

January 20, 2023

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

RE: Reply Comments of the Minnesota Commerce Department, Division of Energy Resources
Docket Nos. E002/CI-17-401 and E002/M-20-406

Dear Mr. Seuffert:

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

Commission Investigation to Identify and Develop Performance Metrics and Potentially, Incentives for Xcel Energy's Electric Utility Operations

Xcel Energy's Annual Report on Safety, Reliability, and Service Quality and Petition for Approval of Electric Reliability Standards

Northern States Power Company, doing business as Xcel Energy (Xcel Energy), the City of Minneapolis (Minneapolis, City) and the Environmental Law & Policy Center (ELPC) and Vote Solar (jointly ELPC/VS) (the Parties) each filed comments in response to the Minnesota Public Utilities Commission's December 2, 2022 Notice of Comment Period in these two dockets.

As discussed in the attached reply comments, the Department summarizes the Parties' comments and provides its responses in light of the Commission's Notice of Comment Period. After completing this review, the Department recommends the Commission:

- Conclude the existing metrics and demographic data largely address the Commission's Order for the development of future equity-related service reliability and service quality metrics.
- Request Xcel perform a quantitative analysis with the goal to determine if service reliability in low-income areas is significantly lower than in the Company's work centers on average.
- Adopt a methodology whereby it modifies Xcel's existing QSP tariff to incorporate the potential equity-related performance metrics.
- Refer the City of Minneapolis' concerns regarding Xcel's reliability metrics to the Company's 2023 Service Reliability and Service Quality Docket.

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The Department is available to answer any questions the Commission may have in this matter.

Sincerely,

/s/ JOHN KUNDERT
Financial Analyst

JK/ar
Attachment



Before the Minnesota Public Utilities Commission

Reply Comments of the Minnesota Commerce Department Division of Energy Resources

Docket Nos. E002/CI-17-401 and E002/M-20-406

I. INTRODUCTION

On December 2, 2022, the Minnesota Public Utilities Commission (Commission, MPUC) issued a Notice of Comment Period (Notice). The Commission identified the following issue – What action should the Commission take on the Locational Reliability, Equity – Service Quality and Equity – Reliability metrics and Xcel Energy’s associated map?

The Commission also identified three additional topics for comments in the Notice.

1. Do the existing metrics and demographic data adequately address the Commission’s Order for the development of future metrics? Are any modifications needed?
2. What methodology, if any, should be used to analyze metrics displayed on Xcel’s map to allow for measurement of equity focused metrics? Alternatively, is it more appropriate for individuals to apply their own analysis of the map data to complement their recommendations in PBR and other dockets?
3. Are there other issues or concerns related to this matter?

Three parties filed comments in response to the Commission’s Notice.

1. Northern States Power Company, doing business as Xcel Energy (Xcel Energy).
2. The City of Minneapolis (Minneapolis, City).
3. The Environmental Law & Policy Center (ELPC) and Vote Solar (jointly ELPC/VS).

The Minnesota Commerce Department, Division of Energy Resources (Department) summarizes the parties’ responses to the Commission’s questions and provides its perspective on these topics.

II. ANALYSIS

1. *Do the existing metrics and demographic data adequately address the Commission’s Order for the development of future metrics? Are any modifications needed?*

a). Xcel Energy

Xcel’s noted the difference between the existing metrics identified for use in the interactive map and those developed within the context of the Performance Based ratemaking docket (E002/CI-17-401). The Company concluded the five metrics currently included in the interactive map provide an adequate basis

for evaluating the issues the Commission identified.¹ Xcel's position appears to be the existing metrics are adequate. Xcel also noted:

- The Commission adopted six initial reliability metrics in its September 18, 2019 Order in Docket No. E002/CI-17-401 (PBR docket).²
- The Commission identified three additional future metrics (1) Momentary Average Interruption Frequency Index (MAIFI); (2) power quality; and (3) locational reliability.
- The MAIFI and power quality performance metrics require the installation of Advanced Metering Infrastructure (AMI). Xcel anticipates providing information related to these two metrics in its 2026 PBR annual filing.

The Company also concluded the information included in the locational equity map combined with demographic data do adequately address the Commission's Order for the development of the potential service reliability/equity and service quality/equity metrics.

b). City of Minneapolis

Minneapolis recommended including the following data for each census tract in the next version of the map: 1) total low-income energy efficiency program funding for the year, and 2) average program benefit (\$ per participant). The City also stated the information provided in the map regarding disconnections is appropriate. Minneapolis also suggested some additional policy options the Commission may want to consider regarding future disconnection policy.

Regarding reliability, the City supports the use of CEMI and CELI performance metrics. Minneapolis does have concerns regarding the use of CEMI-6 and CELI-12 as performance metrics for earning an incentive. The City recommends tracking CEMI-1 to reflect a higher quality of service. Minneapolis also supports Xcel's plan to report a three-year average for CELI values.

Given its various recommendations, the City does not appear to believe the existing metrics and demographic data provided adequately address the Commission Order for the development of future metrics.

¹ These include (1) Customers Experiencing Lengthy Interruptions (CELI) 12 or more times per year, (2) Customers Experiencing Multiple Interruptions (CEMI) 6 or more times per year, (3) percent of customers experiencing one or more involuntary disconnections in a year, (4) low-income energy efficiency program participation, (5) energy bill assistance program participation.

² This list included (1) System Average Interruption Duration Index (SAIDI), (2) System Average Interruption Duration Index (SAIDI), (3) Customer Average Interruption Duration Index (CAIDI), (4) CELID, (5) CEMI, and (6) Average Service Availability Index (ASAI).

c). ELPC/VS

In its comments, ELPC/VS explained several additional steps are needed before the Commission and other interested parties have an adequate amount of information to develop reliability/equity and service quality/equity performance metrics.

- Expand data collection and reporting to include additional pertinent information
- Define a metric calculation
- Establish baseline performance and reliability

ELPC/VS also referenced the possibility to use SAIDI and SAIFI metrics relative to the reliability/equity metric and suggests a reporting template with 12 additional fields. ELPC/VS also suggests the Commission pursue a quantitative analysis to understand the relationship between reliability and equity at the appropriate levels of geographic granularity. ELPC/VS also referenced several service quality-related metrics but did not provide any recommendations regarding those metrics.

Similar to Minneapolis, ELPC/VS' comments do not appear to support the position the existing metrics and demographic data adequately address the Commission's Order.

Response:

The Department appreciates Xcel's, Minneapolis' and ELPC/VS' comments in this docket.

Xcel's discussion regarding the two groups of performance metrics the Commission identified in its September 18, 2019 Order in the PBR docket was helpful. The Department revisited the Commission's September 18, 2019 Order and found Xcel's description consistent with our review. The classification of the locational reliability metric along with MAIFI and power quality as something akin to "aspirational" metrics is important.

Given this classification, the Department believes Xcel has substantially completed the work necessary related to the locational reliability metric discussed in the Commission's September 18, 2019 Order. Thus, the Department largely agrees with Xcel's position. The existing metrics and demographic data adequately address the Commission's Order.

As to the additional information the City of Minneapolis recommended including in the locational reliability map, the Department takes no position on the issue.

Turning to ELPC/VS' recommendations, the Department agrees additional quantitative analysis should be conducted to understand the relationship between reliability and equity. There appears to be an untested assumption buried in the discussion regarding the need for a reliability/equity metric. To the Department's knowledge, there has been no statistically valid analysis which correlates lower reliability in

low-income areas for Xcel Energy.³ This is a topic that requires further study. Historically, Minnesota-based electric utilities have identified customer density and vegetation as the two leading factors leading to lower reliability in certain work centers. To the Department's knowledge, Xcel performs ongoing maintenance on its distribution system based on operational criteria. It is also possible the Department is incorrect in its understanding of Xcel's distribution reliability activities. Hence, the Department recommends the Commission require the development of such a study as a baseline for determining the need for a reliability/equity performance metric.

In summary, the Department recommends the Commission have Xcel develop an analysis that tests the hypothesis whether service reliability for low-income areas is lower than it is for the relevant work center. This analysis will help determine whether Xcel has identified a valid performance metric given the information currently available.

2. *What methodology, if any, should be used to analyze metrics displayed on Xcel's map to allow for measurement of equity focused metrics? Alternatively, is it more appropriate for individuals to apply their own analysis of the map data to complement their recommendations in the PBR and other dockets?*

a). Xcel Energy

The Company stated it is in the process of analyzing the metrics displayed on the interactive map to determine if disparities relative to reliability/equity and service quality/equity performance metrics exist. Xcel also appeared to have identified a potential reliability/equity performance metric. The Company stated:⁴

For example, we can check for any significant census block group level correlations between the reliability metrics CELI 12 and CEMI 6 with the equity metrics in the map such as a percent of people of color, population with incomes below 185 percent of the federal poverty level, and median household income.

Xcel also included a discussion of potential service quality/ equity performance metric.

We will use this interactive map as a tool to cross reference census, customer disconnections, and energy assistance program participations

In addition, Xcel stated the Commission need not identify whether it is more appropriate for the Company itself to analyze or other individuals applying their own methods to analyze the map.

³ The Department is substituting the term "low-income" for equity in this discussion for administrative simplicity. The Department understands the two terms are not necessarily synonymous, but we assume there is a significant amount of overlap. A specific definition for the term reliability/equity may be a reasonable step before pursuing the quantitative exercise discussed above.

⁴ Xcel Comments at page 5.

b). City of Minneapolis

Minneapolis did not provide a response to this question.

c). ELPC/VS

ELPC/VS recommended the Commission consider the Reliability and Resilience in Environmental Justice Communities proposal developed by the Environmental Defense Fund and the Illinois Citizens Utility Board in Rebuttal Testimony in a ComEd Performance Metric.^{5, 6}

Response:

The Department appreciates the Company's discussion related to the reliability/equity and the service quality/equity metrics. It appears Xcel has assembled a sufficient amount of information to develop some sort of equity-related metrics based on existing information.

The Department also appreciates the information ELPC/VS provided on this topic. The Department does not support ELPC/VS' recommendation regarding the adoption of the ComEd performance metric. This proceeding has relied primarily on a multi-year process to develop its Xcel-specific and Minnesota-specific work product. The Department does not support the adoption of an *ad hoc* performance metric as we believe it does not recognize the nuances of the Minnesota regulatory construct.

Xcel's efforts to evaluate the existing data identified and the existence of Xcel's Quality of Service (QSP, Tariff) tariff provide a superior construct for developing these equity-related performance metrics and potential incentives or disincentives for good or poor performance.

The Department recommends the Commission adopt a methodology whereby it modifies the QSP to incorporate the potential equity-related performance metrics.

By way of explanation, the Company developed its QSP between 2002 and roughly 2013.⁷ The Tariff is found in Section 6 Sheets 7.1 through 7.11 of Xcel's Minnesota Electric Rate Book.

⁵ ELPC/VS comments at page 10. ICC Docket No. 22-0067, June 3, 2022.

⁶ Rebuttal Testimony and Exhibits of Andrew Barbeau, the Accelerate Group, on behalf of the Environmental Defense Fund and the Citizens Utility Board, ICC docket No. 22-0067, June 3, 2022.

⁷ See Docket Nos. E, G002/CI-02-2034 and E, G002/M-12-383.

The QSP includes the following subsections:

- Subsection A. Definitions;
- Subsection B. Under Performance Payments;
- Subsection C. Under Performance Payment Disbursement;
- Subsection D. Reporting Requirements;
- Subsection E Under Performance Measures;
 - E.1 Customer Complaints;
 - E.2 Telephone Response Times;
 - E.3 SAIDI;
 - E.4 SAIFI;
 - E.5 Natural Gas Emergency Response;
 - E.6 Customer Outage Credits
 - Single Year Outages
 - Consecutive Year Outages
 - E.7 Accurate Invoices
 - E.8 Invoice Adjustment Timelines

The current Tariff identifies eight potential annual under performance payments of \$1.0 million for the performance metrics listed in E.1 through E.8.

The QSP demonstrates Xcel already has some reliability related financial performance metrics (system-based SAIFI and SAIDI and customer-based number of outages) as well as some service quality-related financial performance metrics (customer complaints, telephone response times, accurate invoices).

The Tariff provides a potential construct for incorporating other reliability or service quality metrics. It also could serve as a template for the development of additional performance metrics not related to service reliability or service quality covered in these dockets.

The Department recommends the Commission request Xcel work with interested parties to develop potential reliability/equity and service quality/equity performance metrics which could be introduced into the QSP. This exercise would provide some hands-on training regarding the development of performance metrics in the Company's rate book within an existing tariff.

3. *Are there other issues or concerns related to this matter?*

a). *Xcel Energy*

The Company did not identify any additional issues or concerns in its comments.

b). City of Minneapolis

Minneapolis included an analysis in its comments which concluded Xcel's 2021 electric service reliability (SAIDI and SAIFI) was not as reliable as the electric service provided by several electric distribution utilities serving the Twin Cities Metropolitan area.⁸ The City recommended the Commission direct the Company "to close the reliability gap so that the customers on the poorest performing feeders are brought to the level of service that those on the highest performing feeders experience."⁹

c). ELPC/VS

ELPC/VS did not identify any issues or concerns in response to the Commission question.

Response:

The Department appreciates the City's concerns regarding Xcel's service reliability as it relates to SAIDI and SAIFI. While this discussion usually takes place within the context of the Company's annual SRSQ filing, the Department will note Minneapolis' concerns and discuss this issue in its comments in Xcel's 2023 SRSQ.

The Department also notes the National Association of State Utility Consumer Advocates (NASUCA) recently passed a resolution on "Advancing Equity and Affordability in Utility Regulation." The Department has included a copy of the resolution at Attachment A. We are including this information as a courtesy.

The Department did not identify any additional issues or concerns regarding this Commission question.

III. SUMMARY AND RECOMMENDATIONS

In response to the question "What action should the Commission take on the Locational Reliability, Equity – Service Quality and Equity – Reliability metrics and Xcel Energy's associated map?" included in the December 2, 2022 Notice, the Department recommends the Commission:

- Conclude the existing metrics and demographic data largely address the Commission's Order for the development of future equity-related service reliability and service quality metrics.
- Request Xcel perform a quantitative analysis with the goal to determine if service reliability in low-income areas is significantly lower than in the Company's work centers on average.
- Adopt a methodology whereby it modifies Xcel's existing QSP tariff to incorporate the potential equity-related performance metrics.
- Refer the City of Minneapolis' concerns regarding Xcel's reliability metrics to the Company's 2023 Service Reliability and Service Quality Docket.

⁸ These included Connexus Energy, Dakota Electric Association, Shakopee Public Utilities, and Wright-Hennepin Cooperative Electric Association.

⁹ Comments at pages 3 through 6.

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES**Resolution 2022-02****Resolution on Advancing Equity & Affordability in Utility Regulation**

WHEREAS access to utility service, including electricity, heat, water, and wastewater service is essential to individual and public health, safety and engagement in public life;

WHEREAS a loss of utility services can prove dangerous and potentially life-threatening;

WHEREAS many utility customers have chronic difficulties paying their utility bills in full, which can result in a disconnection of service by the utility for nonpayment, and in some instances a loss of housing;

WHEREAS the COVID-19 pandemic highlighted the need to ensure that there is affordable, reliable, and equitable access to utility service for all customers to meet basic needs as well as to enable education, commerce, and improved health outcomes;

WHEREAS the National Association of State Utility Consumer Advocates (“NASUCA”) and National Association of Regulatory Utility Commissioners (“NARUC”) recognized the value of evidence-based policy with the joint passage of the “Data Collection Resolution” in 2019;¹

WHEREAS historic public and private policies, including redlining, blockbusting and contract sales, denial of credit and mortgages, land grabs, and other purposeful disinvestments have denied generations of African American, Indigenous, Latiné, and other populations that have been historically discriminated against opportunities for generational wealth resulting in concentrated poverty;²

WHEREAS communities with a majority of African American, Indigenous, Latiné, and other populations that have been historically discriminated against, along with low-income ratepayers, renters, people with disabilities, and seniors are generally more likely to experience

¹ National Association of State Utility Consumer Advocates, “Resolution on Best Practices in Data Collection and Reporting for Utility Services Delinquencies in Payments and Disconnections of Service” (2019). Available at <https://nasuca.org/wp-content/uploads/2018/11/2019-07-NASUCA-Data-Collection-Resolution-Joint-with-NARUC-Final.pdf>

² See Lawrence Berkeley National Laboratory, “Future Electric Utility Regulation Report No. 12: Advancing Equity in Utility Regulation,” at 23 (Nov. 2021) (hereafter, “Berkeley Report”). Available https://eta-publications.lbl.gov/sites/default/files/feur_12_-_advancing_equity_in_utility_regulation.pdf. See also How High Are Household Energy Burdens? American Council for an Energy-Efficient Economy (hereafter “ACEEE”) at 3 (Sept. 10, 2020). Available at <https://www.aceee.org/sites/default/files/pdfs/u2006.pdf>.

disproportionately high or severe energy burdens,³ high rates of disconnection,⁴ and negative health effects resulting from living in close proximity to energy generation sites;⁵

WHEREAS studies have found that African American residents are more than twice as likely to live in poverty as non-African American residents, and more likely to spend a significantly higher portion of their household income on electricity and heating than non-African American residents, except when African American residents are part of higher income groups;⁶

WHEREAS some utilities have disconnection policies that rely on a customer “risk-ranking” systems that treat customers deemed “high-risk” differently than customers deemed “low-risk,” with lower arrearage disconnection trigger amounts and accelerated disconnection timelines;⁷

WHEREAS energy equity means the fair and just treatment of all ratepayers and advancement of an energy system “where the economic, health, and social benefits ... extend to all levels of society, regardless of ability, race, or socioeconomic status;” at a minimum, energy equity requires procedural equity and distributive equity, principally meaning providing reasonable access to the distribution of affordable energy to all levels of society;⁸

³ See ACEEE, FN 2, at ii. ACEEE defines a “high energy burden” as more than six percent of household income spent on home energy bills, and a “severe energy burden” as more than ten percent of household income spent on home energy bills. Further, households with high and severe utility bill burdens often postpone other important purchases, even in some cases going without food, or foregoing medical or dental care to pay utility bills or suffer illness in an effort to lower those bills by reducing their usage of heating and cooling energy to what may be unhealthy levels. See NASUCA Data Collection Resolution, FN 1, at 2; See also Berkeley Report, FN 2, at 24.

⁴ See Berkeley Report, FN 2, at 20-26.

⁵ See ACEEE, FN 2, at 3.

⁶ National Association for the Advancement of Colored People (“NAACP”), “Lights Out in the Cold” (March 2017). Available at <https://naacp.org/resources/lights-out-cold>. The higher percentage of low-income Black residents exacerbates their vulnerability to high energy prices and in turn utility disconnections. This helps explain why increases in energy prices are likely to negatively impact the Black community more significantly than the general population; see also American Association of Blacks in Energy, “Energy, Economics and Environment: Effects on African Americans,” (2004). Available at <https://www.aabe.org/docs/whitepapers/docs/1-State-of-Energy-in-Black-America-Report.pdf>; see also Office of the People’s Counsel, Washington, DC Energy Affordability Study Population Characterization Report, March 2020, available at <https://opc-dc.gov/wp-content/uploads/2022/03/DC-OPC-Energy-Affordability-Study-Population-Characterization-Report-FINAL-12-18-20.pdf>

⁷ See *Commonwealth Edison Co. -- Petition for the Establishment of Performance Metrics Under Section 16-108.18(e) of the Public Utilities Act*, Illinois Commerce Commission Docket No. 22-0067, Direct testimony of John Howat on behalf of Community Organizing and Family Issues, filed April 6, 2022, pp. 18-24; *Ameren Illinois Company -- Petition for the Establishment of Performance Metrics Under Section 16-108.18(e) of the Public Utilities Act*, Illinois Commerce Commission Docket No. 22-0063, Direct testimony of John Howat on behalf of Community Organizing and Family Issues, filed April 27, 2022, pp. 17-22. See also <http://www.totalsolutioninc.com/clients.html> -- Total Solutions, Inc. website, which claims, “Today over 60,000,000 accounts are scored using TSI software each and every month.”

⁸ Pacific Northwest National Laboratory (“PNNL”), “Energy Equity” (last visited Aug. 31, 2022). Available at <https://www.pnnl.gov/projects/energy-equity#:~:text=What%20is%20energy%20equity%3F,energy%20efficient%20housing%20and%20transportation.>

WHEREAS a household's ability to pay for utility services without hindering their ability to purchase food, health care, housing, and other essential goods and services is often measured by a household's energy burden;⁹

WHEREAS "affordability" is a broad metric that is measured in some states as a household's energy burden, and in others is a measure of the reasonableness of a utility's rates and the state's competitiveness;

WHEREAS concerns about affordability make more urgent the ongoing need for regulators to engage in thorough, systematic and rigorous review to ensure the prudence of utility investments and expenditures and the justness and reasonableness of utility rates.

WHEREAS some state legislatures have amended their public utility statutes to expand the definition of public interest and recognize the need for equity and affordability in public utility regulation;¹⁰

RESOLVED, that NASUCA encourages state advocates, regulators, and other policymakers to study and implement practices to potentially reduce the incidence of, and minimize negative impacts from, utility services payment delinquencies, disconnections, late fees, reconnection fees, and similar measures that further burden customers struggling with affordability and to consider addressing energy equity and affordability through appropriate actions, including some or all of the following actions:

- support policies that consider energy equity and affordability as basic requirements of utility quality of service, in the definition of public interest, and the provision of reasonable, affordable, safe, and reliable utility service;
- develop an energy affordability index, including a granular analysis of household energy burdens, that provides an up-to-date status of affordability that measures the impact of utility rate increases, rate design proposals and infrastructure and climate projects that have a rate impact;
- require utilities to provide regular reports, by zip code, of credit and collections actions, and standardize key customer data collected by utilities at the zip code level, by customer class, income level (low-income, non-low income), and type of utility service, publicly and regularly reported to state commissions;¹¹

Similarly, in the Berkeley Report, Chandra Farley defined energy equity as "the fair distribution of the benefits and burdens of energy consumption," and "equity" generally as "just and fair inclusion... Understanding that an equitable society is one in which all can participate, prosper, and reach their full potential." Berkeley Report, FN 2, at 3. (Internal quotations and citations omitted).

⁹ See, e.g., Kenneth W. Costello, "Tips on Making Utility Assistance to Low-Income Households Most Effective" (September 2021) at 1, available at <https://www.theregreview.org/2021/11/23/costello-utility-assistance-low-income-households-effective/>.

¹⁰ Berkeley Report, at 4.

¹¹ This data should include, but should not be limited to the following information by service classification:

- use zip code data to develop and guide policies that reduce disproportionate outcomes in service reliability, unaffordability, disconnections, and other similar actions that further burden customers struggling with affordability;
- ensure that all materials prepared by state commissions and utilities are translated into languages spoken and read by significant numbers of ratepayers within the applicable service territories;¹²
- support policies that encourage participation of diverse voices in regulatory proceedings;
- encourage training of agency and utility employees to assess and work with customers on sustainable solutions to avoid arrearages and maintain utility services that specifically connect customers with state, federal, and utility-sponsored assistance programs,

number of customers receiving utility service;
 number of customers receiving disconnection notices;
 number of customers disconnected for nonpayment;
 number of customers reconnected because they have paid in full or set up payment arrangements;
 number of new deferred payment arrangements;
 number of customers taking service at the beginning of each month under existing deferred payment arrangements;
 number of customers completing deferred payment arrangements during the month;
 number of payment agreements that failed each month;
 number of customers renegotiating deferred payment arrangements during the month;
 number of customers assessed late payment fees during the month;
 number of customers taking service at the beginning of the month under existing medical payment arrangements;
 number of customers completing medical payment arrangements during the month;
 number of customers enrolling in new medical payment arrangements during the month; number of customers renegotiating medical payment arrangements during the month;
 number of customers required to submit new deposits or increased deposits during the month;
 number of customers whose deposits were reduced or foregone during the month;
 number of customers whose deposits were returned in full during the month;
 number of customers with past due amounts (separated by 30-60 days, 61-90 days, 91+ days past due) at the beginning of the month and taking service at the beginning of the month under existing deferred payment arrangements;
 dollar volume of past due accounts, for customers with past due amounts (separated by 30-60 days, 61-90 days, 91+ days past due) at the beginning of the month and taking service at the beginning of the month under existing deferred payment arrangements;
 number of customers being charged for reconnection fees;
 number of customers being charged penalties and/or interest;
 average amount of penalties, late payment charges, and/or interest charged to each disconnected customer;
 total amount of penalties, interest, late payment charges and reconnection fees charged to customers;
 history of customers who have enrolled in more than one payment plan;
 number of customers who applied for a payment plan but were denied;
 number of customers receiving utility bill forgiveness programs and amounts received;
 number of customers receiving federal funds (outside of LIHEAP) and amounts received;
 number of customers enrolled in a low-income discount rate; and number of customers enrolled in an arrearage management program;
 number of liens attached to properties for past due water arrearages; and
 number of wage garnishments for past due accounts.

¹² Each state may define significant numbers of speakers with limited English proficiency in different ways.

including the Low-Income Home Energy Assistance Program (“LIHEAP”) and the Low-Income Household Water Assistance Program (“LIHWAP”);

- identify and share practices to reduce delinquencies and disconnections, with the explicit goal of increasing customers’ capabilities to pay utility bills over time, including promotion of:
 - access to helpful programs and services;
 - rate designs that promote affordability, such as Lifeline rates, reasonably designed discount rate programs, and percentage of income payment plans, where permitted by state law;
 - leveraging utility-sponsored low-income, zero-copay weatherization programs with the existing federal weatherization (“WAP”) program;
 - consumer education that helps connect customers who struggle to afford monthly utility service with assistance, including LIHEAP, LIHWAP, and other state and federal utility assistance programs, as well as critical information about the default utility services price-to-compare and other “buyer-beware” consumer protection guidelines for customers who reside in deregulated energy states;
 - in states with retail energy competition, mandatory disclosure by competitive third-party energy suppliers of the current and historical public utility price-to-compare for utility services and other material terms of their offers, as well as a prohibition on signing low-income customers up for rates that are higher than the utility price-to-compare and prohibition of door-to-door sales where law allows;
 - expanded customer shutoff protections, including seasonal and vulnerable population protections, as well as protections during extreme weather events that occur outside of traditional seasonal moratoria;
 - longer term deferred payment arrangements and arrearage management programs that allow ratepayers to avoid disconnection and proportionally erase debt when timely discounted monthly payments are made over a reasonable period;
 - year-round LIHEAP program application periods that include access to cooling assistance;
 - the elimination of utility disconnection policies that rely on a customer “risk-ranking” system that accelerate disconnections of customers deemed “high-risk” as compared to those deemed “low-risk;”
 - strict regulation of the amount of all utility fees, including customer late fees, reconnection fees, and deposit requirements;
 - periodic and consistent review of policies and programs that help reduce fee assessments and disconnections, utilizing zip code level credit and collections data; and
 - evaluate and promote spending on low-income, zero co-pay utility-sponsored weatherization programs that, at a minimum, are budgeted to reflect the proportion of low-income customers in a utility’s service territory.

BE IT FURTHER RESOLVED, that:

NASUCA authorizes its Executive Committee to develop specific positions and take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking action if possible. In any event the Executive Committee shall notify the membership of any action pursuant to this resolution.

Submitted by the Consumer Protection Committee

Approved: 2022 NASUCA Annual Meeting
November 13, 2022

Abstained

Alabama

South Carolina

Tennessee

Iowa

Pennsylvania Small Business Advocate

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. E002/CI-17-401 and E002/M-20-406

Dated this **20th** day of **January 2023**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-401_Official
David	Dahlberg	davedahlberg@nweco.com	Northwestern Wisconsin Electric Company	P.O. Box 9 104 South Pine Street Grantsburg, WI 548400009	Electronic Service	No	OFF_SL_17-401_Official
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	2720 E. 22nd St Institute for Local Self-Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_17-401_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_17-401_Official
Katherine	Hamilton	katherine@aem-alliance.org	Advanced Energy Management Alliance	1701 Rhode Island Ave, NW Washington, DC 20036	Electronic Service	No	OFF_SL_17-401_Official
William D	Kenworthy	will@votesolar.org	Vote Solar	332 S Michigan Ave FL 9 Chicago, IL 60604	Electronic Service	No	OFF_SL_17-401_Official
Brad	Klein	bklein@elpc.org	Environmental Law & Policy Center	35 E. Wacker Drive, Suite 1600 Suite 1600 Chicago, IL 60601	Electronic Service	No	OFF_SL_17-401_Official
Annie	Levenson Falk	annief@cupminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_17-401_Official
Gregory C.	Miller	gmiller@dakotaelectric.com	Dakota Electric Association	4300 220th Street West Farmington, MN 55024	Electronic Service	No	OFF_SL_17-401_Official
Kristin	Munsch	kmunsch@citizensutilityboard.org	Citizens Utility Board of Minnesota	309 W. Washington St. Ste. 800 Chicago, IL 60606	Electronic Service	No	OFF_SL_17-401_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rolf	Nordstrom	rnordstrom@gpisd.net	Great Plains Institute	2801 21ST AVE S STE 220 Minneapolis, MN 55407-1229	Electronic Service	No	OFF_SL_17-401_Official
Audrey	Partridge	apartridge@mncee.org	Center for Energy and Environment	212 3rd Ave. N. Suite 560 Minneapolis, Minnesota 55401	Electronic Service	No	OFF_SL_17-401_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_17-401_Official
Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-401_Official
Christine	Schwartz	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_17-401_Official
Doug	Scott	dscott@gpisd.net	Great Plains Institute	2801 21st Ave Ste 220 Minneapolis, MN 55407	Electronic Service	No	OFF_SL_17-401_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-401_Official
Patricia F	Sharkey	psharkey@environmentalallawcounsel.com	Midwest Cogeneration Association.	180 N LaSalle St Ste 3700 Chicago, IL 60601	Electronic Service	No	OFF_SL_17-401_Official
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_17-401_Official
Christopher	Villarreal	cvillarreal@rstreet.org	R Street Institute	1212 New York Ave NW Ste 900 Washington, DC 20005	Electronic Service	No	OFF_SL_17-401_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeff	Zethmayr	jzethmayr@citizensutilityboard.org	Citizens Utility Board	309 W. Washington, Ste 800 Chicago, IL 60606	Electronic Service	No	OFF_SL_17-401_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Alison C	Archer	aarcher@misoenergy.org	MISO	2985 Ames Crossing Rd Eagan, MN 55121	Electronic Service	No	OFF_SL_20-406_20-406
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-406_20-406
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_20-406_20-406
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-406_20-406
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_20-406_20-406
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_20-406_20-406
Catherine	Fair	catherine@energycents.org	Energy CENTS Coalition	823 E 7th St St Paul, MN 55106	Electronic Service	No	OFF_SL_20-406_20-406
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	2720 E. 22nd St Institute for Local Self-Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_20-406_20-406

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-406_20-406
Edward	Garvey	edward.garvey@AESLconsulting.com	AESL Consulting	32 Lawton St Saint Paul, MN 55102-2617	Electronic Service	No	OFF_SL_20-406_20-406
Janet	Gonzalez	Janet.gonzalez@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-406_20-406
Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-406_20-406
Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.	445 Etna Street Ste. 61 St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-406_20-406
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_20-406_20-406
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
Sarah	Johnson Phillips	sarah.phillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
William D	Kenworthy	will@votesolar.org	Vote Solar	332 S Michigan Ave FL 9 Chicago, IL 60604	Electronic Service	No	OFF_SL_20-406_20-406
Brad	Klein	bklein@elpc.org	Environmental Law & Policy Center	35 E. Wacker Drive, Suite 1600 Suite 1600 Chicago, IL 60601	Electronic Service	No	OFF_SL_20-406_20-406

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_20-406_20-406
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_20-406_20-406
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_20-406_20-406
Stacy	Miller	stacy.miller@minneapolismn.gov	City of Minneapolis	350 S. 5th Street Room M 301 Minneapolis, MN 55415	Electronic Service	No	OFF_SL_20-406_20-406
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-406_20-406
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_20-406_20-406
Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_20-406_20-406
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-406_20-406
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_20-406_20-406

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Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-406_20-406
Christine	Schwartz	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-406_20-406
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-406_20-406
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-406_20-406
Byron E.	Starns	byron.starns@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_20-406_20-406
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-406_20-406

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406
Kurt	Zimmerman	kwz@ibew160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_20-406_20-406
Patrick	Zomer	Pat.Zomer@lawmoss.com	Moss & Barnett PA	150 S 5th St #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-406_20-406