

April 26, 2022

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101

RE: **Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E017/M-21-612

Dear Mr. Seuffert:

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

Otter Tail Power Company's 2021 Integrated Distribution Plan

As allowed by the comment opportunities set forth in the Minnesota Public Utilities Commission's (Commission) November 15, 2021 *Notice of Comment Period In the Matter of Distribution System Planning for Otter Tail Power Company*, the Department provides the attached reply to Otter Tail Power Company's Reply Comments and further clarification and justification of the recommendations forwarded by the Department in our March 22, 2022 Initial Comments.

The Department recommends that the Commission accept Otter Tail Power Company's 2021 Integration Distribution Plan. The Department is available for any questions the Commission may have.

Sincerely,

/s/ MATTHEW LANDI
Rates Analyst

/s/ CHRISTOPHER WATKINS
Rates Analyst

ML/CW/ja
Attachment



Before the Minnesota Public Utilities Commission

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

Docket No. E017/M-21-612

I. INTRODUCTION

On November 1, 2021, Otter Tail Power Company (OTP, or the Company) filed its 2021 Integrated Distribution Plan (2021 IDP)¹ as required by the Minnesota Public Utilities Commission (Commission) in its September 9, 2020 Order in Docket No. E017/M-19-693 (the 2020 Order).²

On November 15, 2021, the Commission issued a *Notice of Comment Period In the Matter of Distribution System Planning for Otter Tail Power Company* (Notice). The Commission's Notice seeks comments on the issue of whether the Commission should accept or reject Otter Tail Power Company's 2021 Integrated Distribution Plan (IDP).

The Commission's Notice also identifies five topics open for comment, which are as follows:

1. Should the Commission accept or reject Otter Tail Power's Integrated Distribution Plan (IDP)?
2. Does the IDP filed by Otter Tail Power achieve the planning objectives outlined in the filing requirements as amended by the Commission's November 2, 2020 Order? [footnote omitted]
3. What IDP filing requirements provide the most value to the process, and why?
4. Are there filing requirements that are not information and/or should be deleted or modified, and why?
5. Are there other issues or concerns related to this matter?

¹ Otter Tail Power Company 2021 IDP Report (OTP 2021 IDP), Docket No. E017/M-21-612. November 1, 2021. Accessed at (PUBLIC):

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={D0F0DC7C-0000-C23D-BA48-B6CEBE6E360D}&documentTitle=202111-179391-02>.

² *In the Matter of Otter Tail Power's 2019 Integrated Distribution System Plan*, Docket No. E017/M-19-693 (2019 IDP). ORDER ACCEPTING INTEGRATED DISTRIBUTION PLAN AND MODIFYING FILING REQUIREMENTS. September 9, 2020.

Accessed at:

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={00927374-0000-C61B-8B4C-13612EB4F4A7}&documentTitle=20209-166480-01>.

On March 22, 2022, the Minnesota Department of Commerce, Division of Energy Resources (Department) submitted Initial Comments in this proceeding. On April 15, 2022, OTP submitted utility reply comments in response to the Department's Initial Comments.

II. DEPARTMENT ANALYSIS

A. *RESPONSE TO OTTER TAIL POWER COMPANY REGARDING THE GUIDANCE DOCUMENT AND THE IDP*

The Department reviewed OTP's reply comments and appreciates the opportunity to offer clarity and a response to the Company's concerns regarding the Guidance Document, a report issued by Synapse Energy Economics, Inc. (Synapse) on February 9, 2022 attached to the Department's Letter filed in the instant proceeding and several other related distribution system planning and grid modernization proceedings.³

1. *The Guidance Document is Responsive to the Commission's Request for Guidance Regarding Grid Modernization Investments and is Applicable to Otter Tail Power Company*

As the Department's Letter explains, the Department retained Synapse in response to the Commission's September 27, 2019 Order in Docket No. E002/M-17-797.

Order Point No. 10 of the Commission's September 27, 2019 Order requested the following:⁴

10. The Commission requests that the Commissioner of Commerce seek authority from the Commissioner of Minnesota Management and Budget to incur costs for specialized technical professional investigative services under Minn. Stat. § 216B.62, subd. 8, to investigate the potential costs and benefits of grid modernization investments proposed for recovery by Xcel in its next rate case or

³ *In the Matter of Northern States Power Company d/b/a Xcel Energy's Petition for Approval of the Transmission Cost Recovery Rider Revenue Requirements for 2021 and 2022, Tracker True-up and Revised Adjustment Factors*, Docket No. E002/M-21-814. Department's Letter. February 9, 2022. The Department's Letter was also cross-filed in the instant proceeding. Accessed at:

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={E09BE07E-0000-CB2C-85E2-91C3122300BD}&documentTitle=20222-182633-05>.

⁴ *In the Matter of the Petition of Northern States Power Company for Approval of the Transmission Cost Recovery Rider Revenue Requirements for 2017 and 2018, and Revised Adjustment Factor*, Docket No. E002/M-17-797, ORDER AUTHORIZING RIDER RECOVERY, SETTING RETURN ON EQUITY, AND SETTING FILING REQUIREMENTS (September 27, 2019) (2017-2018 Xcel TCR Rider Order), Order Point No. 10. Accessed at:

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={90C2736D-0000-C01D-9089-5F9E7FB89DA6}&documentTitle=20199-156134-01>.

TCR filing and to assist the Department in providing recommendations to the Commission regarding any such investments.

The Department selected Synapse to provide such services and recommendations. In view of the ongoing and significant investment proposals made by Xcel and other utilities, and the likelihood that utilities will continue proposing similar investments, the Department sought to work with Synapse to review the landscape of grid modernization investments in Minnesota and develop a uniform, consistent approach to review all such investments.

The Guidance Document was borne out of this effort and incorporates the filing requirements and principles of benefit-cost analysis from the Commission's September 27, 2019 Order in Docket No. E002/M-17-797 and July 23, 2020 Order in Docket No. E002/M-19-666. Fundamentally, the Guidance Document is a synthesis of these Commission Orders and elucidates many of these filing requirements and principles to adhere to established best practices for conducting of economic analysis of grid modernization investments. Further, the Department's Letter explains that the Guidance Document's filing requirements are applicable across each of the Grid Modernization Pathways and provides needed specificity on how to provide benefits and costs where the Commission has not articulated with precision what information is needed.

The Guidance Document's applicability to utility grid modernization proposals is a recognition of the nature of conducting economic evaluations: the principles of this benefit-cost analysis (BCA) apply generally, and there is not a theoretical reason to differentiate between utilities or the regulatory proceedings grid modernization are proposed in. While there are important differences between utilities, and further differences still between the Grid Modernization Pathways as described in the Department's Letter, the BCAs used to support utility proposals need not be differentiated.

The Department notes that the Company proposed to establish an Electric Utility Infrastructure Cost (EUIC) Rider in Docket No. E017/M-21-382.⁵ That matter is currently pending before the Commission. The Department's Letter explains that the EUIC Rider is Path 3 of the Grid Modernization Pathways, as Minn. Stat. §216B.1636 (the EUIC Rider Statute) creates a regulatory pathway for utilities to propose grid modernization investments. The Guidance Document is intended to be applicable to utility grid modernization investments that are proposed through EUIC Rider petitions.

⁵ Petition to Implement an Electric Utility Infrastructure Cost Recovery Rider Rate under Otter Tail's Rate Schedule 13.11 (OTP EUIC Rider). *In the Matter of Otter Tail Power Company's Petition to Implement Electric Utility Infrastructure Cost Recovery Rider for Advanced Metering Infrastructure / Outage Management System / Demand Response System, Rate Schedule 13.11.* Docket No. E017/M-21-382. June 7, 2021. Accessed at (PUBLIC): <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={603CE879-0000-CB17-BCC0-F256CF1C134F}&documentTitle=20216-174849-01>.

In other words: the Guidance Document is applicable to the Company, and the BCAs conducted by Otter Tail Power in support of any grid modernization investments proposed in its EUIC Rider and/or a general rate case can and should adhere to the Guidance Document.

However, as the Department explained in its Response Comments in OTP's EUIC Rider proceeding, while the Guidance Document is directly relevant to OTP's EUIC Rider petition, because it was not available to OTP before the Company filed its petition and its January 18, 2022 Reply Comments, and because the Commission has not had an opportunity to explicitly order the Company to adhere to its requirements, the Department did not have an expectation that the Company's EUIC Rider petition and the Company's Reply Comments should be responsive to the Guidance Document.

The Department addressed the applicability of the Guidance Document to Otter Tail Power and future EUIC Rider petitions in the Department's Response Comments in OTP's EUIC Rider proceeding.⁶ The Department provides additional information regarding the Guidance Document, its applicability to OTP's IDP and EUIC Rider petitions, and the Department's goals for grid modernization in more detail below.

2. *The Department is Not Proposing that Utility Integrated Distribution Plans be Subject to Prudency Review*

The Company stated that "the review and tracking outlined in the Guidance Document is best fit during a recovery request rather the informational filing of the IDP."⁷ The Department understands the Company's concerns and agrees that the IDP is at its core a planning document, not a cost recovery docket. The Department supports this approach to distribution system planning at this time and for the reasonably foreseeable future.

The Department is not proposing a prudency assessment of utility IDPs. The Department has not contemplated a future for IDPs that involves prudency assessment of distribution planning, operations, and spending, and is unequivocally **not** proposing that here.

IDPs are intended to address the information asymmetry between utilities and stakeholders. IDPs are in nascent development and are iterative in nature as regulators and stakeholders learn more about how utilities approach distribution system planning, spending, and operation, as utility processes evolve in response to regulatory mandates and goals, and as new technologies and opportunities

⁶ Department Response Comments, OTP EUIC Rider. April 19, 2020. Accessed at (PUBLIC): <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={E0264780-0000-C01A-96A5-B0FDF50AD54A}&documentTitle=20224-184927-02>.

⁷ OTP 2021 IDP Reply Comments, at 5. April 15, 2022. Accessed at: <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={503E2F80-0000-C216-AE9A-EBA6EB6EA3C0}&documentTitle=20224-184826-01>.

impact the distribution system. They are no different than other more recently developed planning documents such as TEPs (Transportation Electrification Plans), in that utilities and parties have a shared understanding that they are iterative, a planning tool, and encourage transparency.

As explained below, the Department is not suggesting broad application of the Guidance Document to the review of IDPs, evaluating the cost-effectiveness of all utility distribution system spending, or holding utilities accountable to cost estimates of their projected distribution system spending. The Guidance Document's relation to IDPs is limited only to the quality, type, and consistency of information made available by utilities in their IDPs in discussing grid modernization plans and investments as required by IDP Filing Requirement 3.D.

Further, as explained in the Department's Letter, the Department's Initial Comments, and in further detail in these Reply Comments, the Guidance Document is not proposed out of whole cloth: it is derived directly from and is a distillation of Commission Orders, information from multiple valuable stakeholder processes in regulatory proceedings dating back to 2015, and Synapse's expertise in economic evaluation of grid modernization investments in other jurisdictions around the U.S. The Department seeks to leverage this to facilitate the creation of a review process of grid modernization plans and investments that promotes the public interest, which the Department discusses in more detail below.

3. The Department Seeks the Orderly Development of Utility Grid Modernization Investments Using Elements of Established Regulatory Paradigms in Minnesota

The Department's goal with the Guidance Document is the orderly development of utility grid modernization investments using elements of established regulatory paradigms in Minnesota that have resulted in outcomes that benefit the state of Minnesota, utility ratepayers, and utilities.

The Department's Letter and March 22, 2022 Comments in the instant proceeding discuss those regulatory paradigms: utility IRPs/MISO transmission planning processes and CN petitions.

The Department views utility IDPs and grid modernization as in many ways a parallel regulatory paradigm to utility IRPs/MISO transmission planning and CN petitions, in structure and in outcome. Articulating this parallel is not indicative of an intention or a goal to transform utility IDPs into utility IRPs.

The Department's invocation of the IRP-CN and MISO transmission planning-CN connection in the context of utility IDPs and grid modernization is instead intended to suggest that there are elements of those regulatory paradigms that have demonstrably led to an orderly development of energy resources in the state of Minnesota that have benefitted all parties. The Department's position is simple: in principle, those elements—articulated in more detail below—can and should be transcribed to the IDP-grid modernization context.

As the Department's Letter explained:

The IRP process in Minnesota and the transmission planning processes that occur at Midcontinent Independent System Operator (MISO) are deliberate, complex, and thoroughly reviewed planning processes that can culminate in a utility proposal to address needs identified, whether the need is for a new generating resource or a new transmission line.

Once a general need is established in the IRP process or at MISO, utilities propose specific projects subject to clear, well-defined Minnesota Rules that establish a standard of review that require utilities to consider alternatives and demonstrate that the least-cost option has been selected, and often, a project is approved in part based upon a finding that it will result in net benefits to utility ratepayers and society.

Similarly, a utility IDP is a planning process that accounts for expected changes over a long-term period and leads to the identification of utility proposals to respond to distribution system needs.⁸ In the context of grid modernization, utilities are required to develop long-term plans that account for forecasts of distributed energy resource adoption, the distribution system's ability to facilitate DER adoption (hosting capacity analysis), and the alternatives to traditional investments that a utility can make to address the needs of its distribution system (non-wires alternatives analysis). These plans require utilities to discuss and consider investment options that respond to those needs and should culminate in the identification of specific investments that a utility plans to make in response to those needs.

The missing element of the IDP-grid modernization process is what is present in the IRP and MISO transmission planning process: a clear, well-defined next step to review and evaluate specific investment proposals that includes a clear, well-defined standard of review through which stakeholders can assess the merits of the investment and the Commission can use to approve or deny investments.

IRPs and MISO transmission planning processes lead to CN proceedings where a utility, independent power producer, or transmission line owner files a CN petition and proposes specific investments to respond to needs identified in the IRP or MISO transmission planning processes. They are subject to myriad Minnesota Statutes and Rules that have been applied for decades, which has resulted in a comprehensive standard of review of these investments over time. The CN process generally requires the petitioner to articulate the connection between the relevant planning process and to demonstrate

⁸ IDP Filing Requirement 3.D. Long-Term Distribution System Modernization and Infrastructure Investment Plan.

that its specific investment proposal is a reasonable and prudent investment decision responsive to the needs identified in the planning process and in the public interest.

At a high level, the regulatory paradigm for CN petitions has three key principles that the Department has an interest in applying to grid modernization investment proposals in Minnesota:

1. Principle 1: Information Threshold. All parties, including utilities and energy resource developers, have a clear understanding of the quality and type of information a CN petition should contain to facilitate the evaluation of the proposed project's reasonableness;
2. Principle 2: Evaluation Methods. All parties have a clear understanding of how to evaluate CN petitions; and
3. Principle 3: Standard of Review. All parties have a clear understanding of the standard of review to apply to the CN petition and the decision criteria that the Commission will use in determining whether to grant a CN and approve the proposed project.

The Department is concerned that these three key principles are not sufficiently developed in the context of evaluating proposed utility grid modernization investments. The Department's goal is to facilitate the creation of a similar paradigm for IDPs and grid modernization in Minnesota informed by these regulatory best practices developed over the course of decades in CN proceedings so that the orderly development of utility grid modernization investments in response to emergent, novel technologies and customer preferences can proceed in a way that promotes the public interest.

4. *The Guidance Document Synthesizes Related Commission Orders and Creates a Framework for Economic Evaluation of Utility Grid Modernization Investments*

The Department offers the Guidance Document as a path forward in creating a similar regulatory paradigm, and notes that it addresses Principles 1 and 2 of the CN petition regulatory paradigm. The Guidance Document's Initial Filing Requirements applies to any utility grid modernization proposal and creates a clear expectation of the quality and type of information that utilities need to provide when grid modernization investments are proposed. The Guidance Document also provides a methodological framework for conducting economic evaluation of grid modernization investments, which offers clear methods for stakeholders to review such investments and requirements for a utility regarding the information required to support and justify the proposed grid modernization investment.

As noted above, the Guidance Document incorporates the filing requirements and principles of benefit-cost analysis from the Commission's September 27, 2019 Order in Docket No. E002/M-17-797 (September 27, 2019 Order) and July 23, 2020 Order in Docket No. E002/M-19-666 (July 23, 2020 Order).

Structurally, Section 2 of the Guidance Document synthesizes the Commission's evaluation principles from the Commission's September 27, 2019 and July 23, 2020 Orders, and builds on these principles by incorporating important information regarding best practices of benefit-cost analysis and economic evaluation of utility grid modernization investments (unless otherwise noted, all referenced Order Points are from the Commission's September 27, 2019 Order):

- **Section 2.1 Principles for Grid Modernization Evaluation:** incorporates the eleven principles from Order Point 9.B.4.d;
- **Section 2.2 Articulating the Goals of Grid Modernization:** incorporates Order Point 9.A.1.c;
- **Section 2.3 Choosing an Evaluation Methodology:** incorporates Order Point 9.A.4;
- **Section 2.4 Defining the Reference Scenario and the Investment Scenario:** incorporates Order Point 9.A.2 and Order Point 9.B.2.c;
- **Section 2.5 Accounting for Costs and Benefits:** incorporates Order Point 9.A.1, 3, and 4, and Order Point 9.B.2.a, and Order Point 10.a of the July 23, 2020 Order;
- **Section 2.6 Establishing Metrics:** incorporates Order Point 8 and the "Clear and Convincing Evidence Standard" of the July 23, 2020 Order, as well as the Department's December 2020 Report;
- **Section 2.8 Determining Discount Rates:** incorporates Order Point 9.B.1; and
- **Section 2.9 Considering Customer Equity:** incorporates Order Point 9.B.2.d.ix.

To a greater extent, Section 3 of the Guidance Document (Initial Filing Requirements) incorporate and expands upon the Commission's September 27, 2019 and July 23, 2020 Orders. Additionally, the Initial Filing Requirements incorporate the Commission's Integrated Distribution Plans (IDP) Planning Objectives and Filing Requirements in relevant places, adopted in the Commission's August 30, 2018 Order in Docket No. E002/M-18-251 for Xcel Energy⁹ and the Commission's February 20, 2019 Order in Docket No. E017/CI-18-253 for Otter Tail Power Company¹⁰ (and as modified by the Commission's July 23, 2020 Order and the 2020 Order).

⁹ *In the Matter of Distribution System Planning for Xcel Energy*. ORDER APPROVING INTEGRATED DISTRIBUTION PLANNING FILING REQUIREMENTS FOR XCEL ENERGY. Docket No. E002/CI-18-251. August 30, 2018. Accessed at: <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={F05A8C65-0000-CA19-880C-C130791904B2}&documentTitle=20188-146119-01>.

¹⁰ *In the Matter of Distribution System Planning for Otter Tail Power Company*. ORDER ADOPTING INTEGRATED-DISTRIBUTION-PLAN FILING REQUIREMENTS. Docket No. E017/CI-18-253. February 20, 2019. Accessed at: <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={A0DA0B69-0000-C13C-8023-6B0911F35D22}&documentTitle=20192-150449-02>.

Section 3's Initial Filing Requirements are derived from Commission Orders as follows (unless otherwise noted, all referenced Order Points are from the Commission's September 27, 2019 Order):

- **Section 3.1 Plans Should Be Based on Long-Term Planning:** incorporates the Commission's IDP Order;
- **Section 3.2 Proposals Should Identify the Roles and Relationships of the Components:** incorporates Order Point 9.A.1.a-d, 9.A.2, and 9.B.2.c;
- **Section 3.3 Proposals Should Justify the Evaluation Scope:** incorporates Order Point 9.A.4;
- **Section 3.4 Evaluation Methods Should Be Thoroughly Detailed in the Proposal:** incorporates Order Point 9.A and 9.B in numerous parts;
- **Section 3.5 Proposals Should Specify Metrics and Targets:** incorporates Order Point 9.B.2, Order Point 8 of the July 23, 2020 Order and the Department's December 2020 Report; and
- **Section 3.6 Proposals Should Clearly Present All Results:** incorporates Order Point 9.B.2.b and 9.B.2.d, and Order Point 10.b of the July 23, 2020 Order.

The Guidance Document is intended to create a framework for the economic evaluation of utility grid modernization investments in Minnesota so that review of such investments is uniform regardless of the utility proposing the investment or the regulatory venue in which the investment is proposed.

The Guidance Document provides a flexible and non-prescriptive framework that serves as a guardrail for utility grid modernization investments. It can assist the Department, the Commission, stakeholders, and utilities by providing clear expectations regarding the nature of the evidence that utilities need to provide to support and justify proposed grid modernization investments and the quality of economic analysis that utilities need to conduct to justify investments, as well as economic evaluation methods to use to the review of grid modernization investments. This framework addresses principles one (information threshold) and two (evaluation methods) of the CN petition regulatory paradigm.

The EUIC Rider Statute (Path 3 of the Grid Modernization Pathways) creates statutory criteria for approval of projects proposed in EUIC Rider petitions and addresses the third principle (standard of review).

The Department addresses the Guidance Document's role in review of EUIC Rider petitions in the next section.

5. *The Guidance Document and the EUIC Rider Statute*

As discussed above, the Company proposed the creation of an EUIC Rider in Docket No. E017/M-21-382 and sought the approval of three grid modernization projects: (1) Advanced Metering Infrastructure (AMI); (2) Outage Management System (OMS) Project; and (3) a Demand Response (DR) System.¹¹ This matter is currently pending before the Commission, but the Company agreed to withdraw its request for the DR System in its January 18, 2022 Reply Comments.¹² The Department expects that the Company will propose the DR System in a future EUIC Rider petition.

As such, it is important to comport the Guidance Document with the EUIC Rider Statute. Here, the Department explains how that could occur and notes that this explanation is consistent with the Department's recommended approach in the Company's EUIC Rider proceeding.

The EUIC Rider Statute specifies five requirements for approval:

1. The rider must only include costs that were not in the utility's rate base in the Company's most recent general rate case, per Minn. Stat. §216B.1636 subd. 1(b);
2. The utility must show that the associated projects increase energy conservation or efficiency, consistent with Minn. Stat. §216B.241, subd. 1c, by replacing or modifying existing electric utility infrastructure, per Minn. Stat. §216B.1636, subd. 1(c);
3. The utility must not have submitted another request under Minn. Stat. §216B.1636 at any other time the year it files its petition, per Minn. Stat. §216B.1636, subd. 2(b)(1);
4. The utility must submit all required information required under Minn. Stat. §216B.1636 subd. 2(b)(2); and
5. The utility must show that the rider is in the public interest by, at minimum, providing a justification of the proposed rate design, per Minn. Stat. §216B.1636, subd. 2(b)(2)(v), and a benefit-cost analysis (BCA) of the project, per Minn. Stat. §216B.1636, subd. 2(b)(2)(xi).

¹¹ OTP's EUIC Rider Petition, at 1.

¹² OTP's EUIC Rider Petition Reply Comments, at 8. January 18, 2022. Accessed at (PUBLIC): <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={50286F7E-0000-C533-8765-F5466008C6DE}&documentTitle=20221-181665-02>.

Taken together, these five statutory requirements provide a clear standard of review for EUIC Rider petitions: if the utility demonstrates that its EUIC Rider petition satisfies all five requirements, then the Commission “may approve an electric utility’s petition for a rate schedule to recover EUIC under this section.” This standard of review satisfies the third principle of the CN regulatory paradigm: it provides all parties with a clear understanding of what the Commission will consider in its decision to approve or deny a project that is proposed through a EUIC Rider.

The Department suggests that the Guidance Document is directly relevant to the BCA required by Minn. Stat. §216B.1636, subd. 2(b)(2)(xi), which states:

(2) an electric utility must file sufficient information not satisfy the commission regarding the proposed EUIC or be subject to denial by the commission. The information includes, but is not limited to:

...

(xi) a cost benefit analysis showing that the electric utility infrastructure project is in the public interest.

This requirement does not establish what a utility must provide in its BCA to demonstrate that a project is in the public interest. The Department submits that the Guidance Document does just that.

The Guidance Document’s methodological framework for conducting BCA of utility grid modernization proposals (Section 2), the initial filing requirements for a utility grid modernization proposal (Section 3), and the ongoing reporting requirements (Section 4) all lay out in principle and specifically the quality and type of information that a proposed utility grid modernization should consist of in order to evaluate whether it is in the public interest.

The Department’s recommendations in the Company’s EUIC Rider proceeding are consistent with the following recommendation regarding the applicability of the Guidance Document to future EUIC Rider petitions if the Commission supports the Department’s position:

The Department recommends that the Commission require Otter Tail Power Company to provide BCA information consistent with Section 2 of the Guidance Document (Grid Modernization Evaluation Framework), comply with Section 3 of the Guidance Document (Initial Filing Requirements), and propose an annual report of approved projects consistent with Section 4 of the Guidance Document (Ongoing Reporting Requirements) in future EUIC Rider proceedings for any projects that the Commission approves in those proceedings.

However, the Department is open to further stakeholder process should the Commission determine that it is prudent. The Department is also happy to meet with the Company to discuss the Guidance Document. The Department discusses this in more detail in Section 7 below.

6. *The Guidance Document in the Context of Utility IDPs*

The Department's goal for the Guidance Document in the context of utility IDPs is for utilities to provide benefit-cost analysis information of grid modernization investments as required by IDP Filing Requirement 3.D consistent with the Guidance Document. As the Department expressly stated in Initial Comments, the Department "is not recommending any modifications of IDP Filing Requirements related to the provision of BCA information but will monitor future IDPs to ensure that Otter Tail Power and utilities are providing BCA information consistent with the Guidance Document's prescriptions."¹³

The Department's invocation of the Guidance Document in the context of utility IDPs is limited to IDP Filing Requirement 3.D and relates to the quality, type, and consistency of information that utilities are required to provide.

The quality of information provided in utility IDPs regarding grid modernization plans and investments should be detailed enough to allow for stakeholders and the Commission to understand the utility's plans and proposed investments. Section 2 of the Guidance Document provides insight and information related to the quality of information required for economic evaluation of grid modernization investments.

The type of information provided in utility IDPs regarding grid modernization plans and investments should be of the type and character of information that the Guidance Document argues is necessary to enable the economic review of a utility's grid modernization plans and investments. Sections 2 of the Guidance Document also provides insight and information related to the type of information required for economic evaluation of grid modernization investments.

The consistency of information provided in utility IDPs regarding grid modernization plans and investments relates to the connection between utility IDPs and specific grid modernization investment proposals: information provided in utility IDPs should be consistent with information provided in specific grid modernization investment proposals (with appropriate caveats, as explained further below).

The Department's goal in this connection is to tie utility IDPs directly to utility grid modernization proposals: a utility's proposal for a specific grid modernization investment should be discussed in a utility's IDP so that the grid modernization investment can be proactively understood and stakeholders have a meaningful opportunity to influence a utility's grid modernization plans.

¹³ Department's Initial Comments, at 28.

This is in line with the planning function of IRPs and the impact of IRP proceedings on CN petitions: an opportunity to review information and plans in an IRP lends itself to a more efficient review process in a CN petition. Xcel Energy's March 22, 2022 Reply Comments in its 2021 IDP proceeding (Docket No. E002/M-21-694) correctly pointed out that a Commission's Order in an IRP constitutes "prima facie evidence which may be rebutted by substantial evidence in all other proceedings."^{14,15} To be clear: the Department is **not** recommending that a similar structure be adopted for IDPs and specific grid modernization proposals since no such rule language exists for IDPs or grid modernization proposals.

Merely, and only, the Department suggests that IDPs serve a similar planning function for grid modernization plans and proposed investments as IRPs serve for energy resource development. The planning function of an IDP can and should lend itself to the review of a specific grid modernization proposal once a utility files a petition such as the Cooperative's AGi Rider petition, similar to the planning function of an IRP.

a. Quality and Type of Information

IDP Filing Requirement 3.D requires utilities to propose a long-term plan for its distribution system, including a 5-Year Action Plan that requires utilities to provide specific information regarding its near-term investments. This plan is required to consist of information that helps stakeholders and the Commission understand forthcoming, specific utility investment proposals. The information required should be objective, transparent, and include sufficient detail to assess whether the utility's forthcoming proposals have merit.

The type and quality of information that a utility provides in response to this IDP Filing Requirement can be informed by the Guidance Document. The Guidance Document is organized in three main parts: Section 2: Grid Modernization Evaluation Framework; Section 3: Initial Filing Requirements; and Section 4: Ongoing Reporting Requirements.

Section 2 is most directly applicable to IDP Filing Requirement 3.D because it prescribes a framework for evaluating grid modernization proposals: its prescriptions include the type and quality of information necessary to evaluate a utility's grid modernization investments. For instance, IDP Filing

¹⁴ Xcel Energy's 2021 Integrated Distribution Plan. Docket No. E002/M-21-694. Reply Comments, at 9. March 22, 2022. Accessed at:

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={201CB37F-0000-C01B-BE48-5A0ADB2A1569}&documentTitle=20223-184060-01>.

¹⁵ Minn. Stat. §216B.2422, subd. 2(b). Accessed at:

<https://www.revisor.mn.gov/statutes/cite/216B.2422#stat.216B.2422.2>.

Requirement 3.D(iii) requires utilities to provide its analysis of alternatives to its forthcoming investment proposal(s).¹⁶ Sections 2.4 and 2.5 of the Guidance Document have clear prescriptions of the quality and type of information needed in order to evaluate forthcoming investments and its alternatives.

To illustrate, information provided in response to IDP Filing Requirement 3.D(iii) should include the following: (1) a reference scenario and investment scenario(s) (Section 2.4); (2) supporting information a utility relied on to develop its plans and the alternatives that were considered (Section 2.4.1); (3) the costs and benefits of reference and investment scenario(s) should be reported in appropriate units, including the net benefits of each so they can be compared directly (Sections 2.4.2 and 2.5.2-2.5.4); and (4) the cost-effectiveness test/BCA test used by the utility to evaluate the reference and investment scenario(s) (Section 2.5.1).

Sections 3 and 4 of the Guidance Document more directly relate to a specific grid modernization investment proposal, such as the Company's EUIC Rider petition. The content of future EUIC Rider petitions should include information consistent with those Sections, but the utility can and in some cases should provide information consistent with these Sections in its 5-Year Action Plan so that the information is consistent between the *plan* and the *proposal* to the extent practicable, as described more below.

b. Consistency of Information

Upon a utility filing a specific grid modernization investment proposal that was first articulated in the utility's IDP 5-Year Action Plan, the information provided in the investment proposal filing should be consistent with the information provided in the 5-Year Action Plan, with the understanding that a utility's grid modernization *proposal* may differ from a utility's grid modernization *plan* based on project-specific circumstances on a case-by-case basis and directly as a result of feedback and stakeholder recommendations regarding its grid modernization plan. Consistent information between plans and proposals aids the proposal's review process and can help expedite review, similar to how certificate of need proceedings' review process is impacted when the proposed project is part of a utility's IRP.

¹⁶ The Department notes that the sub-requirements of IDP Filing Requirement 3.D are not enumerated and instead appear as a bulleted list. The Department enumerates these sub-requirements as lowercase Roman numerals so that they are more easily referred to in the analysis that follows. IDP Filing Requirement 3.D(iii) states:

Alternatives analysis of investment proposal: objectives intended with a project, general grid modernization investments considered, alternative cost and functionality analysis (both for the utility and the customer), implementation order options, and considerations made in pursuit of short-term investments. The analysis should be sufficient enough to justify and explain the investment.

c. Completeness Reviews of Utility Grid Modernization Proposals

The Guidance Document relates to the quality, type, and consistency of information utilities are required to provide in response to IDP Filing Requirement 3.D and in utility grid modernization investment proposals. The Guidance Document will greatly benefit the review process of these proposals by creating clear informational requirements that are understood by all parties.

A completeness review of utility filings in the context of Certificate of Need petitions is an interim step that allows parties to determine whether a CN petition has provided information necessary for parties to reach the merits of the petition. To be clear: the Department is **not** recommending the same completeness review process for certification requests at this time due to the statutory deadline for Commission action and the limited time for review.

Rather, the Department is merely suggesting that if information in IDPs and utility grid modernization investment proposals adhere to the Guidance Document in terms of the quality, type, and consistency of information, then the review process of the proposal overcomes an informational barrier and can largely avoid an interrogative process that can require significant analytical resources.

The Department views this as a threshold issue in evaluating a grid modernization investment proposal: has the utility provided information necessary and sufficient to complete the public record? In other words, do parties have the *quality* and *type* of information that the Guidance Document identifies is required to evaluate the merits of a utility's grid modernization investment proposal? Information contained in the proposal should be *consistent* with the information contained in the IDP where that proposal is discussed.

d. Threshold for Analysis

The Company recommended a cost threshold for analysis of proposed grid modernization investments of \$10 million, indicating that "such a threshold would avoid committing extensive ratepayer resources, including hiring additional third-party consultants to perform analysis on projects that wouldn't require it."¹⁷

The Department does not support a cost threshold for analysis of proposed grid modernization investments. For grid modernization projects that the Company expects to request cost recovery of in its EUIC Rider or in a general rate case, the BCA information provided in those filings should adhere to the Guidance Document. When those projects and/or plans for grid modernization are discussed in the context of IDP Filing Requirement 3.D, the Company should provide BCA information consistent with the Guidance Document.

¹⁷ OTP 2021 IDP Reply Comments, at 5.

It is unclear whether a minimum cost threshold or a minimum grid modernization project capability threshold is appropriate to trigger BCA information requirements consistent with the Guidance Document, but the Department maintains, at base, that any proposed project included by the Company in its EUIC Rider should include the quality and type of BCA evaluation and information that the Guidance Document calls for, and that information should be consistent with the information contained in the IDP where that proposal is discussed.

7. The Department Supports and Expects Ongoing Evaluation of the Guidance Document Through Stakeholder Feedback and Engagement

The Company expressed a desire for further dialog with the Department to obtain additional clarity around the use and applicability of the Guidance Document.

The Department is happy to meet with the Company and discuss the Guidance Document, goals for utility grid modernization, and any other topics that the Company wishes to discuss in further detail.

The Department notes and emphasizes that there has been an extensive stakeholder process over the years with regards to utility distribution system planning and grid modernization. The Commission's comment-and-reply comment process is fundamentally a stakeholder process that provides the public with an opportunity to participate, affords every participant with due process rights, and creates a public record upon which Commission decisions are made.

The Guidance Document was developed by Synapse after careful, exhaustive review of several regulatory proceedings regarding utility distribution system planning and grid modernization investments, as described in the table below.

Table 1. Minnesota Utilities' Distribution System Planning and Grid Modernization Proceedings

Docket Number	Description	Docket Number	Description
E999/CI-15-556	Commission Investigation into Grid Modernization	E002/M-19-666	Xcel 2019 IDP and AGIS Certification Request
E002/M-15-962	Xcel 2015 Grid Modernization Report	E017/M-19-693	Otter Tail Power 2019 IDP
E002/M-17-776	Xcel 2017 Grid Modernization Report	E015/M-19-694	Minnesota Power 2019 IDP
E002/M-17-797	Xcel 2017-2018 TCR Rider Petition	E111/M-19-674	Dakota Electric Association 2019 IDP
E111/M-17-821	Dakota Electric Association Electric Utility Infrastructure Cost (EUIC) Rider (Advanced Grid Infrastructure (AGI) Rider) Petition	E017/M-21-382	Otter Tail Power EUIC Rider Petition
E002/CI-18-251	Distribution System Planning for Xcel Energy	E002/M-19-721	Xcel 2019-2020 TCR Rider Petition
E017/CI-18-253	Distribution System Planning for Otter Tail Power Company	E002/M-21-694	Xcel 2021 IDP and DI/RMP Certification Requests
E015/CI-18-254	Distribution System Planning for Minnesota Power	E002/M-21-814	Xcel 2021-2022 TCR Rider Petition
E111/CI-18-255	Distribution System Planning for Dakota Electric Association		

Regardless, the Department notes utility interest in additional stakeholder discussion. Generally, the Department supports additional stakeholder processes that would lend itself to a uniform approach to economic evaluation of utility grid modernization investments. The Department welcomes stakeholder feedback regarding the Guidance Document and expects that the Guidance Document, much like IDPs themselves, will change over time to reflect new information and understandings.

The Department is not opposed to refinements of the Guidance Document and in fact, encourages stakeholders to offer suggestions regarding best practices for evaluation of grid modernization investment proposals. Including the instant proceeding, the Department submitted the Guidance Document in several related regulatory proceedings:

- **Docket No. E002/M-21-814:** Xcel's 2021-2022 TCR Rider Proceeding
- **Docket No. E002/M-19-666:** Xcel's 2019 IDP and AGIS Certification Request
- **Docket No. E999/DI-20-627:** Department Stakeholder Process Informing the Report on Metrics, Performance Evaluation Methods, and Consumer Protection Conditions to be applied to Xcel Energy's Advanced Metering Infrastructure and Field Area Network Projects Certified in Docket No. E002/M-19-666
- **Docket No. E002/M-20-680:** Xcel's Compliance Filing re: the Procedural Path for Review of AMI and FAN
- **Docket No. E017/M-21-612:** Otter Tail Power's 2021 IDP
- **Docket No. E015/M-21-390:** Minnesota Power's 2021 IDP
- **Docket No. E111/M-21-728:** Dakota Electric Association's 2021 IDP

The Department issued the Guidance Document in those proceedings for the express purpose of soliciting feedback from stakeholders and utilities, and to further the Department's goal regarding the orderly development of utility grid modernization investments in Minnesota. The Department is actively considering feedback from other stakeholders—including the Company's in the instant proceeding—and commits to ongoing engagement with stakeholders and utilities and incorporation of feedback that is consistent with recommendations from Synapse.

However, the Department is concerned about the desire for additional stakeholder process before utility grid modernization investments are evaluated using the Guidance Document, given persistent resource constraints. Should the Commission desire additional stakeholder process for the Guidance Document, the Department recommends that the Commission use the existing Department Investigation proceeding in Docket No. E999/DI-20-627. While the Guidance Document is in part borne out of that proceeding and relied on extensive stakeholder feedback provided there and in many other regulatory proceedings (as described above), that regulatory venue seems most appropriate to discuss the content of the Guidance Document.

The Department appreciates the Company's concerns and reiterates our willingness to engage in further dialogue and stakeholder engagement, should the Commission determine that is prudent.

B. ANALYSIS OF OTTER TAIL POWER COMPANY'S RESPONSE TO THE DEPARTMENT'S INITIAL COMMENTS

1. Otter Tail Power's Response to Department Request for Information Regarding the Company's Investments to Address Distribution System Reliability Needs

The Department's Initial Comments requested that Otter Tail provide a narrative explanation of how the Company plans its investments to address the reliability needs of its distribution system. The Department noted a regression in SAIDI and SAIFI performance in recent years as reported by OTP in

its 2021 Safety, Reliability and Service Quality Report¹⁸ (SRSQ Report) and asked the Company to explain why its planned investments in the IDP Budget Category of “System Upgrades for Reliability and Power Quality” was being decreased in its Five-Year Action Plan.

OTP addressed this inquiry in two parts: first addressing the regression of its performance metrics in the SRSQ Report, and secondly providing an explanation of how the Company views reliability within its budgeting process generally.

In explaining the regression of performance metrics as reported in the Company’s 2021 SRSQ Report OTP referred the Department to its 2022 SRSQ Report¹⁹ for a discussion of changes to data collection and analysis processes resulting from the Company’s switch to a new Interruption Monitoring System (IMS) implemented in 2019. The 2022 SRSQ Report - which was not available to the Department when Initial Comments in the instant docket were filed - indicate that OTP realized a decrease in SAIFI, SAIDI, CAIDI, and MAIFI in 2021 when compared to 2020, reversing the trend observed by the Department informed by the 2021 SRSQ Report. The Company attributed the improved results to several reasons:

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- Ongoing system upgrades focused to improve reliability performance.
- A 2021 spring, summer, fall, that saw reduced severe weather.
- The correction to Itron’s [Major Event Days] MED calculation providing an accurate analysis of the Company’s systems’ normal operations

In its Reply Comments the Company stated that the correction in how Major Event Days are calculated and the installation of a new IMS that captures outages on three phases rather than just single phase monitoring substantially changed the volume and quality of outage data collected, making the pre- and post-2019 data sets incompatible on the same basis. The Company also noted that when the MED calculation correction was applied to historical performance the storm-normalized reliability metrics have reduced/improved in comparison to the prior report.²¹ The Company believes that the continued

¹⁸ *In the Matter of Otter Tail Power Company’s Annual Safety, Reliability and Service Quality Report and Proposed SAIFI, SAIDI, and CAIDI Reliability Standards for 2021* (2021 SRSQ Report). Docket No. E017/M-21-225. August 16, 2021. Accessed at

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={90BC507B-0000-C117-8EEE-67E64793E59C}&documentTitle=20218-177165-01>

¹⁹ Otter Tail Power Company. Safety, Reliability, and Service Quality Report for 2021: Proposed SAIFI, SAIDI, and CAIDI Reliability Standards for 2022 (2022 SRSQ Report). *In the Matter of Otter Tail Power Company’s 2021 Annual Safety, Reliability and Service Quality Report and Proposed SAIFI, SAIDI and CAIDI Standards for 2022*. Docket No. E017/M-22-159. April 1, 2022, at 13. Accessed at

<https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={00D4EF7F-0000-C21B-8E09-60EDAA6AB0F8}&documentTitle=20224-184321-01>.

²⁰ 2022 SRSQ Report, at 13.

²¹ OTP 2021 IDP Reply Comments, at 2.

maturity of current processes and the application of new technologies and capabilities will continue to provide improved results, and the Department appreciates the clarification here.

OTP explained the decrease in investment in the IDP Budget Category of “System Upgrades for Reliability and Power Quality” is a result of how certain projects are classified for IDP purposes and not a shift away from reliability in prioritization of investments. The Company emphasized that “reliability overlaps all categories of distribution spend within the IDP to varying degrees,” and specifically mentioned the system reliability benefits of completed projects currently classified as “Age-Related Replacement and Asset Renewal.”²² OTP stated that despite the subjectivity of assigning projects to IDP Budget Categories it believes that the categories themselves are reasonable and does not recommend changes to the current IDP reporting structure.

The Department appreciates OTP’s explanation of how reliability concerns are integrated into its distribution system planning, as well as how changes to its outage management and data collection enabled by the new IMS have increased the granularity of available data and required refinement of the calculation of performance metrics.

2. *Otter Tail Power’s Response to Department Request for Information Regarding Categorization of SIRI – Innovation 2030 Investments*

In Initial Comments the Department requested that OTP provide clarification of what specific projects or equipment are included in its “SIRI – Innovation 2030” initiative which was listed as having investments allocated into both IDP Budget Categories of “Age-Related Replacement and Asset Renewal” as well as “Grid Modernization and Pilot Programs.”

The Company responded by providing the following breakdown of SIRI – Innovation 2030 projects by IDP Budget Category in its Reply Comments:²³

For Asset Renewal category:

- Increased underground (UG) replacement spends
- Increased distribution pole reject spends

For Grid Modernization and Pilot Program spend:

- Trip saver pilot spends
- Electronic recloser pilot spends

²² OTP 2021 IDP Reply Comments, at 3.

²³ OTP 2021 IDP Reply Comments, at 3.

The Department appreciates the clarification and additional information regarding the Company's proposed investments in its distribution system and encourages the Company to continue to provide this level of detail in its five-year investment plans in future IDPs.

3. *Otter Tail Power's Response to Department Request for an Explanation of How the Company's 2016 PSE Report Informed Distribution System Planning and Investments*

In its Initial Comments the Department asked OTP to provide a detailed narrative of whether and how the Company used information from a 2016 Strategic Technology Plan (STP) created for the Company by Power System Engineering, Inc. (PSE) in its integrated distribution system planning efforts (PSE Report). The STP was provided to the Department in response to an Information Request (IR) in OTP's Electric Utility Infrastructure Cost (EUIC) Rider petition for cost recovery of the AMI, OMS, and DR System projects.

The Department noted the absence of any invocation of or reference to the STP in the 2021 IDP, even in those sections of the IDP that discussed those grid modernization investments that were initially proposed, evaluated, and compared to alternative investment scenarios within the PSE Report. The Department's request for further information regarding the PSE Report was borne of a desire for a more holistic understanding of how the Company has been revising and updating the projects articulated in the PSE Report over the past five years to account for changing cost estimates and new technology developments, and how the Company planned to evaluate the performance of these projects against assumptions in the PSE Report to the extent that any of the projects identified in the PSE Report have been or will be implemented by the Company.

Otter Tail responded that the PSE Report - now over five years old - contains outdated assumptions and cost data and is no longer relevant in Company investment decisions or business case scenarios. While the Company acknowledged that the PSE Report was useful in identifying and evaluating the projects proposed for cost recovery in the Company's EUIC Rider petition, the report itself did not constitute approval of the technologies or projects discussed within, and the preliminary analysis in the PSE Report was supported with more a formal BCA and project approval in advance of the EUIC filing.²⁴

The Company then explained that the PSE Report identified areas for OTP to continue to investigate and research but none of the quantitative data from the report was used in project justifications, and as such it is not relevant for verifying performance of projects in the Company's EUIC Rider petition or in IDP proceedings generally.

²⁴ OTP 2021 IDP Reply Comments, at 4.

The Department appreciates the additional information and explanation of the organizational framework within which the PSE Report was used to make business case decisions for how to modernize OTP's distribution system with investments in new technologies and service offerings. The Department now understands the importance and relative limitations of the PSE Report and encourages the Company to provide any updated evaluations or analysis conducted internally or by consultants regarding projects introduced in the PSE Report in future IDP filings. The information and analysis in the PSE Report, while in need of updating, is exactly of the quality and type of information desired by the Department to facilitate analysis of the Company's grid modernization proposals presented in the Company's IDP in response to IDP Filing Requirement 3.D in accordance with the Guidance Document filing requirements, as discussed generally in Section II.A.6 above. The Department discusses more specific concerns with the Company's grid modernization plans in Section II.C.2 below.

4. *Otter Tail Power's Response to Department Request for Additional Information Regarding Customer-Facing Grid Modernization Technologies*

In Initial Comments the Department requested that OTP provide additional information in future filings regarding customer-facing utility offerings and programs enabled by new investments in grid modernization, to include the following: ²⁵

- Internal benefit-cost analyses for reference and investment case scenarios, including reasonably known and analyzed alternatives;
- Assumptions and data supporting the projected customer participation rates;
- Sensitivity analysis for varying rates of adoption of proposed programs; and
- Discussion of how the proposed customer-facing utility offerings and programs may interact with existing or proposed Conservation Improvement Plan or Next Generation Energy Act programs.

The Department sought this additional level of detail and data in order to be better able to independently verify the reasonableness of the Company's proposed investments in projects and technologies designed to address customer expectations while presented as being responsive to – or enabling of – state energy policy goals. OTP responded in its Reply Comments that it is not opposed to the idea of discussing these customer-facing offerings in future filings, but believe that “further discussion around what defines a customer-facing offering as well as how to evaluate these offerings through a joint Otter Tail and DOC meeting(s) would be helpful before adopting this recommendation.”²⁶

²⁵ Department Initial Comments, at 15.

²⁶ OTP 2021 IDP Reply Comments, at 5.

As a preliminary matter, the Department notes that these recommendations were made to emphasize and support existing Commission-approved Filing Requirements related to grid modernization proposals included in the Cooperative's 5-year Action Plan, specifically the following sub-topics under IDP Filing Requirement 3.D to be discussed as appropriate, and to include at a minimum:²⁷

- 3.D.1.ii. Grid Architecture: Description of steps planned to modernize the utility's grid and tools to help understand the complex interactions that exist in the present and possible future grid scenarios and what utility and customer benefits that could or will arise [citation omitted].
- 3.D.1.iii. Alternatives analysis of investment proposal: objectives intended with a project, general grid modernization investments considered, alternative cost and functionality analysis (both for the utility and the customer), implementation order options, and considerations made in pursuit of short-term investments. The analysis should be sufficient enough to justify and explain the investment.
- 3.D.1.vi. Interplay of investment with other utility programs (effects on existing utility programs such as demand response, efficiency projects, etc.).
- 3.D.1.vii. Customer anticipated benefit and cost.
- 3.D.1.xi. For each grid modernization project in its 5-year Action Plan, Dakota Electric should provide a cost-benefit analysis.

The Department suggests that OTP can reasonably assume that a service offered by the Company can be considered to be customer-facing if the project can be conceptually linked – or is proposed as a response – to the Commission's IDP Planning Objective regarding enabling greater customer engagement, empowerment, and options for energy services. Services and technologies that provide customers with greater and more granular information regarding their energy use, allow for customer behavioral changes to result in reduced bills, and ease the interconnection and optimization of behind-the-meter DERs or enable beneficial electrification of equipment on a customer's property are examples of grid modernization proposals that the Department would consider to be customer-facing. This is not an exhaustive list, however, and the Department invites further discussion from the Company and stakeholders to refine this definition.

This information and data would be used by the Department to carry out its responsibility to the Commission of ensuring that grid modernization proposals are responsive to the Commission's Planning Objectives and relevant state energy policies in the most cost-effective manner available to

²⁷ The Department here enumerates the sub-requirements of IDP Filing Requirement 3.D in Roman numerals to more easily refer to individual sub-requirements, but notes that these sub-requirements appear in a bulleted list.

the Cooperative. The Department's goal, as explained above, is to better understand the Company's grid modernization plans under IDP Filing Requirement 3.D and to require additional information so that stakeholders have an opportunity to discuss the merits of the Company's plans. The Department's recommendation here is intended to obtain additional information to enable that stakeholder review.

The Department modifies the recommendation as follows to provide greater clarity, and notes that the text of the recommendation below supersedes the initial recommendation that the Department offered in initial comments:

The Department requests that in future filing regarding customer-facing utility offerings and programs that may be enabled by new investments in grid modernization technologies that Otter Tail Power includes in the information provided [in response to IDP Filing Requirement 3.D.](#), Otter Tail Power provides the following information:

- Internal benefit-cost analyses for reference and investment case scenarios, including reasonably known and analyzed alternatives;
- Assumptions and data supporting the projected customer participation rates;
- Sensitivity analysis for varying rates of adoption of proposed programs; and
- Discussion of how the proposed customer-facing utility offerings and programs may interact with existing or proposed Conservation Improvement Plan or Next Generation Energy Act programs.

5. *Otter Tail Power's Response to Department Recommendation to Include a Red-line Version of Filing Requirements in Future Commission Orders*

In its Initial Comments the Department noted that it was difficult to find a current version of utility IDP filing requirements and suggested that IDP Filing Requirements should be published with each Commission Order that reflects any modification so that stakeholders and utilities have an updated version of IDP Filing Requirements.

Otter Tail Power agreed that this would be helpful and took the occasion to again recommend that OTP and the Department meet to discuss what requirements have been most helpful in reviewing the IDP and jointly recommend edits to current requirements. The Department looks forward to the opportunity to discuss further with OTP and other utilities as the need arises to more comprehensively and collaboratively refine each iteration of the IDP to improve efficiency, develop a robust and transparent record that enables stakeholder participation, and ensure that integrated distribution system planning in Minnesota is responsive to state energy policies, Commission Planning Objectives, and customer expectations.

C. IDP NOTICE TOPIC #5: ARE THERE OTHER ISSUES OR CONCERNS RELATED TO THIS MATTER?

1. Otter Tail Power Company's Eligibility for Path 1 of the Grid Modernization Pathways

Otter Tail Power Company's reply comments stated the following:²⁸

While Otter Tail is not seeking recovery of grid modernization investments through the Transmission Cost Recovery Rider, Otter Tail does not believe the statute forecloses this option from utilities not operating under a multi-year rate plan. While Minn. Stat. §216B.2425 Subd. 2(e) provides additional reporting for utilities operating under a multiyear rate plan, it does not limit the availability of certification to only such utilities. Clarification on this topic may be useful for utilities planning such investments.

The Department disagrees with the Company's position based on its analysis of Minn. Stat. §216B.2425, subd. 2(e) (the Grid Modernization Statute). The text of the statute is as follows:²⁹

In addition to providing the information required under this subdivision, **a utility operating under a multiyear rate plan approved by the commission under section [216B.16](#), subdivision 19**, shall identify in its report investments that it considers necessary to modernize the transmission and distribution system by enhancing reliability, improving security against cyber and physical threats, and by increasing energy conservation opportunities by facilitating communication between the utility and its customers through the use of two-way meters, control technologies, energy storage and microgrids, technologies to enable demand response, and other innovative technologies. (emphasis added)

The statute includes the multiyear rate plan (MRP) language for a clear purpose: utilities operating under a MRP will not be filing a rate case as often, thus giving the Commission and stakeholders fewer options to review grid modernization projects in rate cases. The provision above offers a venue for review of such projects.

²⁸ OTP 2021 IDP Reply Comments, at 6.

²⁹ Minn. Stat. §216B.2425, subd. 2(e). Accessed at: <https://www.revisor.mn.gov/statutes/cite/216B.2425>.

If the Commission were to accept Otter Tail Power's position, it would render the MRP language of Minn. Stat. §216B.2425, subd. 2(e) meaningless.

The Department's position is that utilities not operating under a MRP do not have to identify distribution system investments that Minn. Stat. §216B.2425, subd. 2(e) requires MRP utilities to identify. Further, the Commission does not have to certify, certify as modified, or deny certification of such distribution system investments for non-MRP utilities as subdivision 3 requires of the Commission for MRP utilities. Logically, it then follows that non-MRP utilities would not be eligible for cost recovery under Minn. Stat. §216B.16, subd. 7b(b)(5), since non-MRP utilities do not have to identify such distribution system investments and the Commission does not have to certify, certify as modified, or deny certification of such investments.³⁰

The Department supports the Commission providing clarification regarding statutory interpretation of the Grid Modernization Statute. In the alternative, the Commission could defer a decision on the statute until a live dispute has presented itself.

2. Otter Tail Power Company's Grid Modernization Plans

The Department is concerned with the lack of consistent information between IDPs and other filings regarding its grid modernization plans. The Company's 2020 rate case (Docket No. E017/GR-20-719) provided information on such plans, referred to as the "Innovation 2030" (I2030) initiative and includes a "portfolio of projects to improve system data communications and better identification of issues and improved system performance."³¹

At the time of the Company's rate case, these projects included: (1) Advanced Metering Infrastructure (AMI); (2) Load Management System replacement; (3) Telecommunications; (4) Geographic Information System (GIS) enhancements; (5) Advanced Distribution Management System (ADMS) with Outage Management System (OMS); and (6) Work Asset Management System (WAMS).³² The Company also provided information on some of the projects that are part of the I2030 initiative in the COVID-19 Relief proceeding (Docket EG999/CI-20-492)³³ and the Company's 2021-2023 Triennial

³⁰ Minn. Stat. §216B.16, subd. 7b(b)(5). Accessed at: <https://www.revisor.mn.gov/statutes/cite/216B.16#stat.216B.16.7b>.

³¹ *In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota*, Docket No. E017/GR-20-719. November 2, 2020. Tommerdahl Direct, at 22. Accessed at (PUBLIC): <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={00618975-0000-C139-8E0F-2FDE5884D4B6}&documentTitle=202011-167896-02>.

³² *Id.*, at 23.

³³ *In the Matter of an Inquiry into Utility Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic*, Docket No. EG999/CI-20-429. June 17, 2020. Initial Filing, at 4-8. Accessed at (PUBLIC): <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={F019C472-0000-C111-B10C-04FB79342FE4}&documentTitle=20206-164074-01>.

Conservation Improvement Program (Docket No. E017/CIP-20-475).³⁴ Currently, as explained above, the Company proposed three of these projects (or variations thereof) in its EUIC Rider petition: AML, OMS, and DR System.

Neither the Company's 2019 IDP nor the 2021 IDP provide an explanation or reference to the I2030 initiative, with the limited exception of Appendix B's references to Innovation 2030 in the 2021 IDP. The Department did not undertake an exhaustive comparative analysis of the above-referenced proceedings to ascertain whether the Company is providing consistent information, or if not, a basis and narrative explanation of any changes made to the I2030 initiative.

As explained above, the Company's reply comments reference the I2030 initiative in the context of the PSE Report.³⁵ The Company stated that the assessment and report was useful as the Company was formulating the projects that now comprise the I2030 initiative but noted that the report is more than 5 years old and the assumptions are outdated.³⁶

The Department, the Commission, and stakeholders who may participate in the Company's IDP proceeding now or in the future should not have to navigate the Company's filing in several disparate proceedings in order to ascertain what the Company's grid modernization plans are. The information provided in the IDP should be readily available, up-to-date, and cognizable, as required generally by IDP Filing Requirement 3.D. This is in addition to the Department's discussion of the Guidance Document regarding the quality, type, and consistency of information that the Company should provide in response to IDP Filing Requirement 3.D.

The Department recommends that the Commission require Otter Tail Power Company to detail the status of the Innovation 2030 initiative in the Company's next IDP, and further, to use the most up-to-date information and data available in describing its grid modernization plans.

D. IDP NOTICE TOPIC #1: SHOULD THE COMMISSION ACCEPT OR REJECT OTTER TAIL POWER COMPANY'S INTEGRATED DISTRIBUTION PLAN (IDP)?

The Department's requests for additional information and insight into the Company's planning and spending notwithstanding, the Department maintains its conclusion that the Company sufficiently addressed each of the IDP Filing Requirements and Commission Orders.

³⁴ *In the Matter of Otter Tail Power Company's 2021-2023 Triennial Conservation Improvement Program*, Docket No. E017/CIP-20-475. July 1, 2020. Initial Filing, at 83-85. Accessed at: <https://efiling.web.commerce.state.mn.us/edockets/searchDocuments.do?method=showPoup&documentId={D0C30B73-0000-CD14-8494-B78EEB97CF51}&documentTitle=20207-164501-01>.

³⁵ OTP 201 IDP Reply Comments, at 4.

³⁶ *Id.*

After reviewing the Company's Reply Comments the Department recommends that the Commission accept Otter Tail Power Company's 2021 IDP with the understanding that acceptance of the IDP has no bearing on prudence or certification of specific proposed investments.

III. DEPARTMENT RECOMMENDATIONS

The Department appreciates the opportunity to further comment on Otter Tail Power's 2021 IDP and to further the goals of distribution system planning for the Cooperative and in Minnesota generally.

The Department makes the following final recommendations:

- **The Department recommends that the Commission accept Otter Tail Power Company's 2021 Integrated Distribution Plan with the understanding that acceptance of the IDP has no bearing on prudence of specific proposed investments.**
- **The Department requests that in future filings regarding customer-facing utility offerings and programs that may be enabled by new investments in grid modernization technologies that the Otter Tail Power includes in the information provided [in response to IDP Filing Requirement 3.D](#), Otter Tail Power provides the following information:**
 - **Internal benefit-cost analyses for reference and investment case scenarios, including reasonably known and analyzed alternatives;**
 - **Assumptions and data supporting the projected customer participation rates;**
 - **Sensitivity analysis for varying rates of adoption of proposed programs; and**
 - **Discussion of how the proposed customer-facing utility offerings and programs may interact with existing or proposed Conservation Improvement Plan or Next Generation Energy Act programs.**
- **The Department recommends that the Commission require Otter Tail Power to provide BCA information consistent with Section 2 of the Guidance Document (Grid Modernization Evaluation Framework), comply with Section 3 of the Guidance Document (Initial Filing Requirements), and propose an annual report of approved projects consistent with Section 4 of the Guidance Document (Ongoing Reporting Requirements) in future EUIC Rider proceedings for any projects that the Commission approves in those proceedings..**
- **The Department recommends that the Commission further clarify its intent in Filing Requirement 3.A.28 which requires the utility to provide "[p]rojected distribution system**

spending for 5-years into the future for the categories listed above, itemizing any *non-traditional* distribution projects (emphasis added)."

- **The Department recommends that the Commission require Otter Tail Power Company to detail the status of the Innovation 2030 initiative in the Company's next IDP, and further, to use the most up-to-date information and data available in describing its grid modernization plans.**
- **The Department recommends that the Commission include Otter Tail Power's IDP Filing Requirements in its Order in this and future IDP proceedings, including a red-line version if modifications are made to OTP's IDP Filing Requirements.**

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
Reply Comments

Docket No. E017/M-21-612

Dated this **26th** day of **April 2022**

/s/Sharon Ferguson

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Robyn	Woeste	robynwoeste@alliantenerg y.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_21-612_M-21-612
Christopher	Zibart	czibart@atcllc.com	American Transmission Company LLC	W234 N2000 Ridgeview Pkwy Court Waukesha, WI 53188-1022	Electronic Service	No	OFF_SL_21-612_M-21-612