



414 Nicollet Mall  
Minneapolis, MN 55401

March 3, 2015

—Via Electronic Filing—

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

RE: PETITION  
REQUEST FOR VARIANCE - BILLING ERROR RULES  
DOCKET NO. E002/M-15-\_\_\_\_\_

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits the enclosed Petition requesting approval of a variance to Minn. R. 7820.3800, and a one-time modification to the terms of the Company's Billing Error Tariff requirements contained in its Electric Rate Book.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact Amber Hedlund at [amber.r.hedlund@xcelenergy.com](mailto:amber.r.hedlund@xcelenergy.com) or 612-337-2268 if you have any questions regarding this filing.

Sincerely,

/s/

BRIA E. SHEA  
MANAGER  
REGULATORY DOCUMENT CONTENT

Enclosure  
c: Service List

STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
Betsy Wergin	Commissioner

IN THE MATTER OF THE PETITION OF  
NORTHERN STATES POWER COMPANY  
FOR APPROVAL OF A VARIANCE TO  
COMMISSION RULES GOVERNING  
BILLING ERRORS

DOCKET NO. E002/M-15-\_\_\_\_\_

**PETITION**

**INTRODUCTION**

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission this Petition for approval of a variance to the Commission's Billing Error Rules, and a one-time modification to the Company's Billing Errors Tariff requirements contained in its Electric Rate Book to approve a credit for overcharges.

In this filing, we seek approval to apply a billing credit to one residential electric customer (Customer A) for an overcharge stemming from an incorrect application of a rate schedule. This billing error exceeds the three-year timeframe for remedies provided in our tariff and the Commission's Rules.

**I. SUMMARY OF FILING**

Pursuant to Minn. R. 7829.1300, subp. 1, a one-paragraph summary is attached.

**II. SERVICE ON OTHER PARTIES**

Pursuant to Minn. R. 7829.1300, subp. 2 and Minn. Stat. § 216.17, subd. 3, Xcel Energy has electronically filed this document. A summary of the filing has been served on all parties on the Company's miscellaneous electric service list.

### **III. GENERAL FILING INFORMATION**

Pursuant to Minn. R. 7829.1300, subp. 3, the Company provides the following information.

**A. Name, Address, and Telephone Number of Utility**

Northern States Power Company doing business as:  
Xcel Energy  
414 Nicollet Mall  
Minneapolis, MN 55401  
(612) 330-5500

**B. Name, Address, and Telephone Number of Utility Attorney**

Kari L. Valley  
Assistant General Counsel  
Xcel Energy  
414 Nicollet Mall, 5<sup>th</sup> Floor  
Minneapolis, MN 55401  
(612) 215-4526

**C. Date of Filing**

The date of this filing is March 3, 2015. The Company requests approval of the proposed variance to Minn. R. 7820.3800 and a one-time modification to the Billing Error Tariff provisions in its Electric Rate Book to be effective immediately upon issuance of the Commission's Order granting our Petition.

**D. Statute Controlling Schedule for Processing the Filing**

This Petition is made pursuant to Minn. Stat. § 216B.16, subd. 1, which prescribes general timelines for rate and tariff changes, including, but not limited to, a requirement of 60-days' notice prior to any rate or tariff change.

Commission Rules define this filing as a "miscellaneous tariff filing" under Minn. R. 7829.0100, subp. 11 since no determination of Xcel Energy's overall revenue requirement is necessary. Minn. R. 7829.1400, subp. 1 and 4 permit comments in response to a miscellaneous filing to be filed within 30 days and reply comments to be filed no later than 10 days thereafter.

**E. Utility Employee Responsible for Filing**

Bria E. Shea  
Manager, Regulatory Document Content  
Xcel Energy  
414 Nicollet Mall, 7<sup>th</sup> Floor  
Minneapolis, MN 55401  
(612) 330-6064

**IV. MISCELLANEOUS INFORMATION**

Pursuant to Minn. R. 7829.0700, the Company requests that the following persons be placed on the Commission's official service list for this proceeding:

Kari L. Valley  
Assistant General Counsel  
Xcel Energy  
414 Nicollet Mall, 5<sup>th</sup> floor  
Minneapolis, MN 55401  
kari.l.valley@xcelenergy.com

Tiffany Hughes  
Records Analyst  
Xcel Energy  
414 Nicollet Mall, 7<sup>th</sup> Floor  
Minneapolis, MN 55401  
regulatory.records@xcelenergy.com

Any information requests in this proceeding should be submitted to Ms. Hughes at the Regulatory Records email address above.

**V. DESCRIPTION AND PURPOSE OF FILING**

**A. Background**

Customer A began residing at the premise on June 3, 2006. At this time, the residential electric meter at this premise was already set on the Company's underground tariff (A03); however, the electric meter should have been billed under the Company's overhead tariff (A01).

The Company was notified of the potential error on June 24, 2014. The error was confirmed and corrected on June 25, 2014.

**B. Company Actions**

Since discovering the error, we have corrected our billing system. Customer A was refunded \$155.66 in principal on June 25, 2014, and \$0.35 in interest on June 26, 2014

for the period within Commission Rules and our tariff. The total credited for allowable period totaled \$156.01.

Because the period over which the error occurred exceeds the three-year timeframe identified in our Electric Rate Book and the Commission's Billing Errors Rule, a one-time variance to the Commission's Billing Error Rules, and a one-time modification to our tariff provisions is required to provide an additional credit to the affected customer.

We have calculated and provided billing credits in accordance with Minn. R. 7820.3800 and calculated interest consistent with Minn. Stat. § 325E.02(b). The table below outlines the total overcharges and corresponding interest amounts owed to Customer A.

Time Period	Principal	Interest	Total
<i>Within</i> Commission Rules and Tariff period: 06/09/2011 through 06/09/2014	155.66	.35	156.01
<i>Exceeding</i> Rules and Tariff period: 06/03/2006 through 06/08/2011	\$169.14	\$6.80	\$175.94
<b>Total</b>	<b>\$324.80</b>	<b>\$7.15</b>	<b>\$331.95</b>

### C. Applicable Law

Minn. R. 7820.3800 governs errors related to electric bills, and provides in relevant part:

When a customer has been overcharged.... as a result of incorrect reading of the meter, **incorrect application of rate schedule, incorrect connection of the meter**, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer... the utility shall calculate the difference between the amount collected for service rendered and the amount the utility should have collected for service rendered, plus interest, for the

period beginning three years before the date of discovery... If the date the error occurred can be fixed with reasonable certainty, the remedy shall be calculated on the basis of payments for service rendered after that date, but in no event for a period beginning more than three years before the discovery of an overcharge... [Emphasis added]

Customer A was overcharged due to an incorrect application of a rate schedule. These facts fit with Minn. R. 7820.3800, subp. 1, which provides criteria for errors warranting a remedy. Therefore, we believe these fact patterns are the type of error contemplated by Minn. R. 7820.3800.

The Company's Electric Tariff contains a similar provision that permits an adjustment for overcharges up to a maximum of three years from the date of discovery of the billing error.

Given the unique facts presented here, we are seeking a variance from this rule and one-time modification to our Electric Tariff to allow for a credit of the charges billed to the customer that exceed the three-year timeframe identified in our Electric Rate Book and the Commission's Billing Error Rules.

Minn. R. 7829.3200, which provides criteria for a variance from the Commission's Rules, states:

- Subp. 1 The commission shall grant a variance to its rules when it determines that the following requirements are met:
  - A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
  - B. granting the variance would not adversely affect the public interest; and
  - C. granting the variance would not conflict with standards imposed by law.

As further discussed below, we believe that the unique facts presented here meet the criteria for a one-time rule variance.

#### **D. Variance Request**

Xcel Energy respectfully requests that the Commission approve a variance to Minn. R. 7820.3800 and a one-time modification to the terms of our Electric Billing Error Tariffs. As outlined below, we believe the criteria for variance established under Minn. R. 7829.3200 are met here.

1. Enforcement of the Rule Would Impose an Excessive Burden

Given the amount of time at issue, enforcement of Minn. R. 7820.3800 would impose an excessive burden on the customer by limiting the credit from the total over-billed amount. We believe that with these facts, it is fair and prudent to fully credit the customer for the overcharged amount, including interest calculated at the rate identified in the Commission's Rule.

2. Granting the Variance Does Not Adversely Affect the Public Interest

The public interest is not adversely affected by granting a variance to approve the credit to the customer's electric service account. The credit serves only to make the customer whole against actual overcharges resulting from the application of the wrong rate schedule.

3. Variance Does Not Conflict with Standards Imposed by Law

We are not aware of any conflict with any standards imposed by law. Rather, the Commission's Rules expressly contemplate variances under circumstances such as those presented here. In addition, the Commission has in the past approved a utility's voluntary credit beyond the limits of its Rules when special circumstances exist affecting the customer.<sup>1</sup>

Consistent with the Commission's June 21, 2010 Order in Docket No. E002/M-10-258, once a Docket Number is assigned to this Petition we will notify the affected customer of our request for a variance from the Commission's Rules and our Tariff, and provide instructions on how to participate in this proceeding.

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<sup>1</sup> See *In the Matter of Northern States Power Company d/b/a Xcel Energy's Request for a Variance to the Billing Error Rules*, Docket No. E002/M-13-19, ORDER (March 12, 2013); *In the Matter of Northern States Power Company, d/b/a Xcel Energy Request for a Variance to the Billing Error Rules*, Docket No. E002/M-13-438, ORDER (July 12, 2013); and *In the Matter of Northern States Power Company, d/b/a Xcel Energy (Xcel) Request for a Variance to Billing Error Rules*, Docket No. E,G002/M-14-74, ORDER (April 18, 2014).

## **CONCLUSION**

We respectfully request the Commission grant a variance to its Billing Errors Rule, and approve a one-time modification to our Tariff providing Customer A with a credit for the over-billed amount that exceeds the three-year timeframe specified in the rule and our tariff.

Dated: March 3, 2015

Northern States Power Company



STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
Dan Lipschultz	Commissioner
John Tuma	Commissioner
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**PETITION**

**SUMMARY OF FILING**

Please take notice that on March 3, 2015 Northern States Power Company, doing business as Xcel Energy, filed with the Minnesota Public Utilities Commission a Petition for approval of a variance to its Billing Error Rules, and a one-time modification to the Company's Billing Errors Tariff requirements.

## CERTIFICATE OF SERVICE

I, Tiffany Hughes, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

**Docket No.**        **E002/M-15-\_\_\_\_\_**

Dated this 3rd day of March 2015

/s/

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Tiffany Hughes  
Records Analyst

[illegible]

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Mark J.	Kaufman	mkaufman@ibewlocal949.org	IBEW Local Union 949	12908 Nicollet Avenue South  Burnsville, MN 55337	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Thomas G.	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln  St Anthony Village, MN 55418-3238	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W  Farmington, MN 55024	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E  St. Paul, MN 55106	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Andrew	Moratzka	apmoratzka@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
David W.	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	Suite 300 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750  St. Paul, MN 55101	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Misc Electric

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd  St. Paul, MN 55102	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
Ron	Spangler, Jr.	rlspangler@otpc.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
Byron E.	Starns	byron.starns@leonard.com	Leonard Street and Deinard	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
James M.	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	No	GEN_SL_Northern States Power Company dba Xcel Energy-Elec_Xcel Miscl Electric