

June 1, 2022

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/C-22-212

Dear Mr. Seuffert:

On May 1, 2022, Nokomis Energy filed a Formal Complaint and Petition for Relief by Nokomis Energy LLC against Xcel Energy regarding increases to the final interconnections for its 1 MW Union Garden CSG project. The complaint alleges that Xcel failed to provide notice to Nokomis that interconnection costs for the project had risen approximately 45 percent from the initial cost estimate until five months after the project was interconnected to the Xcel's grid, and 14 months after Nokomis first requested a detailed cost estimate. Nokomis seeks a Commission finding that (1) Xcel was required to provide advance notice of the increased costs; (2) directing Xcel to provide detailed information regarding the causes of the cost increase; and (3) relieving Nokomis of the obligation to pay the added costs for which Nokomis did not receive advance notice.

On May 6, 2022, the Minnesota Public Utilities Commission (Commission) issued a *Notice of Comment Period* requesting comment on whether the Commission has jurisdiction over the complaint, if there are reasonable grounds to investigate the allegations and whether such an investigation is in the public interest, and what procedure should be used to investigate the complaint.

The Commission has jurisdiction to investigate and resolve Nokomis' complaint regarding interconnection practices under §216.17. In addition, Section 10, of Xcel's tariff contains the Minnesota Distributed Interconnection Process (MN DIP), and specifically provides a dispute resolution process which permits:

5.3.8 At any time, either Party may file a complaint before the Commission pursuant to Minn. Stat. §216B.164, if applicable and Commission rules outlined in Minn. Rules Ch. 829.

The Department concludes that the Commission has jurisdiction to investigate and resolve the complaint. With respect to the process that should be used to investigate the complaint, the Department recommends using the formal complaint process set forth in Minn. Rules C. 7829.1800

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which provides Xcel with 20 days from the Commission's Order establishing jurisdiction to file a response to the complaint and an additional 20 days for other parties to respond.

The Department recommends the Commission find it has jurisdiction over the complaint and that it establish a process for filing comments and reply comments. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ SUSAN L. PEIRCE
Rate Analyst Coordinator

SLP/ja
Attachment

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
Complaint Letter**

Docket No. E002/C-22-212

Dated this **1st** day of **June 2022**

/s/Sharon Ferguson

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|----------------|--------------------------------|--------------------------------------|------------------------------------|---|--------------------|-------------------|------------------------|
| 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_22-212_C-22-212 |
| James | Denniston | james.r.denniston@xcenergy.com | Xcel Energy Services, Inc. | 414 Nicollet Mall, 401-8 Minneapolis, MN 55401 | Electronic Service | No | OFF_SL_22-212_C-22-212 |
| 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_22-212_C-22-212 |
| Matthew | Melewski | matthew@theboutiquefirm.com | The Boutique Firm PLC | 5115 Excelsior Blvd #431 St Louis Park, MN 55416 | Electronic Service | No | OFF_SL_22-212_C-22-212 |
| Matthew | Melewski | matthew@nokomisenergy.com | Nokomis Energy LLC & Ole Solar LLC | 2639 Nicollet Ave Ste 200 Minneapolis, MN 55408 | Electronic Service | No | OFF_SL_22-212_C-22-212 |
| Matt | Privratsky | matt@nokomisenergy.com | Nokomis Energy | 2639 Nicollet Ave Suite 200 Minneapolis, MN 55408 | Electronic Service | No | OFF_SL_22-212_C-22-212 |
| 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_22-212_C-22-212 |
| Daniel | Rogers | dan@nokomisparkers.com | Nokomis | 2639 Nicollet Ave Ste 200 Minneapolis, MN 55408 | Electronic Service | No | OFF_SL_22-212_C-22-212 |
| 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_22-212_C-22-212 |
| Brandon | Stamp | brandon.j.stamp@xcelenergy.com | Xcel Energy | 401 Nicollet Mall Minneapolis, MN 55401 | Electronic Service | No | OFF_SL_22-212_C-22-212 |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|-----------------------------------|--------------|---|--------------------|-------------------|------------------------|
| Lynnette | Sweet | Regulatory.records@xcelenergy.com | Xcel Energy | 414 Nicollet Mall FL 7 Minneapolis, MN 554011993 | Electronic Service | No | OFF_SL_22-212_C-22-212 |