

414 Nicollet Mall Minneapolis, MN 55401

June 19, 2023

-Via Electronic Filing-

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

RE: ANSWER IN OPPOSITION TO AARON HANSON'S PETITION FOR RECONSIDERATION AND AMENDMENT RENEWABLE\*CONNECT PROGRAM MODIFICATION DOCKET NO. E002/M-21-222

RENEWABLE\*CONNECT PROGRAM DOCKET NO. E002/M-19-33

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, submits this Answer in Opposition to the Petition for Reconsideration and Amendment filed on June 7, 2023, by Mr. Aaron Hanson in the above-referenced dockets. The Petition fails to identify any valid reason why the Minnesota Public Utilities Commission should amend or reconsider its May 18, 2023 Order accepting Xcel Energy's Renewable\*Connect program modifications and final pricing. It should be denied.

Petitions for reconsideration are governed by Minn. Stat. § 216B.27, Subd. 3, which permits reconsideration of Commission decisions if they are "in any respect unlawful or unreasonable." Minn. R. 7829.3000 sets forth additional procedural requirements for petitions for reconsideration and requires that petitions "set forth specifically the grounds relied upon or errors claimed." Generally, the Commission will review petitions for reconsideration "to determine whether the petition (i) raises new issues, (ii) points to new and relevant evidence, (iii) exposes errors or ambiguities in the underlying order, or (iv) otherwise persuades the Commission that it should rethink its decision."<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> See, e.g., ORDER DENYING RECONSIDERATION, DENYING STAY, AND APPROVING COMPLIANCE FILINGS at 3 (Oct. 7, 2019), Docket No. E002/M-18-643.

As set out below, the Petition fails to satisfy this standard. The Petition provides no new issues or relevant facts, nor identifies any errors or ambiguities in the Commission's Order weighing in favor of reconsideration. Moreover, the Petition provides no legal justification or other grounds for reaching a conclusion that the Commission erred in its decision. Finally, the Petition has not provided any persuasive information that would warrant reconsideration. For these reasons, the Commission should deny the Petition.

Mr. Hanson raises several arguments in favor of reconsideration of the May 18, 2023 Order. First, he argues that the program as approved will violate Minn. Stat. § 216B.169. This is not true. The Commission fully reviewed and approved the design of the Renewable\*Connect program and found in its August 12, 2019 Order in Docket No. E002/M-19-33 that the Company's proposed pricing methodology, including the neutrality charge, satisfies the requirements of Minn. Stat. § 216B.169, subd. 2. The May 18 Order approved the final pricing for the program, but did not alter the program design already approved by the Commission by the August 12 Order.

Second, Mr. Hanson asserts that the program violates what he agreed to pay when deciding to subscribe to Windsource. The rate for Windsource was set during Xcel Energy's 2006 electric rate case, which updated the price from the original \$2.00 per 100 kWh block to \$3.53 per 100 kWh block.<sup>2</sup> Given the passage of time and many changes to the energy mix and the market, Windsource's administratively fixed price is due for an update. However, given that the Commission has approved the sunset of this program as part of its decision to approve the expansion of Renewable\*Connect, updating Windsource pricing is not necessary. The Commission fully considered the Company's proposal to end the Windsource program and approved it in the August 12 Order. As Mr. Hanson is aware, his participation in either Windsource or Renewable\*Connect is entirely voluntary.

Mr. Hanson also argues that the Commission neglected to offer a fair and deliberative process that considered his assessment of the issues in the docket and that he was ultimately left out of the conversation. Mr. Hanson states that the proceeding lasted only nine minutes, and despite following official procedures to participate, he was given no opportunity to speak, nor asked any questions. The Commission thoroughly reviewed and considered all of the filings, submissions, public comment and supporting materials in the docket. State statutes explicitly grant the Commission quasi-judicial and quasi-legislative functions. There is no requirement that the

<sup>&</sup>lt;sup>2</sup> FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER; ORDER OPENING INVESTIGATION (Set. 1, 2006), Docket No. E002/GR-05-1428.

Commission ask questions of the parties or individual members of the public, particularly if there is no disagreement among the Commissioners. The nature of this proceeding did not require that each party be allowed to state its case verbally at the Commission meeting, or that they all receive equal time at the Commission meeting. The Rules require the Commission to give parties an opportunity to make oral arguments only in certain types of cases or situations. The Commission's procedural rules further offer members of the public who are not parties to a case opportunities to participate. This was a public meeting with detailed discussions. The Commission had all of the facts, were briefed on the issues, and had the opportunity to ask questions if there were any ambiguities.

Further, Mr. Hanson argues that with the passage of the SF4/HF7 (100% Clean Energy) Bill, Minn. Stat. § 216B.1691 has been amended to require the Commission to consider factors beyond cost and reliability when making decisions about renewable energy program compliance. He asserts that this change to the Commission's statutory considerations should warrant revisiting all the prior contingent decisions made in this docket. The legislation to which Mr. Hanson refers, however, addresses utilities' Integrated Resource Plans – not the voluntary Renewable\*Connect program.

The arguments Mr. Hanson puts forth are confined to the scope of Commission authority and Windsource Program and Renewable\*Connect pricing, issues that have been widely considered and are clearly within the purview of the Commission. Mr. Hanson raises no new issues, evidence, errors, ambiguities, nor offered anything new for consideration in his Petition. The Commission properly considered and rejected Mr. Hanson's arguments in its well-reasoned Order. Furthermore, many of the issues raised by Mr. Hanson were properly considered at the time the Commission issued its August 12, 2019 Order in Docket No. E002/M-19-33.

In sum, Mr. Hanson's Petition for Reconsideration and Amendment fails to raise any new issues, point to new or relevant evidence, or expose errors or ambiguities in the underlying order, and it should be denied. We have electronically filed this document with the Commission, and copies have been served on the parties on the attached service list. Please contact Nathan Kostiuk at 612-215-4629 or <u>nathan.c.kostiuk@xcelenergy.com</u> or contact me at 612-330-5941 or <u>holly.r.hinman@xcelenergy.com</u> or if you have any questions regarding this filing.

Sincerely,

/s/

HOLLY HINMAN DIRECTOR, REGULATORY AND STRATEGIC ANALYSIS

cc: Service List

## **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.

- <u>xx</u> by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota
- $\underline{xx}$  electronic filing

## DOCKET NOS. E002/M-21-222 E002/M-19-33

Dated this 19th day of June 2023

/s/

Joshua DePauw Regulatory Administrator

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Kurt	Zimmerman	kwz@ibew160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service		OFF_SL_19-33_Official Service List 19-33
Patrick	Zomer	Pat.Zomer@lawmoss.com	Moss & Barnett PA	150 S 5th St #1200 Minneapolis, MN 55402	Electronic Service		OFF_SL_19-33_Official Service List 19-33