

April 14, 2023

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

RE: Docket Nos. E002/M-22-170 In the Matter of Xcel Energy's Petition for Approval of a Resiliency Service Program

Reply to Blue Horizon Energy and Sunnova Energy

All Energy Solar respectfully submits this reply to the comments of Blue Horizon Energy and Sunnova Energy on the matter of Xcel Energy's Petition for Approval of a Resiliency Service Program.

Blue Horizon's recent experience in Iowa illustrates why this program and programs like it ultimately damage the vibrant, competitive marketplaces that already exist to meet the needs of customers interested in solar and storage.¹

It takes months to years of investment of time and resources for a private developer to complete the process of customer acquisition. Renewable energy developers are sought out to employ their technical and business expertise while guiding customers through numerous decision steps involving complicated engineering challenges and multiple decision makers. This Program does not provide the appropriate guardrails to prevent one company, Xcel Energy, to unjustly benefit from the hard work, expertise and customer acquisition costs invested by developers not in their employ. The commission made an order to "Prohibit Xcel from using customer energy usage or grid data to market the program that is not available to customers and third parties seeking to implement similar services outside of the resiliency services program."

¹ *In the Matter of Xcel Energy's Petition for Approval of a Resiliency Service Program*, Blue Horizon Energy, PETITION FOR RECONSIDERATION, Docket No. E-002/M-22-170 (April 4, 2023).

but this directive does not prevent Xcel from marketing the program to customers already in the interconnection queue.²

Sunnova highlights a concern shared by All Energy Solar when they state “ while 22-170 confines utility ownership of PV systems to commercial and industrial customers, if allowed to move forward we believe Xcel will demand access to all market segments in short order.”³ Where will the intrusion of monopoly power into the private market end? How much intrusion will be acceptable? The Program has been packaged as one that will only serve a nominal number of customers, however it does not include guardrails sufficient to prevent Xcel from claiming ownership over the entire C & I market.

Thus, All Energy Solar agrees with the Petitioners that the Commission should reconsider its March 15, 2023 order and amend it to be limited to a pilot program which permits a very limited number of projects, and establish a readily available dispute resolution process and remedy that allows aggrieved developers to seek redress when their business is harmed as a result of Xcel’s activities.

Thank you to the Commission for your continued consideration of this critical issue and we hope to achieve a resolution that will aid the growth of the private market that Minnesota needs to meet its clean energy goals.

Sarah Whebbe, Policy Analyst , All Energy Solar

Michael Allen, CEO, All Energy Solar

² *In the Matter of Xcel Energy’s Petition for Approval of a Resiliency Service Program*, MN PUC ORDER APPROVING RESILIENCY SERVICE PROGRAM WITH MODIFICATIONS AND REQUIRING ANNUAL REPORTS, Docket No. E-002/M-22-170, 7 (February 2nd, 2023).

³ *In the Matter of Xcel Energy’s Petition for Approval of a Resiliency Service Program*, Sunnova Energy Corporation, PETITION FOR RECONSIDERATION, Docket No. E-002/M-22-170 (April 4, 2023).