Xcel Energy®

414 Nicollet Mall
Minneapolis, MN 55401

November 8, 2022

—Via Electronic Filing—

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

RE: PETITION FOR REHEARING, RECONSIDERATION AND CLARIFICATION
FEBRUARY 2021 NATURAL GAS PRICE INVESTIGATION
DOCKET NOS. G999/CI-21-135 AND G002/CI-21-610

Dear Mr. Seuffert:

Pursuant to Minnesota Statutes Section 216B.27 and Minnesota Rules 7829.3000, Northern States Power Company, doing business as Xcel Energy (Xcel Energy or Company), submits this Petition for Rehearing, Reconsideration and Clarification, (Petition), requesting the Minnesota Public Utilities Commission (Commission) reconsider its decision and clarify aspects of its October 19, 2022 ORDER DISALLOWING RECOVERY OF CERTAIN NATURAL GAS COSTS AND REQUIRING FURTHER ACTION (October 19 Order) in the above-referenced dockets.

We appreciate the Commission's consideration of this request for reconsideration. We have electronically filed this document with the Commission, and copies have been served on the parties on the attached service list. Please contact me at matt.b.harris@xcelenergy.com or Jennifer Roesler at jennifer.roesler@xcelenergy.com or (612) 330-1925 if you have any questions regarding this filing.

Sincerely,

/s/

MATT HARRIS
LEAD ASSISTANT GENERAL COUNSEL

c: Service List

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Joseph Sullivan	Vice-Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
John Tuma	Commissioner

IN THE MATTER OF A COMMISSION INVESTIGATION INTO THE IMPACT OF SEVERE WEATHER IN FEBRUARY 2021 ON IMPACTED MINNESOTA NATURAL GAS UTILITIES AND CUSTOMERS

DOCKET NO. G999/CI-21-135

IN THE MATTER OF A PETITION OF NORTHERN STATES POWER COMPANY D/B/A XCEL ENERGY TO RECOVER FEBRUARY 2021 NATURAL GAS COSTS

DOCKET NO. G002/CI-21-610

PETITION FOR REHEARING, RECONSIDERATION AND CLARIFICATION

Pursuant to Minnesota Statutes Section 216B.27 and Minnesota Rules 7829.3000, Northern States Power Company, doing business as Xcel Energy (Xcel Energy or the Company), submits this Petition for Rehearing, Reconsideration and Clarification, (Petition), requesting the Minnesota Public Utilities Commission (Commission) reconsider its decision and clarify aspects of its October 19, 2022 ORDER DISALLOWING RECOVERY OF CERTAIN NATURAL GAS COSTS AND REQUIRING FURTHER ACTION (October 19 Order) in the above-referenced Docket.

INTRODUCTION

The Commission opened these dockets in response to Winter Storm Uri – an extended stretch of severe cold across the mid-continent that caused a substantial increase in demand for natural gas, at the same time that supply significantly contracted as wellheads in Texas and Oklahoma froze. Despite these severe conditions, the Company maintained reliable service for its customers (which was not a given and, in fact, did not occur in some parts of the country), and the Company found ways to reduce commodity costs for customers by curtailing interruptible customers and making targeted fixed-price purchases on February 16, 2021. However, the combination of extremely high demand and significantly reduced supply caused prices for natural gas to spike to unprecedented levels, causing the Company – along with nearly all natural gas utilities in Minnesota and throughout the middle of the United States – to incur hundreds of millions of dollars in commodity costs in a matter of days. Given the magnitude of these costs, the Commission requested a thorough investigation, including contested case hearings, to examine whether Minnesota's gas utilities acted prudently in incurring the costs of natural gas to serve customers over the five-day period of February 13 through February 17, 2021 (February Event).

Following a robust proceeding, involving thousands of documents produced in discovery, pre-filed testimony from over a dozen witnesses, and several days of cross examination, two Administrative Law Judges (ALJs) filed extensive Findings of Fact, Conclusions of Law, and Recommendation (ALJ Findings) on May 24, 2022. In that report and recommendation, the ALJs concluded "that Xcel acted prudently in connection with the February Event, that the extraordinary gas costs Xcel incurred in order to serve its customers are recoverable, and that no disallowance related to the February Event is warranted."[1]

The Commission largely concurred with the ALJ Findings, agreeing with the ALJs that the record demonstrated the prudence of Xcel Energy's actions prior to and during the initial days of the February Event. For example, the Commission agreed with the ALJ Findings that the record demonstrated the reasonableness and benefits to customers of the Company's actions in developing a diverse supply mix, of its baseload purchases, of its system-wide curtailments that reduced its supply need and of its load forecasting going into the February Event.

However, the Commission reversed the ALJ Findings regarding two issues related to the Company's February 16, 2021 gas purchases and disallowed recovery of $19,040,553 in natural gas costs incurred to serve customers on February 17, 2021. The Company understands and appreciates that the costs incurred over Winter Storm Uri impacted our customers and did so at a particularly challenging time for them, given the ongoing pandemic and economic disruption.[2] The Company also understands the public sentiment noted in the October 19 Order, that utilities should bear a portion of these costs, rather than customers, since utilities are "in a better position to absorb the financial impact." However, for the reasons set forth below, Xcel Energy respectfully submits that neither Minnesota law nor the record of this

[1] ALJ Findings at 3, Summary of Recommendation.

[2] Concern about the impact of these costs on Xcel Energy customers is what drove the Company to work with stakeholders and the Commission on an extended, no-interest recovery plan and an exemption for low-income customers.

proceeding supports the full $19 million disallowance of natural gas costs, as set forth in the Commission's October 19 Order.

I. Request for Reconsideration

A. Applicable Law

1. Reconsideration

Petitions for reconsideration provide the Commission an opportunity to correct an order prior to any appellate review. Such petitions are governed by Minn. Stat. §216B.27 and Minn. R. 7829.3000, which require, among other things, that the petition must be brought within 20 days of the date order and must set forth specifically the grounds relied upon or errors claimed. Once a petition is filed, Minn. Stat. §216B.27, subd. 3 provides that: "If in the Commission's judgment . . . it shall appear that the original decision, order, or determination is in any respect unlawful or unreasonable, the Commission may reverse, change, modify, or suspend the original action accordingly." In making its decision as to whether to reverse or modify an order, the Commission has indicated that it reviews petitions for reconsideration to determine whether they (i) raise new issues, (ii) point to new and relevant evidence, (iii) expose errors or ambiguities in the underlying order, or (iv) otherwise persuade the Commission that it should rethink its decision.[3]

2. The Prudence Standard and Burden of Proof

The Commission's October 19 Order defines prudence as:

> [R]easonable action taken in good faith based on knowledge available at the time of the action or decision. Actions taken in good faith are those without malicious intent, exercising the care that a reasonable person would exercise under the same circumstances at the time the decision was made. Prudence is not evaluated using the benefit of hindsight.[4]

Importantly, in reviewing utility actions for prudence:

> The [prudence] standard is clear that a range of reasonable utility management decisions made in response to specific

[3] *See, e.g., In the Matter of Xcel Energy's Petition for Approval of Electric Vehicle Pilot Programs, Order Denying Reconsideration, Denying Stay and Approving Compliance Filing*, Docket No. E002/M-18-643 (Oct. 7, 2019).

[4] *In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy to Recover February 2021 Natural Gas Costs, Order Disallowing Recovery of Certain Natural Gas Costs and Requiring Further Action* at 5, Docket No. G002/CI-21-610 (Oct. 19, 2022) hereinafter October 19 Order; *see also Re Interstate Power Co.*, Docket No. E001/GR-91-605, 136 P.U.R.4th 21, 32 (June 12, 1992).

> circumstances may qualify as prudent – there is no single "right answer."[5]

In this proceeding, Xcel Energy bore the burden to prove by a preponderance of the evidence that it prudently incurred the natural gas costs incurred over the February Event.[6] Proving something by a preponderance of the evidence means proving something is more likely than not.[7] In other words, provided the Company proved, without the benefit of hindsight, that it is more likely than not that its gas purchases during Winter Storm Uri were taken without malicious intent and fell within the range of actions that other reasonable utilities would take under the same or similar circumstances, the Commission should have deemed the purchases prudent.

While the Commission articulated the appropriate prudence standard in its October 19 Order, and correctly found that the Company acted prudently with regard to the bulk of the Company's purchases during Winter Storm Uri, it did not properly apply this standard with respect to the two disallowances for the Company's natural gas purchases on the morning of February 16, 2021. In addition, the October 19 Order fails to calculate the Company's disallowances based on its actual costs of gas purchased on February 16, as the Commission did for the other gas utilities subject to this prudence review.

As discussed in greater detail below, the October 19 Order reflects errors in the application of Minnesota law. In addition, the October 19 Order contains fundamental misstatements of the record. Finally, the October 19 Order arbitrarily inflates the calculation of the disallowance for Xcel Energy, compared to the disallowances imposed on the other Minnesota utilities. Therefore, the Commission must revisit and revise its decision to properly reflect the record and to conform with Minnesota law.

B. Load Forecasting Disallowance ($4,351,593)

The record contains extensive testimony from Company experts Mr. Boughner and Mr. Derryberry, each with decades of forecasting and energy supply planning and purchasing experience, on the Company's load forecasting and on how that load forecasting informed its natural gas purchases during the February Event. As they testified, to develop its load forecasts, Xcel Energy uses a probabilistic load forecast

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[5] ALJ Findings at Finding 31, fn. 32 citing Joint Utilities Ex. 104 at 13 (Honorable Rebuttal).
[6] Minn. R. 1400.7300, subp. 5 ("The party proposing that certain action be taken must prove the facts at issue by a preponderance of the evidence, unless the substantive law provides a different standard.")
[7] *City of Lake Elmo v. Metropolitan Council,* 685 N.W.2d 1, 4 (Minn. 2004) ("The preponderance of the evidence standard requires that to establish a fact, it must be more probable that the fact exists than that the contrary exists.")

model called "TESLA" that is employed throughout the energy industry.[8] The load forecasts produced by TESLA are a best-fit number in a regression analysis based on weather inputs from locations in and around the Company's natural gas service area.[9] TESLA is also a "learning model," that adjusts its forecasts based on recent actual load data, thereby incorporating the impact of recent curtailments.[10] When judged over a long period of time (which is the only appropriate approach to assessing the validity of any forecasting tool), TESLA has a high degree of accuracy, with an average forecast variance of just 0.65%.[11] As a result, the record shows – and no party presented evidence otherwise – that using the TESLA model to forecast load was consistent with actions taken by reasonable utilities.

As with any regression analysis, though, the TESLA model is not guaranteeing that actual load will never exceed or underrun its forecast, it is merely a starting point and that is the way Xcel Energy uses it.[12] It is important to recognize that forecasting daily gas demand with a high degree of accuracy every single day is not possible. This is because gas demand is highly dependent on weather (among other things) and forecasting weather with high accuracy is very difficult.[13] That is particularly an issue in a cold weather climate such as Minnesota, where a few degrees change in temperature can lead to large swings in natural gas demand. For example, uncontested testimony from Mr. Derryberry explained that just a five-degree change in temperature can result in a roughly 40,000 Dth change in demand from the Company's customers.[14] This volatility in gas demand, that can lead to any single day forecast missing the eventual target, is visualized in Figure 12 of Company expert Steven Levine's white paper,[15] which shows daily variations in load by as much as 200,000 Dth during the winter heating season:

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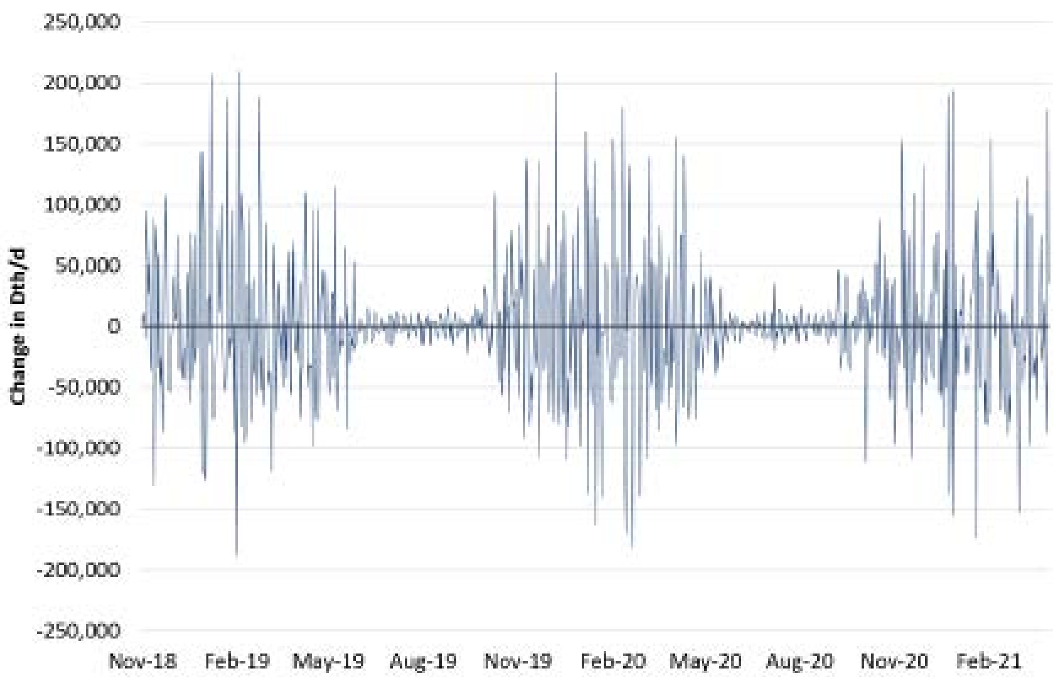
[8] ALJ Findings at Finding 133, citing Xcel Ex. 201 at 2 (Boughner Rebuttal).
[9] ALJ Findings at Findings 132 and 133, citing Xcel Ex. 200 at 4-5 (Boughner Direct), Xcel Ex. 201 at 2-3 (Boughner Rebuttal), Xcel Ex. 204 and 4, 16-17 (Derryberry Rebuttal).
[10] ALJ Findings at Findings 133 and 135, citing Xcel Ex. 201 at 2 (Boughner Direct), Xcel Ex. 204 at 4, 16-17 (Derryberry Rebuttal).
[11] ALJ Findings at Finding 134, citing Xcel Ex. 204 at 21-22 (Derryberry Rebuttal).
[12] ALJ Findings at Finding 138, citing Xcel Ex. 204 at 4 (Derryberry Rebuttal).
[13] ALJ Findings at Finding 80, citing DOC Ex. 506 at 53 (King Direct).
[14] Xcel Ex. 203, Sch. 2 at 33 (Derryberry Direct).
[15] Xcel Ex. 214, Sch. 2 at 23 (Levine Direct).

FIGURE 12: DAILY CHANGE IN NSPM'S THROUGHPUT
NOVEMBER 2018 – MARCH 2021



Source: NSPM.

For all of these reasons, the Company must consider numerous additional factors in making purchasing decisions, including the capacity of local distribution systems, whether there are reasons to curtail interruptible customers, levels of gas in storage and baseload purchases, typical demands in similar situations, likelihood of colder than predicted temperatures, operating condition of physical upstream infrastructure, and possibility of supply failures and the threat of imbalance penalties.[16] In making purchasing decisions during Winter Storm Uri, two specific factors held increased importance for the Company: the heightened risk of supply cuts and the curtailment of interruptible customers. The Company took curtailment into account in setting its desired purchase levels both by its use of the TESLA model, which due to its "learning" feature, factors in the impact of recent curtailments, and considering planned curtailments independently of the TESLA model.[17]

As shown in Table 3 of the white paper included with Mr. Derryberry's direct testimony, although supply was uncertain throughout the duration of Winter Storm Uri, due to wellhead freeze-offs in Texas and Oklahoma, the Company maintained a conservative reserve margin of just 1.8% on February 14 (the day with the highest

[16] Xcel Ex. 204 at 4-5 (Derryberry Rebuttal).
[17] ALJ Findings at Findings 137 and 138, citing Xcel Ex. 201 at 3 (Boughner Rebuttal), Xcel Ex. 204 at 4, 16-17 (Derryberry Rebuttal).

forecast load over the long weekend) and 1.8% again on February 17.[18] The ALJ Findings presented this information in two tables, at ALJ Findings 149 and 174, which can be combined as follows:

Table 1: Reserve Margins

	February 13	February 14	February 15	February 16	February 17
Total Planned Supplies	752,940	766,354	727,975	740,523	655,946
Forecasted Load	729,191	754,477	724,738	674,779	644,628
Reserve Margin	3.3	1.8	0.4	9.7	1.8

The Company was comfortable with the relatively thin reserve margins on February 14 and 17, in the face of the potential for significant supply disruptions, given its curtailment of its interruptible customers.[19] Based on this evidence, Company witness Steven Levine – who has decades of experience in the natural gas industry, and whose credentials are unimpeached – stated that the Company's spot purchases, both for February 13 through 16 and for February 17, were reasonable and included a reasonable safety net in the form of a reserve margin, particularly in light of the significant demand-side and supply-side uncertainties at the time.[20]
After considering the entirety of the record, the ALJs concluded:

> Under the circumstances of the February Event, Xcel's load forecasting and supply reserve margin were reasonable. Heading into the February Event, Minnesota was expected to experience extremely cold temperatures, and Xcel was already aware of the potential for supply disruptions, leading to reasonable concerns about the risk to human life and property in the event Xcel did not have sufficient gas supply. Xcel was required to take gas ratably over the four-day period, and it faced the possibility of high penalties for imbalances. Xcel acted prudently based on the information it had on February 12.[21]

The ALJs similarly concluded:

> Xcel has established that its load forecasts were reasonable, and this finding also applies to the load forecast for Gas Day

[18] ALJ Findings at Findings 149 and 174, citing Xcel Ex. 203, Sch. 2 at 26, Table 3 (Derryberry Direct).
[19] Xcel Ex. 205 at 16 (Derryberry Rebuttal).
[20] Xcel Ex. 215 at 3 (Levine Rebuttal).
[21] ALJ Findings at Finding 159.

> February 17. Xcel's release of customers from curtailment was not expected on February 16, when Xcel bought gas for the next day, and Xcel factored that curtailment into its gas purchasing. The record does not support a disallowance related to gas purchases on February 16.[22]

The October 19 Order imposes no disallowance due to the Company's load forecasts for its purchases to provide natural gas from February 13 through February 16, 2021. However, the October 19 Order found that Xcel Energy failed to meet "its burden to prove that its short-term load forecasting and resulting gas costs for February 17 were reasonable" and ordered a disallowance of $4,351,593 due to its use of an "erroneous" load forecast.[23]

In making these findings for the Company's February 17 gas purchases – both on the appropriateness of a disallowance and on the proper calculation of the dollar amount of any such disallowance – the October 19 Order relied on the testimony of Department of Commerce witness Matthew King. In contrast to the decades of experience possessed by the expert witnesses for the Company, Mr. King acknowledged that he has no experience purchasing gas, conducting load forecasting, making decisions concerning a natural gas system, or making decisions related to natural gas reserves.[24] Instead, Mr. King's experience has been exclusively as an employee of GDS, a consulting business where he interned during college, and his work has focused on electric integrated resource planning, hedging and risk management, and financial planning and budgeting.[25] Prior to this case, he had never testified concerning natural gas issues, and the only prior time in which he had testified about anything, his analysis was rejected by the Administrative Law Judge as unreasonable.[26] Moreover, notwithstanding his own lack of relevant experience, in developing his testimony, he failed to do any analysis of utility planning or purchasing

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[22] ALJ Findings at Finding 181.

[23] October 19 Order at 20-21. (The October 19 Order, at footnote 22, states that for February 17, the Company used "erroneous TESLA results that did not account for planned curtailment." As discussed below, the record and the ALJ Findings flatly contradict this statement in the October 19 Order.)

[24] 2C Tr. 53:14-21; 54:25-55:4. (King Cross Examination)

> Q. And you [Mr. King] have never been responsible for natural gas load forecasting, correct?"
> A. Correct.
> Q. You've never been responsible for securing natural gas?
> A. No.
> Q. Have you ever purchased natural gas?
> A. Not at the wholesale level personally.
> . . .
> Q. Have you ever been involved in decision-making related to the level of natural gas reserves to have when a utility is entering into an extended stretch of sub-zero weather?
> A. No.

[25] DOC Ex. 506, Sch. 1 (King Direct).

[26] 2C Tr. at 53 (King Cross Examination).

in other states.[27] As demonstrated below, neither Mr. King's and the October 19 Order's determination of the volumes Xcel Energy allegedly imprudently bought, nor the determination of the price to be used in calculating a dollar disallowance, have record support.

1. Disallowed Volumes

The Department's (and subsequently the October 19 Order's) reliance on testimony from such an inexperienced witness led to a number of misunderstandings or misstatements being repeated in the October 19 Order. For example, regarding the load forecasting issue generally, the October 19 Order states that "the Department contended that it was unreasonable [for Xcel Energy] to *assume the [TESLA] model would accurately predict the amount of curtailed load* for a particular day."[28] The October 19 Order appears to reflect the Commission's agreement with this assessment, since it bases its disallowance for load forecasting for February 17 on a finding that the Company relied on "erroneous TESLA results that did not account for planned curtailment"[29] and that, rather relying on TESLA, Xcel Energy should have subtracted 40,000 Dth in "planned curtailments" from the TESLA load forecast and based its gas purchasing on this revised, hypothetical forecast.[30] The October 19 Order disallowance of certain volumes of natural gas purchased for February 17, 2021 due to alleged forecast-related issues errs in a number of respects.

First, in making these statements, the October 19 Order ignores the ALJ Findings and the uncontested evidence that the TESLA model incorporates the impact of recent curtailments (in this case from the prior weekend and the four days leading up to February 17) discussed above.[31]

Second, the Company never testified, nor is there any other evidence supporting the allegation, that the Company simply "assume[d]" the model would accurately predict the amount of curtailed load for a particular day. Instead, Company witness Mr. Derryberry explained that "the Company uses its gas load forecasts *as one input among many* in planning next day gas purchases and storage withdrawals for each day, making adjustments for other factors as well."[32] As Mr. Derryberry further explained, the Company considered curtailed load in several ways. First, "the week before, [the Company] called a system-wide curtailment, and the reduced load numbers resulting from that curtailment and any other previous curtailments were incorporated into the

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[27] 2C Tr. at 44 (King Cross Examination)
[28] October 19 Order at 13 (Emphasis added).
[29] October 19 Order at 20-21, fn. 22.
[30] October 19 Order at 21.
[31] ALJ Findings at Findings 137 and 138, citing Xcel Ex. 201 at 3 (Boughner Rebuttal), Xcel Ex. 204 at 4, 16-17 (Derryberry Rebuttal).
[32] Xcel Ex. 205 at 16 (Derryberry Rebuttal).

TESLA model used by the Company." And, of course, the TESLA February 17 load forecast was further informed by the system-wide curtailment called on February 12 and in place February 13 through 16.[33] More importantly, however, no witness contradicted Mr. Derryberry's testimony that the Company further "took this curtailment information into account in planning our purchases by not purchasing as much supply (and associated reserve) as we otherwise would have."[34]

Third, the record cannot support the hypothetical load forecast for February 17 developed by Mr. King and used in the October 19 Order as the basis for a disallowance. Without any relevant experience, and without fully considering the Company's evidence of how the Company took curtailments into account, Mr. King testified that "[i]n *recreating* what volumes of spot gas *should* have purchased with *full* consideration of curtailments, I employ the concept of a supply reserve margin by grossing Xcel's forecasted load by a fixed percentage before reducing that total amount for *estimated* curtailments."[35] As discussed above, however, the record conclusively demonstrates: (1) the TESLA model adjusts its load forecast based on recent actual load data, thereby taking into account recent curtailments, including the system-wide curtailments called by the Company the weekend before the February Event and the system-wide curtailments February 13 through 16;[36] and (2) Xcel Energy considered its planned curtailments independently of the TESLA forecast, along with multiple other factors, in making its purchasing decisions.[37] After dismissing or ignoring the work of both the TESLA model and the Company in considering curtailments (and multiple other salient factors), the October 19 Order instead suggests that Xcel Energy should have relied on Mr. King's hypothetical forecast. Nothing in the record suggests a reasonable utility would take such a leap of faith, particularly during a period of life-threatening cold.

Fourth, the October 19 Order and the testimony of Mr. King on which it relies appear not to recognize the serious supply concerns the Company faced on February 16. The Company's ongoing concerns regarding the potential of supply cuts as it made its purchasing decisions on February 16 were substantiated and are undisputed. Between Friday, February 12 and Monday, February 15, alone, freeze-offs caused a decline of nearly 20 percent in natural gas supply from Texas and Oklahoma.[38] The decline, when combined with other cold-related generation failures, resulted in ERCOT instituting rolling electric power blackouts.[39] The blackouts turned off

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33 ALJ Findings at Finding 172, citing Xcel Ex. 201 at 3 (Boughner Rebuttal), Xcel Ex. 204 at 4, 26 (Derryberry Rebuttal).
34 Xcel Ex. 205 at 16 (Derryberry Rebuttal).
35 DOC Ex. 508 at 32 (King Surrebuttal) (emphasis added).
36 ALJ Findings at Findings 133, 135, 137, 138, 172 and 173.
37 ALJ Findings at Finding 138.
38 ALJ Findings at Finding 92, citing Joint Utilities Ex. 100 at 48-49 (Smead Direct).
39 ALJ Findings at Finding 92, citing Joint Utilities Ex. 100 at 49 (Smead Direct).

power to the vast bulk of wellhead operations, processing facilities, and pipelines moving gas from the Permian Basin to market, significantly impacting natural gas supplies.[40] The amount of supply of natural gas from the Permian Basin rapidly deteriorated on Monday, February 15.[41] On the morning of February 15, Permian Basin natural gas output dropped by another 25 percent.[42] Then, during the remainder of the day on February 15, output fell another 20 percent.[43] In total, between the time the Company made its purchasing decisions and bought natural gas on Friday, February 12 and when it made its purchasing decisions Tuesday, February 16, Permian Basin natural gas output dropped a total of 74.5 percent.[44] And by the time Xcel Energy needed to purchase gas on February 16, ERCOT, SPP, and MISO were instituting controlled power outages and millions of customers were without power, including wellhead operations, processing facilities, and pipelines moving gas out of the Permian Basin.[45] Put simply, on the morning of February 16, the country's second-largest natural gas producing region was nearly entirely unavailable, leading to supply concerns across the midcontinent. Of course, after the fact, everyone knows that the Company had enough gas to meet its customers' natural gas demands on February 17, but for the employees sitting at their desks in the early morning hours of February 16 preparing to buy natural gas to serve customers' needs, that was far from certain.

Finally, the Commission's October 19 Order entirely omits any analysis of what reasonable utilities would do in similar circumstances. That ignores the testimony of Company witnesses Mr. Derryberry and Mr. Levine, who each have decades of relevant experience, and who provided extensive testimony demonstrating that reasonable utilities act in a similar manner to the Company when faced with similar circumstances.[46] In contrast, Mr. King provided no evidence that a reasonable utility has ever done or would ever do what he suggests -- simply subtract an estimate of curtailment volumes from a model relied on throughout the energy industry and that already considers recent curtailments in developing its forecast and purchase exactly that level of gas supply, without fully considering potential supply disruptions, pipeline penalties and other relevant factors before making its purchasing decisions.

As the Commission explained in its October 19 Order, prudence is "reasonable action taken in good faith based on knowledge available at the time of the action or decision. Actions taken in good faith are those without malicious intent, exercising the care that a reasonable person would exercise under the same circumstances at the time the

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[40] ALJ Findings at Finding 92, citing Joint Utilities Ex. 100 at 49 (Smead Direct).
[41] Joint Utilities Ex. 100 at 49 (Smead Direct)
[42] Joint Utilities Ex. 100 at 49 (Smead Direct)
[43] Joint Utilities Ex. 100 at 49 (Smead Direct).
[44] ALJ Findings at Finding 95, citing Joint Utilities Ex. 100 at 49 (Smead Direct).
[45] ALJ Findings at Finding 94, citing Joint Utilities Ex. 100 at 49 (Smead Direct).
[46] *See, e.g.*, Xcel Ex. 205 at 17-20, (Derryberry Rebuttal); Xcel Ex. 214, Sch. 2 at 32-34 (Levine Direct)

decision was made."[47] Given the facts described above, the Company demonstrated its actions in the early morning hours of February 16 were reasonable and taken in good faith based on the knowledge available at the time. While we all know after the fact that the Company had more supply than it needed to meet its customers' needs on February 17, that is neither the standard nor was it assured on the morning of February 16.

For the above reasons, the Commission should reconsider its disallowance related to the Company's load forecasting on February 16,2021. The Company acted within the range of actions a reasonable utility would take in securing adequate natural gas supply to reliably serve customers on February 17, 2021. As the ALJs found, substantial record evidence demonstrates that the Company: (1) used a well-regarded and statistically-proven tool to forecast load – one which incorporates recent curtailments into it forward-looking forecasts; (2) considered the potential of significant supply cuts due to historic freeze-offs in the Permian Basin; (3) independent of the load forecast model results, considered its planned curtailments for February 17, 2021; (4) considered other relevant factors such as potential pipeline penalties; and then (5) acquired sufficient gas to meet the forecasted load plus a narrow reserve margin. That is what reasonable utilities do in the face of continued life-threatening cold.

2. Disallowance Calculation

The October 19 Order also incorrectly calculates a dollar value for any disallowed volumes. Here again, the October 19 Order relies on the Department and the testimony of Mr. King to calculate the disallowance. Mr. King calculated his disallowance for Xcel Energy's February 16 purchases by using only the average price of gas purchased that day at the Ventura Hub – in hindsight, the highest priced source of supply that day for the Company. In other words, the October 19 Order is based on the premise that every dekatherm of gas Xcel Energy should have avoided purchasing should have been subtracted only from the index-priced volumes it purchased that day at the Ventura Hub, entirely disregarding the purchases the Company made that day at other hubs. Nothing in the record supports that this is the only decision a reasonable utility could have made and, in fact, it is contrary to how the Department calculated its disallowances for every other utility in this proceeding.

At the Commission Agenda Meeting considering this matter, the Department acknowledged that its disallowances for the Company were calculated differently than the disallowances the Department had calculated for other gas utilities in the proceeding – ironically because of the Company's superior diversity of supply, which reduced costs for customers:

[47] October 19 Order at 5.

> And to answer your question, the Department maintains its initial position. So the difference between those two amounts is that for Xcel, because they had substantial geographic diversity and, you know, utilized it reasonably, the Department's disallowances incorporate that, you know, reasonable use of its geographic diversity for those days.
>
> So instead of using what was used for the other utilities, which was just the average spot price of gas on the individual days, the Department, you know, assumed that Xcel would continue to act reasonably.[48]

As shown in the table below, the result of this arbitrary treatment of Xcel Energy compared to other utilities is a substantial inflation in size of the disallowances recommended by Mr. King and included in the October 19 Order. In essence, this penalizes the Company for prudent actions it has taken to have a diverse supply portfolio.

Table 2: Comparison of Adjustment Bases

Utility	Actual Average Price of Spot Gas Purchased for Delivery on February 17[49]	Price Department Used to Develop their February 17 Adjustments
CenterPoint	$176.18	$176.18[50]
Great Plains Natural Gas Company	$172.21	$172.21[51]
Minnesota Energy Resources Corp	$196.57	$196.57[52]
Xcel Energy	$115.60	$188.32[53]

This comparison not only demonstrates the disparate treatment of Xcel Energy, it shows that the October 19 Order statement that the Company gave "apparently no consideration for cost impacts to customers"[54] has no basis in fact. Not only was the

[48] *In the Matter of the Petition of Northern States Power Company d/b/a Xcel Energy to Recover February 2021 Natural Gas Costs, Order Disallowing Recovery of Certain Natural Gas Costs and Requiring Further Action*, Transcript of August 11, 2022 Commission Proceeding at 90 (Aug. 11, 2022).
[49] Department's Proposed Findings of Fact at 63 (providing each utilities weighted average cost of spot gas).
[50] DOC Ex. 506 at Sch. 4 at 5-6 (King Direct)
[51] DOC Ex. 506 at Sch. 5 at 1-2 (King Direct)
[52] DOC Ex. 506 at Sch. 3 at 2 (King Direct)
[53] DOC Ex. 506 at Sch. 2 (King Direct) and DOC Ex. 507 at Sch. 6 (King Surrebuttal) (all using NNG-Ventura Index Price instead of the Company's actual average price of gas on February 16 for all proposed February 17-related adjustments).
[54] October 19 Order at 21.

weighted average of index-based purchases the Company made on February 16 notably lower than other utilities (at $132.26 per Dth) due to its greater geographic diversity of supply, but the Company took the extraordinary action of purchasing approximately 50,000 Dth of gas in fixed-price deals at a weighted average cost of $28.50 per Dth, in an attempt to lower costs for customers.[55] The Company did this based on an educated assumption that the price for natural gas would fall throughout the day and that by making such purchases it could deliver cost savings to its customers.[56] These purchases saved customers over $5 million, and the Company was the only Minnesota gas utility to take such action.[57] Rather than acknowledge these and other reasonable actions taken by Xcel Energy, such as curtailing its customers over the February Event, the October 19 Order effectively penalizes the Company by accepting Mr. King's unfounded determination that Xcel Energy should have reduced only its index-priced purchases at the Ventura Hub, while making no other change to its supply portfolio for the February 17 gas day.[58] This added $1.7 million to the disallowance related to load forecasting.

Setting aside the arbitrariness and unreasonableness of this disallowance calculation, both as it applies to the Company and how it compares to the Department's treatment of the other gas utilities, it ignores how buying natural gas in the spot market works. As noted above, on February 16, the Company bought all but 50,000 Dth of spot natural gas at an index-based price. Indexed-based gas is priced at the average of the daily reported prices, which are not known until after the close of the business day, long after deals are finalized.[59] While a purchaser could speculate, there is no way to know in advance which hub will have the highest-priced trades in a given day. While Ventura had the highest-priced trades on February 16, that was *not* the case on the trading day immediately prior. On February 12, the average price at the Ventura trading hub was $154.91, while on that same day, the average price at the Demarc trading hub was about $65.00 higher—at $231.67.[60] There is simply no evidentiary basis to determine that the only reasonable action Xcel Energy should have taken, had it determined it needed less gas, would have been to reduce its index-priced purchases at the Ventura Hub. To the contrary, the Department's (and the October 19 Order's) use of the *daily average spot price* for the other three gas utilities, in

[55] Xcel Ex. 204 at 27-28 (Derryberry Direct). Taken together, the index-based purchases and fixed-price purchases result in the $115.60 amount presented in the table above. *See* Xcel Ex. 204 at Sch. 2 at 36.
[56] ALJ Findings at Finding 176, citing Xcel Ex. 204 at 27 (Derryberry Direct).
[57] ALJ Findings at Finding 178, citing Xcel Ex. 204 at 27-28 (Derryberry Direct).
[58] The curtailment of interruptible customers had the effect of reducing the Company's estimated gas requirements by 373,000 Dth, which saved an estimated $41 million over the February Event. Xcel Ex. 203 at Sch. 2 at 37 (Derryberry Direct). In addition to reducing the Company's estimated gas requirements, interruptible customers who failed to curtail were penalized financially for their unauthorized use of gas. The $1.6 million in curtailment penalties were credited to the Company's firm customers. Xcel Ex. 203 at Sch. 2 at 30 (Derryberry Direct).
[59] Joint Utilities Ex. 100 at 7-8 (Smead Direct).
[60] ALJ Findings at Finding 89, citing Xcel Ex. 203 at Sch. 2 at 23 (Derryberry Direct).

calculating those utilities' disallowance, suggests that those utilities would have acted prudently in reducing their purchases across the board, rather than only reducing at the Ventura Hub, the greatest source of gas for those utilities.[61]

For the above reasons, the October 19 Order's disallowance calculations for Xcel Energy are unsupported by substantial evidence and arbitrary and capricious. Any disallowance ultimately ordered for the Company – either for load forecasting or the peaking plant issue discussed below – should be calculated using the Company's actual average price for natural gas on February 17, as was done in calculating disallowances for the other gas utilities. Using the actual average price would have resulted in a disallowance of $2.7 million related to the load forecasting issue, rather than the $4.4 million stated in the October 19 Order.[62]

C. Peaking Plant Disallowance ($14,688,960)

The October 19 Order also erred in finding that the Company did not meet its burden to prove it acted prudently with respect to its peaking plants on February 17, 2021, and disallowed recovery of $14.7 million. In so finding, the October 19 Order sidesteps the question the Commission *specifically directed* the parties to answer, and which is the relevant question for this case: Did Xcel [Energy's] maintenance and operation of its Wescott, Sibley, and Maplewood facilities result[] in financial impact [during Winter Storm Uri]?

Ultimately, this is a case about the Company's natural gas purchasing decisions over Presidents Day Weekend 2021. And thus to answer the question the Commission directed parties to answer, one first needs to understand *whether a similarly-situated reasonable utility would have planned to use its plants in lieu of purchasing gas* at the time it was making its purchasing decisions on February 12 and February 16, 2021.

Based on their review of the record, the ALJs determined that the Company:

> established that it would not have planned to run its peaking plants during the February Event in a manner that would have reduced its gas purchases. Planning gas purchases without planning to run its peaking plants would be consistent with Xcel's past operations and the way in which peaking plants are used in the natural gas industry, and would have been within the range of reasonable options available to Xcel. It is not reasonable to find that Xcel would have been required to plan to run the plants, in a manner outside

[61] DOC Ex. 506 at 46 (King Direct).
[62] See Attachment 1, page 1 for the calculation of the $2.7 million.

> of its normal experience and standard practice, and that it was then required to reduce its purchase of gas to account for peaking plant volumes. Such a finding would be inconsistent with the standard governing prudency determinations.[63]

This conclusion is well supported in the record, as noted in the Commission's October 19 Order: "Xcel uses peaking plants on a limited basis, primarily to supplement pipeline capacity when the system approaches design-day."[64] The record shows this is consistent with how other reasonable utilities with peaking plants use them. Company witness Richard Smead stated that utilities use peaking plants to maintain reliability and for intra-day balancing rather than as regular sources of supply.[65] The Department agreed with this assessment, noting in its May 10, 2021 Comments that "peak shaving has historically been designed and used in the Minnesota market as a reliability tool for the distribution system that supplements the system in the event of near design-day conditions or in response to other unexpected reliability issues."[66] Similarly, Department witness Mr. King stated that "[p]eaking plants are primarily considered a capacity tool, and a chief benefit is to avoid purchasing incremental pipeline transportation for peak needs."[67] On the other hand, there is no evidence in the record of *any* utility *anywhere* ever using peaking plants to adjust it spot market purchase decisions in the absence of reliability concerns.[68] In sum, the record shows that the Company met its burden of proving that it would have been within the range of actions reasonable utilities in similar situations would take to not cut daily purchases based on a plan to run peaking plants due to assumptions about a price spike occurring or continuing.

1. Disallowed Volumes

Despite the substantial record evidence supporting the ALJ Findings that the Company acted within the range of actions a reasonable utility would take when faced with similar circumstances, the October 19 Order imposes a significant disallowance

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[63] ALJ Findings at Finding 204

[64] October 19 Order at 26.

[65] Joint Utilities Ex. 100 at 32 (Smead Direct).

[66] Comments of the Minnesota Department of Commerce, Division of Energy Resources, May 10, 2021 Docket No. G999/CI-21-135.

[67] DOC Ex. 506 at 22 (King Direct).

[68] Department Witness Mr. King speculated that the Company engaged in such actions during New Years' weekend 2017/2018, when prices spiked at the Ventura hub. The record, however, shows that, contrary to Mr. King's imagined scenario, the Company likely ran the plants due to reliability concerns arising from supply cuts in the Bakken. Xcel Ex. 205 at 39-41 (Derryberry Rebuttal). In other words, to the extent the Company adjusted its gas buying decisions in 2017/2018, it was because of concerns about the amount of supply, not the price of supply. On cross examination, Mr. King acknowledged that, in developing his speculative theory, he did not consider that there were supply failures in the Bakken at that time or that it was the coldest place in the world that weekend. 2C Tr at 33-34 (King Cross Examination).

on the Company related to the peaking plants. The October 19 Order does so based on the recommendation of Department Witness Mr. King, who testified that he had no experience running a peaking plant or purchasing gas for a utility with peaking plants, and was so unfamiliar with the Company's peaking plants that he did not know where they were located.[69] Adopting Mr. King's recommendation, the October 19 Order claims that "Xcel's failure to reevaluate the suitability of its strategies to meet the extraordinary circumstances would have fallen short of the minimum threshold of prudent conduct."[70] As such, the October 19 Order effectively determines – without *any* evidence of *any* utility ever having done the same – that the only reasonable action the Company could have taken (were its peaking plants available) would have been to reduce its daily spot purchase volume on February 16 based on a plan to dispatch at least 78,000 Dth (i.e., one half of the total maximum output) from the Wescott facility, because spot prices for gas had spiked over the weekend. To put this disallowance in context, a daily dispatch of 78,000 Dth from Wescott is far in excess of the average dispatch of approximately 14,000 Dth/day from the plant.[71] And, in the past ten years, only eight of the 146 times the plant has dispatched (or 5% of the time) were for 78,000 Dth or more.[72]

There is simply no evidence that supports the conclusion that the only action a reasonable utility in a similar circumstance would take would be to run its peaking plants in lieu of making daily purchases. As shown above, the Company produced substantial evidence of its past practice and industry standards that shows that, even had the peaking plants been available, *not* cutting spot market purchases based on a plan to dispatch the plants would have been within the range of action that reasonable utilities could have taken in good faith in the same circumstances. Therefore, the October 19 Order disallowance of certain volumes of gas related to the Company's peaking plants should be reconsidered.

2. Disallowance Calculation

The October 19 Order also incorrectly calculates a dollar value for any disallowed volumes related to the peaking plant issue, for the same reason the October 19 Order erred in calculating any disallowance related to load forecasting. As discussed above, the October 19 Order relies on the Department and the testimony of Mr. King to calculate the disallowance. Mr. King calculated his disallowance for Xcel Energy for the February 16 purchases by using *only* the price that day at the Ventura Hub – in contrast to his use of a daily spot purchase average price in calculating disallowances for every other utility in this proceeding. This disparate treatment of the Company effectively penalizes Xcel Energy for having a more diverse supply portfolio than the

[69] 2C Tr at 30-31 (King Cross Examination).
[70] October 19 Order at 37.
[71] See Xcel Ex. 227__ at Sch. 1 (Yehle Rebuttal).
[72] See Xcel Ex. 227__ at Sch. 1 (Yehle Rebuttal).

other Minnesota utilities and for having secured fixed-price spot gas packages for its February 17, 2021 gas supply and that secured lower prices for its customers – actions not taken by the other utilities.

For all of the reasons discussed here and in the load forecasting discussion above, the October 19 Order's disallowance calculations for Xcel Energy are unsupported by substantial evidence and are arbitrary and capricious. As with the load forecasting disallowance, any disallowance ultimately ordered for the Company based on the unavailability of its peaking plants should be calculated using the Company's actual average price for natural gas on February 17, as was used in calculating disallowances for the other gas utilities. Using the actual average price of the spot gas purchased for February 17, 2021 would have reduced the peaking plant disallowance from $14.7 million to approximately $9.0 million.[73]

II. Request for Clarification

In addition to the Company's request that the Commission reconsider the above disallowances, the October 19 Order contains an ambiguity that should be clarified. By way of background, in Direct Testimony, the Company proposed two customer-specific approaches to allocate and recover costs differently:

1. The Company proposed to exempt from the surcharge interruptible customers who *fully* curtailed during the February curtailment events, including the curtailment from February 13-17. The Company proposed to refund the surcharge amounts these customers already paid, and then assign the refunded amount to remaining customers in the interruptible class.[74]
2. The Company proposed to track customers who received natural gas service in the month of February 2021 and then move from natural gas sales service to transportation service after 2021. The Company proposed to charge these customers an exit fee for the remaining months of the extraordinary surcharge.[75]

In their Report, the ALJs agreed with the Company's proposals in Finding No. 306, which states in relevant part:

> Xcel should assign amounts to interruptible customers who used gas during the February Event, and should track

[73] See Attachment 1, page 2 for the calculation of the $9.0 million; see also Xcel Ex. 212 at 19, fn. 6 (Krug Rebuttal).
[74] Xcel Ex. 221 at 9-10 (Peterson Direct).
[75] Xcel Ex. 221 at 10 (Peterson Direct).

> customers who switch to transportation service to recovery the appropriate costs during the recovery period.

In the Commission's October 19th Order at Order Point 1, the Commission adopted "the Administrative Law Judges' Findings of Fact, Conclusions of Law, and Recommendation to the extent they are consistent with this Commission's decision." Finding No. 306 was not, however, clearly addressed one way or another. In effect, the Company's proposal was to ensure that certain interruptible customers who did not use natural gas for the entirety of Winter Storm Uri do not have to pay the surcharge and that commercial and industrial customers cannot escape payment of the surcharge by moving to Transportation service. While we believe that the Commission's Order adopts Finding No. 306, given that the result of adopting the finding will be to either increase the surcharge for interruptible customers who failed to fully curtail or require customers looking to avoid payment of the surcharge by changing rates, we respectfully request that this adoption be clearly called out. We continue to believe the Company's proposals – which were uncontested by parties and recommended by the ALJs – are equitable and narrowly tailored to address two different, but specific issues, and should be approved.

CONCLUSION

For the reasons stated above, the Company respectfully requests that the Commission reconsider its decision to disallow $19 million in natural gas costs (approximately $4.4 million related to load forecasting and approximately $14.7 million related to peaking plants) incurred to provide reliable service to customers on February 17, 2021. Further, any disallowance not reversed should be calculated based on Xcel Energy's average cost of gas on that day, consistent with the disallowance calculations for the other Minnesota utilities and which would reduce the load forecasting disallowance to approximately $2.7 million and the peaking plant disallowance to approximately $9.0 million. To do otherwise effectively penalizes Xcel Energy for taking actions that minimized costs to its customers.

Dated: November 8, 2022

Northern States Power Company

Load Forecasting Disallowance

		Feb 17, 2021	
a.	Forecasted Load	644,628	Derryberry Direct, Sch 2, page 26, Table 3
b.	*plus* 2% Reserve	12,893	b = a x 2%
c.	*less* Estimated Curtailment	40,000	
d.	Net Load	617,521	d = a + b - c
e.	Baseload	168,600	Derryberry Direct, Sch 2, page 26, Table 3
f.	Storage	168,479	King Surrebuttal, Sch 6, at 2
g.	Spot Purchases	280,442	g = d - e - f
h.	Actual Spot Purchases	303,549	Derryberry Direct Errata, Sch 2, page 26, Table 3 (Delivered Supply + Spot Purchases)
i.	Spot Purchase Reduction	23,107	i = h - g
Xcel Energy Calculation			
j.	Daily Purchases Average Price	$115.60	Derryberry Direct, Sch 2 page 36 Table 4
k.	Cost Reduction	**$2,671,220**	k = I x j
DOC Witness King Calculation			
l.	NNG - Ventura Index Price	$188.32	
m.	Cost Reduction	**$4,351,593**	m = I x l

Peaking Plant Disallowance

a.	Wescott Max Daily Withdrawal Capacity	156,000	
b.	Wescott Dispatch Assumption	78,000	b = a x 50%
Xcel Energy's Calculation			
c.	Daily Purchases Average Price	$115.60	Derryberry Direct, Sch 2 page 36 Table 4
d.	Avoided Spot Purchases	**$9,016,800**	d = b x c
DOC Witness King Calculation			
e.	NNG Ventura Index Price	$188.32	
f.	Avoided Spot Purchases	**$14,688,960**	f = b x e

CERTIFICATE OF SERVICE

I, Joshua DePauw, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

Docket Nos. **G999/CI-21-135**
G002/CI-21-610

Dated this 8th day of November 2022

/s/
____
Joshua DePauw
Regulatory Administrator

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