**BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

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| In the Matter of Detailing Criteria and Standards for Measuring a Utility's Good Faith Efforts in Meeting the Renewable Energy Objectives Under Minn. Stat. § 216B.1691 | DOCKET NO. E-999/CI-03-869 |
| In the Matter of Utility Renewable Energy Cost Impact Reports Required by Minnesota Statutes Section 216B.1691, Subd. 2e | DOCKET NO. E-999/CI-11-852 |
| In the Matter of an Investigation into Implementing Changes to the Renewable Energy Standard and the Newly Created Carbon Free Standard under Minn. Stat. § 216B.1691 | DOCKET NO. E-999/CI-23-151<br>**PETITION FOR RECONSIDERATION AND CLARIFICATION** |

## I. INTRODUCTION

The Minnesota Large Industrial Group ("MLIG"), an ad hoc consortium of large industrial end-users of energy in Minnesota functioning to represent large industrial interests before regulatory and legislative bodies, submits this Petition for Reconsideration and Clarification regarding the Minnesota Public Utilities Commission's ("Commission") July 2, 2026, Order Revising Policies for Modifying and Delaying Implementation of Standards Under Minn. Stat. § 216B.1691 and Related Matters ("July 2 Order"),[1] wherein the Commission restricted the petitions that can be submitted to request the Commission delay or modify the implementation of the Carbon-Free Standard ("CFS"). Additionally, the Commission determined that requests for "information related to the rate impact of future compliance with Standards under Minn. Stat. § 216B.1691" are reasonable and require a prompt utility response.[2] Based on experience in

[1] *In the Matter of an Investigation into Implementing Changes to the Renewable Energy Standard and the Newly Created Carbon Free Standard Under Minn. Stat. § 216B.1691*, Docket No. E-999/CI-23-151, Order Revising Policies for Modifying and Delaying Implementation of Standards Under Minn. Stat. § 216B.1691 and Related Matters (eDocket No. 20266-233599-01) ("July 2 Order").

[2] July 2 Order at 12, Order Point 1.F.

Minnesota Power's integrated resource plan ("IRP") docket, MLIG seeks clarification as to the type of cost information the Commission will find relevant. MLIG accordingly respectfully seeks correction of the July 2 Order as described within.

## II. BACKGROUND

The Commission issued a Notice of Comment Period on September 12, 2025, seeking comments regarding the use of off-ramps under Minn. Stat. § 216B.1691, subd. 2b.[3] On November 18, 2025, MLIG reiterated the three criteria that it believes should be required in future IRP filings and asserted that this information could simultaneously inform discussions regarding off-ramp proposal consistent with the Commission's March 19, 2010, Order in Docket No. E-999/CI-03-869.[4] The criteria include:

> 1. the average current rate for each customer class as of the year of the IRP filing,
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> 2. projected rate increases (in dollars and percentages) by customer class for each year of the five-year IRP action plan, and
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> 3. the net present value of the utility's revenue requirement over the life of the IRP action plan, under various scenarios, while separately identifying the environmental costs.[5]

In addition to the filing requirements, MLIG highlighted that the plain language of Minn. Stat. § 216B.1691, subd. 2b, allows any party to bring a petition for an offramp of the CFS.[6]

The Commission, in its July 2 Order, found:

(1) that resource planning dockets are the preferred forum to evaluate rate impacts and other challenges to CFS compliance,[7]

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3 Notice of Comment Period (Sep. 12, 2025) (eDocket No. 20259-222948-01).

4 MLIG Reply Comments (Nov. 18, 2025) (eDocket No. 202511-225049-02).

5 MLIG Reply Comments at 2.

6 MLIG Reply Comment at 3.

7 July 2 Order at 12.

(2) that "intervenors in a resource plan proceeding who request information related to the rate impact of future compliance with Standards under Minn. Stat. § 216B.1691 are making a reasonable request for information" requiring a prompt utility response, and

(3) petitions to modify or delay the implementation of the CFS must be submitted by a utility unless petitions are submitted in the context of a resource planning docket under Minn. Stat. § 216B.2422.[8]

## III. ANALYSIS

### A. Legal Standard

"A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed."[9] A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed. The Commission typically reviews petitions to determine whether they (1) raise new issues, (2) point to new and relevant evidence, (3) expose errors or ambiguities in the underlying order, or (4) otherwise persuades the Commission that it should rethink its previous order.[10] MLIG brings this Petition for Reconsideration and Clarification on the basis that there are errors in the Commission's underlying order that unnecessarily narrow which party may bring a petition to delay or modify implementation of the CFS. By adopting an interpretation of the statute that only allows utilities to file such petitions, the Commission has misinterpreted the statute, inconsistent with the plain language of state law, and in exceedance of its authority, requiring correction of its July 2 Order to ensure proper statutory compliance. Additionally, MLIG brings this Petition for Reconsideration and Clarification to seek clarity on the types of information

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8 July 2 Order at 8.

9 Minn. R. 7829.3000, subp. 2.

10 *See, e.g., In the Matter of the Application of Northern States Power Company for Authority to Increase Rates for Electric Service in the State of Minnesota*, Docket No. E-002/GR-13-868, Order Denying Petitions for Reconsideration, at 1 (Jul. 13, 2015); *In the Matter of the Petition of N. States Power Company, dba Xcel Energy, for Approval of Its Proposed Community Solar Garden Program*, Docket No. E-002/M 13-867, Order Denying Petitions for Reconsideration and Clarification, Clarifying August 6 Order on Own Motion, Denying Stay, and Requiring Compliance Filing, at 2 (Oct. 15, 2015).

that the Commission envisions its Order Point 1.F encompasses relating to the rate impact of future compliance with the Standards under Minn. Stat. § 216B.1691 ("Standards").

## B. The Commission's July 2 Order Contradicts Minnesota Statute § 216b.1691 To Ratepayers' Detriment

In its July 2 Order, the Commission found:

> The Commission has yet to rule on whether a party not subject to the requirements of Minn. Stat. § 216B.1691, subd. 2b, could successfully petition to have the Commission modify or delay the application of a Standard. But the Commission is persuaded that the private interest of such a party in securing an **emergency** modification or delay must be subordinated to the public interest in ensuring that such a petition be evaluated in the context of an adequate record. And that record can only be found in a resource planning docket. Accordingly, the Commission will decline to consider petitions to modify or delay the application of a Standard when filed by any party other than a utility pursuant to Minn. Stat. § 216B.1691, subd. 2b—unless that petition is filed in the utility's resource planning docket.[11]

MLIG's primary concerns relate to the Commission's decision, as stated in the above paragraph, to only allow utilities to file for a modification or delay of the Standards.[12] This interpretation defies the plain language of Minn. Stat. § 216B.1691, and denies utility customers their right to seek a modification or delay to mitigate unreasonable electricity rates.

### 1. The Commission Cannot Restrict or Prohibit Customers from Seeking CFS Offramps.

As a threshold issue, the Commission's interpretation of the statute is incorrect and unlawful. It is well established that statutory analysis begins with a statute's plain meaning.[13] The plain language of Minn. Stat. § 216B.1691, subd. 2b, is clear, and allows any party, not only utilities, to bring such a petition. The language of the statute states "[t]he commission shall modify or delay the implementation of a standard obligation, in whole or in part, if the commission determines it is in the public interest to do so," and directs certain factors to consider "**when**

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11 July 2 Order at 8 (emphasis added).

12 July 2 Order at 8.

13 *Nat. Res. Def. Council, Inc. v. Muszynski*, 268 F.3d 91, 98 (2d Cir. 2001).

**requested to modify or delay implementation of a standard**…" Minn. Stat. § 216B.1691, subd. 2b (emphasis added). Because no language in the statute narrows the eligibility of the party that may bring a petition under the statute, any limitations on who may bring a petition do not comport with statutory language. Furthermore, the statutory language compels assessment of cost and competitiveness as the first factors to evaluate a petition to modify or delay implementation of the CFS.[14] The parties best poised to opine on cost and competitiveness are those that pay utility rates: ratepayers. In fact, customers are the most important arbiters of whether delayed implementation of the CFS is required, as they are solely responsible for paying increased rates associated with CFS compliance.

Additionally, the July 2 Order exceeds the Commission's statutory authority by imposing a restriction that does not exist in the plain language of the statute. The statute unambiguously provides that any party may make a petition to modify or delay implementation of the CFS by ensuring no restrictions are listed in the statutory language. Therefore, the Commission's interpretation allowing only utilities to make such petitions directly defies the enabling statute. Moreover, this interpretation will harm the public interest, as it will undermine the ability of customers to seek recourse or action when the costs of CFS compliance creep out of control. Without the ability to make these petitions, customers will have no way to mitigate the costs of CFS compliance and will be at the mercy of regulated monopolies to whom they are captive ratepayers. Removing ratepayers' ability to seek delays or modifications will undoubtedly exacerbate existing affordability concerns and grant full discretion to utilities to enact cost-conscious CFS compliance, an issue Minnesota utilities have already struggled with.[15]

Denying ratepayers the opportunity to advocate for modifications or delays unnecessarily restrains users on the system who are most impacted by implementation of the CFS. While the goals of the CFS are important, the cost of CFS compliance could be dramatically significant, as the legislature acknowledged when passing the CFS. The Commission recognized in its July 2

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[14] Minn. Stat. § 216B.1691, subd. 2b(a)(1).

[15] *See In the Matter of Minnesota Power's 2025-2039 Integrated Resource Plan,* Docket No. E-015/RP-25-127, LPI Initial Comment at 4 (Apr. 20, 2026) (eDocket No. 20264-230686-02) (wherein Minnesota Power's proposed resource plan to achieve CFS compliance will increase power supply costs in the first four years of the plan by at least 2.4% per year, or almost 10% by 2029).

Order the importance of analyzing cost information when assessing the rate impacts of the Standards under the statute.[16] Denying the very group that will pay the costs of compliance the opportunity to modify or delay compliance timelines unfairly restricts those parties and effectively places all control with the utilities, which do not bear the cost burden of CFS compliance. The statutory offramp is meant to protect customers, not utilities, and therefore customers must be able to seek Commission intervention if the cost of CFS compliance becomes unbearable. MLIG believes revision of the July 2 Order is required to allow parties beyond utilities to bring petitions to delay implementation of the CFS in order to protect those most impacted by the costs of CFS compliance.

**2. The Commission Cannot Limit Offramp Petitions to IRP Dockets.**

The Commission appears to acknowledge that a petition to modify or delay implementation of the Standards could be "an emergency modification or delay," yet effectively makes it so an intervenor could wait years for a utility to file an IRP before having the opportunity to seek relief, even in an emergency situation.[17] That reality is impractical at best and denies ratepayers a meaningful avenue to address affordability concerns as they occur. The Commission cannot force utility ratepayers to wait years for a utility to file an IRP proceeding before granting them the opportunity to seek modification or delay on the Standards, given the severe impact such a requirement would have on intervenors' ability to seek a remedy for looming affordability concerns. By the time an IRP is filed, it may be too late to meaningfully mitigate the severe cost impacts related to CFS compliance.

**3. The Commission's Decision Is Not Ripe.**

Statutory offramps are designed to protect the "public interest," of which customers are included. In fact, the statute itself states "[t]he commission shall take all reasonable actions within its statutory authority to ensure this section is implemented to maximize benefits to Minnesota citizens." Minn. Stat. § 216B.1691, subd. 9(a). However, in its July 2 Order, the Commission unlawfully determined that compliance with the CFS takes precedence to the impacts of compliance on customers. As the Commission stated, "the private interest of such a party in

[16] *See* July 2 Order at 12, Order Point 1.F.

[17] July 2 Order at 8.

securing an emergency modification or delay must be subordinated to the public interest in ensuring that such a petition be evaluated in the context of an adequate record" (i.e., utility customers come second to the public interest).[18] The Commission's determination in that regard is problematic as the issue itself is not ripe. First, this issue is not ripe for a determination because it was not substantively addressed by other parties in this docket, and because no such petition has yet been filed. Unless and until such a petition is filed, making a determination as to what party might bring one remains inappropriate, and the Commission should abstain from making this decision until that time. Second, no record exists to support or justify such a decision by the Commission, a decision which applies an interpretation that is inconsistent with the statute. The July 2 Order acknowledges the importance of evaluating a petition to modify or delay "in the context of an adequate record," yet does not itself rely on a robust record to justify its decision.[19] The Commission must allow for thorough record development on this issue before precluding parties from bringing petitions to modify or delay outside of resource planning contexts. Without meaningful record development or discourse, this issue is not ripe for a decision as made in the July 2 Order.

### C. Petition For Clarification

MLIG requests the Commission clarify the July 2 Order in light of evidence on this exact issue in Minnesota Power's IRP proceeding.[20] MLIG seeks clarification to address the Commission's directive in its July 2 Order, which seems at odds with what has occurred in Minnesota Power's IRP docket.

In the July 2 Order, the Commission states

> The Commission clarifies that intervenors in a resource plan proceeding who request information related to the rate impact of future compliance with Standards under Minn. Stat. § 216B.1691

[18] July 2 Order at 8

[19] July 2 Order at 8.

[20] *In the Matter of Minnesota Power's Application for Approval of its 2025-2039 Integrated Resource Plan*, Docket No. E015/RP-25-127.

> are making a reasonable request for information under Minn. Rules, part 7843.0300, subp. 8, and that utilities must promptly respond.[21]

MLIG seeks clarification regarding the Commission's understanding of the types of information considered to be related to the rate impacts of future compliance. MLIG understands that because the Standards have directed achievement of 100% carbon-free energy by 2040, and utility IRPs run through 2040 and beyond, the costs of future compliance include the all-in costs of utility operations (i.e., forecasts rate increases on a total-bill basis) as envisioned in their resource plans. Such costs are of utmost interest to ratepayers, who will be most affected by broad cost impacts. However, in Minnesota Power's IRP docket, when the Large Power Intervenors ("LPI") repeatedly requested all-in rate projections, (1) the utility did not promptly respond, and (2) the Commission did not compel the Company to produce such information.[22] Instead, the Commission directed the Company to produce all class cost of service study and rate setting modelling information as used in the Company's last general rate case docket (Docket No. E015/GR-23-155). When reviewed, that information did not facilitate any additional analysis beyond Minnesota Power's modeling results, which show its Base Plan results in significant cost increases relative to the 2025 status quo. MLIG would understand the Commission's order point 1.F in this docket to compel Minnesota Power to produce such all-in cost information in its IRP proceeding, given that information directly relates to the rate impacts of future compliance with the CFS. However, the dissonance between the directive in the July 2 Order and what occurred in Minnesota Power's IRP docket compels MLIG to request clarification as to what information the Commission's ordering point encompasses.

The Commission makes clear in the instant docket the importance of information, and access to information, that relates to "the rate impacts of future compliance with Standards under Minn. Stat. § 216B.1691," such as the CFS.[23] Therefore, it should follow that a party in a resource plan docket (i.e., LPI) requesting the all-in costs of compliance with the standard would fall under the Commission's clarification, compelling a utility to respond with pertinent, responsive information. Such has not been the case with Minnesota Power in its IRP proceeding. Therefore,

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21 July 2 Order at 12, Order Point 1.F.

22 *See* MPUC June 4, 2026 Hearing, the recording for which is accessible here.

23 July 2 Order at 12, Order Point 1.F.

MLIG makes this request for clarification that the information LPI sought in Minnesota Power's IRP docket is information envisioned in the Commission's July 2 Order.

## IV. CONCLUSION

MLIG is troubled by the Commission's interpretation of the statute, which reads unnecessary restrictions into the statute that simply do not exist. The practical implications of this interpretation are to preclude any parties beyond utilities from bringing petitions to delay implementation of the CFS outside a narrow context, which will restrict the groups primarily impacted by the costs of CFS implementation from the ability to take action when the costs of CFS compliance become overwhelming. Due to the keen impacts the costs of compliance with the CFS will have on utility customers, MLIG does not believe they should be precluded in this manner from the ability to bring petitions to modify or delay before the Commission. Furthermore, MLIG respectfully requests the Commission clarify the types of information utilities are compelled to produce related to the rate impacts following compliance with the Standards, per its July 2 Order. Therefore, MLIG respectfully requests the Commission correct the errors in the July 2 Order as set forth above.

Dated: July 22, 2026

Respectfully submitted,

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