizing the complexity of these issues and the significant use of resources needed to engage in a general rate case, the OAG stated that customers are best served by avoiding a rate case, particularly in light of the pandemic, which is itself a compelling basis for a one-year delay in proceeding with a rate case.

B. The Energy CENTS Coalition

Energy CENTS recommended Commission approval of Xcel's proposal, particularly considering the increased financial hardship caused by the pandemic. Energy CENTS stated that avoiding residential rate increases and refunding revenue to residential customers is more persuasive now than it was in 2019. Energy CENTS also asked the Commission to consider the limited resources of some parties to participate in other Commission proceedings, including, for example, one that is examining the terms of the Company's payment plan credit program proposal, which would benefit from fuller participation by stakeholders with fewer resources if Xcel's rate case were postponed.

C. LIUNA

LIUNA strongly supported Xcel's proposal, stating that it provides immediate relief to those who have been hit hardest by the pandemic and who are most in need of help. LIUNA opposed proceeding with a general rate case, which would allocate an equal share of interim rates across all customer classes, resulting in an unreasonable shift of responsibility for the interim rate increase to other classes due to the decline in Demand sales at a time when residential customers and small businesses are struggling.

LIUNA also stated that larger businesses have generally fared better compared to residential customers and small businesses, but that the Stay Out Proposal's rate mitigation commitments offer effective tools for addressing the concerns raised by the Demand class. In its view, LIUNA stated that Xcel's proposal is clearly reasonable.

D. The Suburban Rate Authority

The Suburban Rate Authority (SRA) recommended approval of Xcel's proposal, particularly considering the potential impact of an interim rate increase on those most vulnerable to the adverse effects of the pandemic. For many customers, an immediate rate increase could be severe, and a potential interim rate refund more than a year later would not protect customers from economic harm such as business losses and disconnection of service.

Noting that municipal demand customers differ from other C&I customers, the SRA supported separating the Other Sales to Public Authority (municipal customers) to calculate the sales true-up. Xcel agreed that municipal customers are unique compared to other Demand-class customers, explaining that their usage is separately forecast in the Other Sales to Public

Authority (OSPA) class in the sales forecast. Xcel therefore concurred with the SRA's recommendation to separate this class for purposes of calculating and applying the sales true-up for this energy load.

The SRA stated that rate relief and stimulus efforts are warranted, and that Xcel's proposal is a better alternative when compared to a general rate case that would result in interim rate increases that could cause rate shock.

E. The Department

The Department concurred that Commission approval of the Stay Out Proposal would not violate the multiyear rate plan statute because base rates would remain in place, consistent with the settlement approved by the Commission in Xcel's 2015 multiyear rate case, which concluded in 2019. Continuation of the proposed true-ups, which authorize adjustments for sales revenue, capital expenses, and property taxes, do not alter base rates and were not proposed by Xcel as an extension of its expired 2015 multiyear rate plan.

The Department expressed measured support for the substance of Xcel's proposal, particularly the sales true-up, recommending conditions to incorporate cost-sharing that would shift an equal portion of the risk of the decline in Demand-class sales to the Company. And although the Company stated that the Department's recommendations were untenable in light of other rate mitigation efforts the Company had offered, the Department maintained its position that a cost-sharing mechanism is reasonable.

In analyzing Xcel's Stay Out Proposal compared to the costs of proceeding with a general rate case, the Department compared the projected sales true-up surcharge to the Demand class with projected final rates in a rate case, assuming Xcel is authorized to recover 52 percent of its initial rate request (the average amount Xcel has received in recent rate cases). By comparison, the Department stated that a sales true-up surcharge would result in a rate increase of approximately 10 percent, while final rates under a general rate case under the Department's scenario are likely to result in a rate increase of approximately 6.5 percent.

The Company's ability to charge customers its rate-of-return on equity makes the increase to the Demand class unreasonable, according to the Department. As a result, the Department supported either a 50-percent cost-sharing mechanism in which costs would be shared equally between the Demand class and the Company, or in the alternative, a cost-sharing mechanism in which all customer classes would share one-third of the cost, the Demand class would share an additional one-third, and the Company would also share one-third. Such an approach, the Department claimed, would better incentivize the Company to address the impacts of the decline in sales to the Demand class.

IV. Comments Opposing the Stay Out Proposal

A. Xcel Large Industrials (XLI)

XLI opposed Xcel's Stay Out Proposal, stating that it would unreasonably apportion the Company's revenue requirement to the Demand class. In particular, XLI claimed that the starting point for the sales true-up is unreasonable, demonstrably overstated, and that Xcel's proposed concessions are insufficient and insignificant with no effective protection for Demand customers.

XLI stated that the anticipated sales true-up would result in a surcharge to the Demand class but in a refund to the Residential class, an unreasonably disproportionate result. XLI recommended adjusting this difference in either Xcel's interim rates proposal in its general rate case or its Stay Out Proposal. But XLI also asserted that the Demand class would be better positioned under interim rates, which may result in a refund to customers if the amount collected in interim rates exceeds the amount approved in final rates.

XLI also argued that the Stay Out Proposal is a violation of the multiyear rate plan statute by enabling Xcel to benefit from a continuing sales true-up that has resulted in a surcharge to the Demand class each year since its approval in the multiyear rate plan. For these reasons, XLI recommended proceeding with a general rate case that would give parties the opportunity to scrutinize Xcel's data anew, ensuring just and reasonable rates.

B. Minnesota Energy Consumers

Minnesota Energy Consumers (MEC) also opposed the Stay Out Proposal, stating that although no party wants the burden of a multiyear rate case, a general rate case proceeding would ensure just and reasonable rates. MEC stated that due to the Stay Out Proposal's disproportionate impact on the Demand class, these customers would be better off under interim rates applied in a general rate proceeding.

MEC stated that if the Commission were to approve the Stay Out Proposal, a cost-sharing approach as initially advocated by the Department is reasonable. MEC also concurred that use of ADIT could further mitigate the impacts of the Stay Out Proposal.

MEC stated that it also opposed use of Demand class revenues to fund the Company's residential payment plan credit program, considering the likely surcharge levels in 2020 and 2021 to the Demand class. In supporting a general rate case, MEC also stated that a contested case offers a greater level of scrutiny of Xcel's data, which is outdated. Class revenue apportionment used to determine the forecast for the sales true-up is based on data from the Company's 2015 multiyear rate plan, resulting in a disproportionate share of costs allocated to the Demand class, according to MEC.

C. The Commercial Group

The Commercial Group echoed comments that the Stay Out Proposal would disproportionately impact the Demand class and stated that filings made by Xcel as part of its general rate case show that the Demand class is subsidizing other customer classes. The Commercial Group recommended that the Commission deny the petition but also stated that if the Commission approved the Stay Out Proposal, it would be reasonable to equally allocate the sales true-up across customer classes and to require Xcel to share in the cost of the sales decline to the Demand class.

V. Commission Action

A. Permissibility of the Stay Out Proposal

As a threshold matter, the Commission is not persuaded that approval of the Stay Out Proposal violates the multiyear rate plan statute,[17] as some parties have claimed. In approving Xcel's 2020 true-ups, the Commission explained that while the statute does not specify what happens to a utility's rates after the conclusion of a multiyear rate plan, Xcel's 2015 multiyear rate plan authorizes rates in effect during the final year of the plan to remain in effect, unless the Company files another multiyear rate plan 60 days prior to the conclusion of the term and proposes new interim rates. This result, the Commission found, was consistent with applicable law and Commission orders determining how utilities subject to a multiyear rate plan should proceed at the conclusion of such a plan.[18]

In this case, arguments similar to those raised regarding Xcel's 2020 true-ups have arisen which challenge the Commission's authority to approve Xcel's Stay Out Proposal as an alternative to a general rate case. Minn. Stat. § 216B.16 does not, however, require Xcel to proceed with a rate case at the conclusion of its multiyear rate plan, and the Commission therefore declines to deny the Stay Out Proposal on that basis.

The Commission's decision approving Xcel's 2020 true-ups authorized the true-ups without extending the Company's multiyear rate plan, which ended in 2019. The base rates currently in place were previously found to be just and reasonable at the conclusion of Xcel's 2015 multiyear rate plan and are consistent with the Commission's authority under the multiyear rate plan statute to "by order, establish terms, conditions, and procedures for a multiyear rate plan necessary to implement this section and ensure that rates remain just and reasonable during the course of the plan, including terms and procedures for rate adjustment."[19]

As the Commission explained in its prior order, utilities are required to include a description of their proposal for the rates that would apply after the term of their rate plan ends. Xcel did so in its 2015 multiyear rate plan by proposing to maintain the rates in effect during the plan's final year—a proposal the Commission approved, ensuring that rates remain just and reasonable after the conclusion of the multiyear rate plan. The Stay Out Proposal maintains the Company's approved base rates.

B. Approval of the Stay Out Proposal

The fundamental challenge facing the Commission in deciding whether to approve the Stay Out Proposal is how to best balance the interests of all ratepayers with those of the Company in seeking recovery of costs, a complexity that is not solved by requiring the Company to proceed with a general rate case. To the contrary, parties have already begun asserting differing positions on how the Commission should resolve ratepayer disputes within the context of a general rate case.

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[17] *Id*.

[18] *In the Matter of Northern States Power Company d/b/a Xcel Energy for Approval of True-Up Mechanisms*, Docket No. E-002/M-19-688, Order Approving True-Ups and Requiring Xcel to Withdraw its Notice of Change in Rates and Interim Rate Petition, at 7-8 (March 13, 2020).

[19] Minn. Stat. § 216B.16, subd. 19.

After careful consideration of the issues raised in this case, the Commission is persuaded that, on balance, granting the Company's petition with modifications offers the broadest protection to ratepayers as a whole and will ensure just and reasonable rates. Avoiding an immediate interim rate increase for any customer class reduces the risk of additional economic hardship and service disconnections to individuals, families, and businesses already experiencing financial strain as a result of the pandemic. This level of certainty is the most reasonable and equitable course of action under these uniquely compelling and unforeseen circumstances.

While there are important advantages to approving the Stay Out Proposal, the Commission also recognizes the potential risks that the proposal carries for some customers. The Commission will therefore direct Xcel to modify its initial proposal to address those concerns, as described in further detail below.

In response to claims that the Demand class would fare better under a rate case proceeding, the Commission cautions that those assertions do not fully account for the fact that the outcome of either an interim rates decision or a final rates decision is speculative. Any potential reduction to either interim or final rates is unknown. And, while the Company's interim rates proposal could be reduced if the Commission found exigent circumstances, it is unclear to what extent and in what manner interim rates would be reduced in such a scenario.

As stated above, Xcel has offered substantial mitigation measures to reduce the impacts associated with its Stay Out Proposal. The Commission will require the Company to implement these measures, which reasonably shift some of the risk to the Company, reduce costs for ratepayers, mitigate the impacts to the Demand class, and provide economic protections for those most in need during the pandemic. They include the following:

- Commit to not seeking recovery of any pandemic-related costs, including bad debt costs, that are currently deferred and being tracked in a separate docket; the Company will withdraw its request for deferral in that docket.[20]

- Commit to paying the full $17.5 million of bill credits proposed in the residential payment plan credit program on the condition that should any portion of the $17.5 million not be used to pay for the costs of the program, the remaining amount will be used to fund similar programs at the Commission's discretion.

- Recover sales through its sales true-up from the Demand class over 21, not 12, months beginning April 2022.

- Apply an earnings cap to the Company's Minnesota jurisdictional earnings for 2021 at 9.06 percent ROE, meaning that if Xcel's ROE is greater than 9.06, Xcel will return the excess earnings via the 2021 sales true-up.

[20] *In the Matter of the Petition of the Minnesota Rate Regulated Electric and Gas Utilities for Authorization to Track Expenses Resulting from the Effects of the COVID-19 and Record and Defer Such Expenses into a Regulatory Asset*, Docket No. E,G-999/M-20-427, Order Approving Accounting Request and Taking Other Action Related to COVID-19 Pandemic (May 22, 2020).

Although some parties claimed that these commitments provide insufficient protection to the Demand class in particular, the Commission is not persuaded that proceeding with a general rate case is more likely to provide greater benefits to the Demand class or to ratepayers as a whole. And while the Department's cost-sharing approach is inviting, it does not appear to be a viable alternative that the Company could accept, thereby leading the Company to proceed with a general rate case that does not, on balance, offer greater protections to ratepayers than the benefits of the Stay Out Proposal.

After considering whether to authorize the Company's proposal to further offset the impact of the sales true-up using accelerated excess ADIT, the Commission is not persuaded that use of ADIT, as initially proposed by Xcel, is necessarily the best use of the excess. The Commission will therefore decline, at this time, to apply accelerated excess ADIT to the sales true-up. This decision gives the Commission additional time to consider the best and most effective application of ADIT. The Commission will, however, require Xcel to provide an option to calculate sales true-ups for Demand customer groups separately for each of the Demand classes based on the sales changes for that specific class when Xcel seeks recovery of any 2021 sales true-up amounts. Similarly, the Commission will approve Xcel's request to separately calculate the OSPA Class's true-up. These requirements will facilitate a clearer understanding of the rate impacts to the various customer groups within the Demand class and perhaps inform further rate mitigation measures, including the use of ADIT.

For all these reasons, the Commission is persuaded that Xcel's Stay Out Proposal is reasonable, equitable, and consistent with the public interest and will therefore approve the proposal, as modified and as set forth in the ordering paragraphs below, on the condition that the Company comply with the commitments described herein and withdraw its general rate case filing.

VI. Additional Requirements

Although the Department and the OAG initially expressed reservations about Xcel's proposal to delay its Nuclear Decommissioning Trust (NDT) by one year, they ultimately concurred that it would be reasonable to do so. Xcel stated that a one-year delay in the accrual from its current \$14 million level would increase the annual accrual, beginning in 2022, by \$1.28 million and would therefore not create significant burdens for customers. The Commission concurs with Xcel and will require the Company to maintain the annual decommissioning accrual, during 2021, at the \$14,030,831 per-year amount currently included in base rates and to maintain end-of-life accrual at the currently-approved amount of \$2,087,026.

The SRA recommended that if the Stay Out Proposal is extended, it would be reasonable to apply a one-year extension to the terms of an agreement between the SRA, the City of Minneapolis, and Xcel, consistent with the settlement in Xcel's 2015 multiyear rate plan. Under the agreement, Xcel defers as a regulatory asset the revenue requirements directly related to actual light-emitting diode (LED) streetlight capital additions during the term of the settlement, without interest, and credits LED street-lighting revenues against the deferral. The Commission concurs that, under the circumstances, an extension of the settlement terms is reasonable and will therefore approve Xcel's continuation of the LED deferral for one additional year.

ORDER

1. Xcel's Stay Out Proposal is approved as modified on the condition that Xcel comply with the commitments included in this order and withdraw its rate case filed in Docket No. E-002/GR-20-723.

2. Xcel's request to extend the 2021 sales true-up for all customers classes is approved.

3. Xcel's request to separately calculate the Other Sales to Public Authority (OSPA) Class's true-up is approved.

4. When Xcel seeks recovery of any 2021 sales true-up amounts, the Company must provide an option to calculate sales true-ups for Demand customers separately for each of the Demand classes based on the sales changes for that specific class.

5. The Commission does not authorize use of ADIT for the 2021 sales true-up.

6. Xcel must use actual 2021 sales revenues when calculating its 2021 sales true-up amount and must remove the language that states that the true-up will include all discounts and incentive rates approved by the Commission.

7. The recovery period for any Demand class surcharge is extended from 12 to 21 months.

8. Xcel's Minnesota jurisdictional earnings for 2021 are capped at a 9.06 percent ROE, and if Xcel's ROE is greater than 9.06, Xcel must return the excess earnings via the 2021 sales true-up.

9. Xcel's request to extend its capital and property tax true-ups for all customer classes is approved, with the exclusion of all Tranche 1 and electric vehicle rebates from the calculation.

10. For 2021, Xcel must maintain the annual decommissioning accrual at the $14,030,831 per year amount currently included in base rates and maintain end-of-life accrual at the currently approved amount of $2,087,026.

11. Xcel's continuation of the LED deferral is approved for one additional year (through 2021).

12. The Commission accepts Xcel's commitment to not seek recovery of all pandemic-related costs, including bad debt costs, that are deferred and being tracked pursuant to the Order Approving Accounting Request and Taking Other Action Related to COVID-19 Pandemic issued on May 22, 2020 in Docket No. E,G-999/M-20-427, and to withdraw its request for deferral in that docket.

13. The Commission accepts Xcel's commitment to pay for $17.5 million of bill credits proposed in the residential payment plan credit program filed in Docket No. E-002/M-20-760. Should any portion of the $17.5 million not be used to pay for the costs of the program, Xcel commits the remaining funds to be used to fund similar programs at the Commission's discretion.

14. Xcel must file revised tariff language and any other documentation as needed to demonstrate compliance with this order.

15. The Commission hereby delegates authority to the Executive Secretary to vary time periods and approve notices for the duration of the proceeding in this docket and any other proceeding that stems from this matter.

16. This order shall become effective immediately.

BY ORDER OF THE COMMISSION

Will Seuffert
Executive Secretary

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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
ORDER APPROVING TRUE-UPS WITH MODIFICATIONS AND REQUIRING XCEL TO WITHDRAW ITS NOTICE OF CHANGE IN RATES AND INTERIM RATE PETITION

Docket Number **E-002/M-20-743**

Dated this 2nd day of April, 2021

/s/ Leesa Norton

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