

January 18, 2023

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, Minnesota 55101-2147

**RE: Reply Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket Nos. E002/M-21-695 and E002/M-13-867

Dear Mr. Seuffert:

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

PROPOSED COMMUNITY SOLAR GARDEN PROGRAM AND TARIFF REVISIONS  
UPDATING COMMUNITY SOLAR GARDEN TARIFF PROVIDING ADDITIONAL  
CUSTOMER PROTECTIONS IN SUBSCRIPTION ELIGIBILITY

After reviewing initial comments, the Department continues to conclude the proposed filing is in the public interest. The Department recommends the Commission approve Xcel Energy's November 14, 2022 Compliance Filing in its entirety.

The Department is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/MICHELLE REBHOLZ  
Public Utilities Rates Evaluation Supervisor

MR/ja  
Attachment



## **Before the Minnesota Public Utilities Commission**

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

Docket Nos. E002/M-21-695 and E002/M-13-867

#### **RESPONSE TO ISSUES RAISED IN INITIAL COMMENTS**

The Department highlights two (2) issues raised in initial comments and responds briefly to them below.

##### **I. STAKEHOLDER PROCESS**

The MnSEIA/Joint Commenters state at pages 5-6 of their initial comments that Xcel's first stakeholder meeting covered topics broader than that ordered in the Commission's Order. Their comments appear to express concerns about the process.

Department staff attended all four of the stakeholder meetings and believes the process was conducted as fairly and openly as possible. Everyone that attended the meeting was given ample opportunity to ask questions and present their positions. As the Commission is aware, the policy issues present in this docket are complex.

The Department does agree that at outset of the first stakeholder meeting, Pam Marshall of Energy Cents did present information explaining why the manual processes in the Power On program made it unworkable for a third party to sign up tenants who were no longer Xcel customers. However, the Department saw this as a transparent, clear, and direct way of initiating a robust discussion on the obstacles that the stakeholder group would have to work on. It was clear that ECC and Xcel had reviewed the process and prepared in advance of the meeting.

Energy Cents is the administrator of the Power On program and has substantial expertise on how the goals expressed in the Commission Order could be fulfilled. At the first meeting, as well as at all remaining meetings, anyone attending was welcome to suggest solutions, ask questions of ECC, Xcel or any other attendee. The fact that ECC and Xcel presented an answer that they did not prefer, is not cause to suggest the process was flawed. In fact, Xcel added an additional stakeholder meeting so that stakeholders could continue to discuss the issues.

##### **II. XCEL'S REQUEST TO REOPEN ORDER POINT 2B**

Many commenters express support for reopening order point 2b. A few commenters oppose its reopening.

Reopening a Commission Order point is not only a viable option procedurally, it is good practice when the Commission has received additional information in the record that causes it to modify its position. Any time a rate, or term or condition for an existing service is changed through a Commission order, the Commission is in effect making a decision that modifies its prior decision, because the Commission has received new and updated information that justifies a new decision. The Commission has issued dozens of Orders in its CSG docket, some of which are essentially orders that reopen and update a previous decision due to new information.

## **CONCLUSIONS AND RECOMMENDATIONS**

The Department recommends the Commission approve Xcel's November 14 compliance filing.

## **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/M-21-695 and E002/M-13-867**

Dated this **18<sup>th</sup>** day of **January 2023**

**/s/Sharon Ferguson**

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