



1264 Energy Lane
Saint Paul, MN 55104
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April 4, 2023

Chair Katie Sieben
Commissioner Valerie Means
Commissioner Matt Schuerger
Commissioner Joseph K. Sullivan
Commissioner John Tuma

RE: Docket 22-170 Xcel's Resiliency Program

Petition for Rehearing, Amendment, Vacation, Reconsideration and/or Reargument

All Energy Solar respectfully submits this petition pursuant to Minnesota Rule 7829.3000 and is requesting a rehearing, amendment, vacation, reconsideration, or reargument of the commission's order in 22-170. This program will not “foster a robust market” but rather result in a market dominated by the monopoly that is already serving all of the C & I customers in it, Xcel Energy. Accordingly, All Energy requests that the PUC vacate its order approving the program and, instead, deny it. Or, at the very least, make it a pilot program or otherwise put some significant limits on it. Otherwise, Xcel Energy’s monopoly will be extended to the resiliency market.

Xcel based the “Resiliency Service” program on their EV Accelerate program, which has faced litigation (e-docket A19-1785, e-docket A20-0116) and is currently facing hundreds of consumer complaints (M-22-432). And for good reason: it is anticompetitive on its face. Based on the public's experience of Xcel operating its EV program, there are clear indications that a similar program will be catastrophic when applied to the marketplace for resiliency service technologies.

In 2021, a local electrician won a bid to install EV Chargers at a multi family dwelling. After submitting the customers application for EV Accelerate at home, the electrician suddenly found himself in competition with Xcel and working to keep the customer he had already contracted

with. Xcel had used the customer data from the charger application to begin aggressively marketing their own program to a customer who had already selected their vendor of choice. The text from Xcel's customer interaction below shows how willing Xcel is to aggressively poach customers from the local vendors they claim to support.

“Our team has proposed an alternative program and solution to mitigate the costs and questions described above. The new program is directly suited for customers and multifamily building managers, and would allow Xcel Energy to install a completely new and dedicated electric service for all EVs in that multifamily building/shared garage... The substantial upfront wiring costs can be avoided since we are installing a dedicated electric service and circuits... If you would like to move forward, we will advance your application and make sure our electrician is aware of your installation scenario, and can consult with you to see if it works, provide cost estimates, and determine if it is feasible.”

Should this type of interaction occur after submitting solar and storage interconnection applications, it will quickly become very challenging for any C & I customers in Xcel territory to solicit a competitive bid from a competent developer. For developers, there is zero benefit to pouring hours into a competitive bid to win business, only to have that business poached or derailed by the interconnecting utility.

Should this program proceed unchecked, Xcel will need to hire dedicated staff responsible for providing the sole bid to customers in the C & I class seeking estimates. There will no longer be a competitive marketplace interested in serving C & I customers. While this would be a windfall for Xcel shareholders, it would have terrible repercussions for ratepayers and the competitive marketplace for resiliency services.

There is nothing in the current program rules preventing Xcel from maneuvering to poach business after a developer has submitted an interconnection application for a project. Xcel has unlimited access to customer interconnection data and hosting capacity data. The utility has already shown that it will use its competitive advantage to the fullest extent, even if it means destroying the entire marketplace. Accepting their promise not to use their advantage is naïve. The PUC included some conditions it believed protected competition, but those conditions are insufficient to protect vendors and buyers from Xcel's monopoly power.



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There are no safeguards to fully protect a competitive marketplace from the inherent power of a monopoly. In light of this fact, and for the good of the public, we petition for reconsideration. If the commission must approve this program, approve it as a pilot until more is known about how Xcel will operate it. We also ask that the commission create a legitimate forum for impacted developers to complain. The current complaint methodology applies only to “qualifying facilities” and this category is not applicable to a project just initiating an interconnection application.

Sarah Whebbe, Policy Analyst , All Energy Solar

Michael Allen, CEO, All Energy Solar



Fwd: Your EV Accelerate At Home Application1 message

Sat, Mar 18, 2023 at 10:33 PM

Sent from my iPhone

Begin forwarded message:

From: ElectricVehicles <electricvehicles@xcelenergy.com>
Date: June 21, 2021 at 1:20:39 PM CDT
To: [REDACTED] ElectricVehicles <electricvehicles@xcelenergy.com>
Cc: [REDACTED]
Subject: RE: Your EV Accelerate At Home Application

Hi [REDACTED]

Thanks for responding to our questions! I will finish processing your application and you should hear next steps shortly.

[REDACTED]

Xcel Energy

From: [REDACTED]
[REDACTED]
To: ElectricVehicles <electricvehicles@xcelenergy.com>
Cc: [REDACTED]
Subject: Re: Your EV Accelerate At Home Application

EXTERNAL - STOP & THINK before opening links and attachments.

Hi [REDACTED] see my responses below...

On Jun 18, 2021, at 1:31 PM, ElectricVehicles <electricvehicles@xcelenergy.com> wrote:

Hi [REDACTED] Thank you for signing up for our EV Accelerate At Home program!

We noticed that your residence is in a multifamily building, with likely a shared garage space. Can you confirm this, and if you have an assigned parking spot?

Yes I have my own assigned spot.

These details do not preclude you from or make you ineligible for this program, however it does mean your installation will likely be challenging. In order to participate in the program, you must be able to install a 240volt circuit from your individual, separately metered electric service that provides your unit alone, power/electricity. Therefore, this 240v circuit would need to run to the garage/parking spot where the charger would be mounted from the electric panel that is either in your unit, or from a new electric panel that would have to be installed in the garage and spliced from your existing, individual electric meter/service (assuming that your existing meter is already in the shared garage). Installing these 240v circuits for customers in multifamily buildings can be difficult and costly, upwards of \$2,000-\$5,000 in wiring costs that you (or if you work something out with your HOA/building manager) would have to pay for out of pocket.

Our electricians can do this work for you, or you can work with your own/preferred electrician, however prior to moving forward in this program we need to confirm that you are aware of all the implications, requirements, and costs. You will also likely need to work with your building manager and/or HOA to confirm you are able to do this.

Yes I already got an acceptable bid from my electrician to install a 240v circuit in my spot.

And I've nearly gotten the ok from the HOA as well. We are waiting for one more OK but I'm assured that it will be ok.

Our team has proposed an alternative program and solution to mitigate the costs and questions described above. The new program is directly suited for customers and multifamily building managers, and would allow Xcel Energy to install a completely new and dedicated electric service for all EVs in that multifamily building/shared garage. We would be able to install charging stations at assigned parking spots from that new dedicated service for every tenant/customer that wants a charging station. The substantial upfront wiring costs can be avoided since we are installing a dedicated electric service and circuits. It is intended to allow the property management and/or HOA to cover the costs for the new dedicated service and wiring in a monthly bill. Yourself and other tenants would still be able to enroll in the program just like this one, and pay a similar monthly price for the charger and install while avoiding the hassle of figuring out all of the upfront wiring/costs, and agreeing to terms with property management/HOA. The program is under regulatory review at the Minnesota Public Utilities Commission and if approved would likely be available later in 2021.

cool. And maybe in the future the building will do that, but We're gonna move forward with the individual install.

Hopefully that helps clarify some things. Let us know if you have any questions and whether or not you would like to move forward with the current program or wait for the Multifamily version. If you would like to move forward, we will advance your application and make sure

our electrician is aware of your installation scenario, and can consult with you to see if it works, provide cost estimates, and determine if it is feasible.

If you'd like to contact my electrician [REDACTED] I've cc'd him on email

If u can get him the charge point meter/hardware, I'm sure he can install it.

Let me know how to proceed. thanks

[REDACTED]

[REDACTED]

Thanks!

[REDACTED]

Xcel Energy