



---- Via Electronic Filing ----

1/29/2024

William Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: Minnesota Rural Electric Association Comments
Comments on Nokomis Energy's petition for
reconsideration in the matter of implementation of
2023 legislative changes to Xcel Energy's community
solar garden program.

DOCKET NO.: *Docket No. E-
002/CI-23-335
& E-002/M-13-
867*
Date: 1/29/2024

Dear Mr. Seuffert,

The Minnesota Rural Electric Association ("MREA") respectfully submits the attached comments in response to Nokomis Energy's Petition for Reconsideration of the Public Utilities Commission's ("Commission") decision that a Community Solar Garden ("CSG") under the new CSG program must be located within the utility's service territory.

MREA represents the interests of the state's 44 electric distribution cooperatives and the six generation and transmission cooperatives that supply them with power. Our member cooperatives are not-for-profit electric utility businesses that are locally owned and governed by the member-consumers they serve.

The Minnesota Rural Electric Association appreciates the opportunity to submit comments in this matter on behalf of the member-owned electric cooperatives across Minnesota.

Sincerely,

/s/ Darrick Moe

Darrick Moe
President & CEO
Minnesota Rural Electric Association

DOCKET NO. *E-002/CI-23-335 & E-002/M-13-867*

State of Minnesota
before the
Minnesota Public Utilities Commission

Katie Sieben
Hwikwon Ham
Valerie Means
Joseph K. Sullivan
John Tuma

Chair
Commissioner
Commissioner
Commissioner
Commissioner

Re: Minnesota Rural Electric Association Comments

DOCKET NO.: *Docket No. E-002/CI-23-335 & E-002/M-13-867*

Comments on Nokomis Energy's petition for reconsideration in the matter of implementation of 2023 legislative changes to Xcel Energy's community solar garden program.

MREA joins Northern States Power Company, doing business as Xcel Energy (Xcel), in urging the Commission to reject Nokomis Energy's Petition for Reconsideration of its December 28, 2023 Order. Nokomis Energy has failed to provide any new facts or arguments to justify reconsidering or modifying that Order, which correctly reaffirmed the ongoing applicability of its June 21, 2016 Order regarding service territory limitations on Xcel Energy Community Solar Gardens (CSGs).

The Commission's June 21, 2016 Order found that CSGs in Xcel's CSG program must be located entirely within Xcel Energy's service territory. As the Commission found just last month, that Order still applies going forward to the new CSG program. Specifically, Minn. Stats. § 216B.1641 Subd. 3 paragraph (b) states that:

(b) Except as otherwise modified, replaced, or superseded by subdivisions 2 to 13, **any commission order** that applies to the legacy program under subdivision 1 applies to subdivisions 2 to 13. (emphasis added).

Nothing in the statute creating the new Xcel Energy CSG program modified, replaced, or superseded the Commission's 2016 order, which found that a CSG must be located within Xcel's service territory. Absent express language modifying a Commission Order, the Order clearly remains in effect going forward under the new program. The Legislature was clear and unequivocal on that point.

The Legislature included this provision to prevent exactly what Nokomis is doing here Energy — i.e., attempting to relitigate Commission Orders. The Legislature would have been explicit if it had intended to change an existing Commission Order, especially an Order that addresses an issue as obvious and significant as this one, which has profound service territory implications.

CONCLUSION

Accordingly, MREA urges the Commission to reject Nokomis Energy's Petition for Reconsideration. Denying the Reconsideration Petition will effectively deny Nokomis Energy's objection to the applicability of the Commission's 2016 order recognizing the service territory restriction on CSG projects. There are few issues so central to the continued provision of electricity to all Minnesotans in an affordable and reliable fashion than the preservation of well-established service territories.

Sincerely,

/s/ Darrick Moe

Darrick Moe
Chief Executive Officer
Minnesota Rural Electric Association

STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
121 Seventh Place East, Suite 350
St. Paul, Minnesota 55101-2147

Comments on Nokomis Energy's petition for reconsideration in the matter of implementation of 2023 legislative changes to Xcel Energy's community solar garden program.

MPUC Docket Nos. E-002/CI-23-335 and
E-002/M-13-867

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

Mary G. Holly, of the City of Lake Elmo, County of Washington, the State of Minnesota, being first duly sworn, deposes and says that on the 29th day of January, 2024, she served the attached **Comments of Minnesota Rural Electric Association** to all said persons on the attached Service List, true and correct copies thereof, by eFiling.

/s/ Mary G. Holly
MARY G. HOLLY

Subscribed and sworn to before me this
29th day of January, 2024.

/s/ Rachel M. Tillemans
Notary Public

My Commission Expires: January 31, 2027

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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_13-867_Official
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