

PUBLIC DOCUMENT**DECISION
BEFORE THE COMMISSIONER OF THE
MINNESOTA DEPARTMENT OF COMMERCE**

In the Matter of the Petition of
Minnesota Municipal Power Agency for
an Exemption from Gas Conservation
Improvement Program Charges

Issue Date: December 30, 2016

Docket Nos. ET6133/CIP-16-748

PROCEDURAL HISTORY

On September 9, 2016, Minnesota Municipal Power Agency (the Company) filed a petition for exemption of CenterPoint Energy (CPE) from Conservation Improvement Program (CIP) investment and expenditure requirements under Minn. Stat. §216B.241 with respect to retail revenues attributable to its Shakopee Energy Park facility (Petition).

On October 17, 2016, Minnesota Department of Commerce, Division of Energy Resources Staff (Staff) issued a Notice of Completion signifying that the Petitioner had provided the information necessary to support its petition.

STATUTORY BACKGROUND

Minn. Stat. §216B.241 subd. 1a(b) allows the owner of a Large Customer Facility to petition the Commissioner to exempt the electric and gas utilities serving the Large Customer Facility from CIP investment and expenditure requirements with respect to retail revenues attributable to the Large Customer Facility. The filing must include a discussion of the competitive or economic pressures facing the owner of the facility and the efforts taken by the owner to identify, evaluate, and implement energy conservation and efficiency improvements.

Minn. Stat. §216B.241, subd. 1(i) defines a Large Customer Facility as:

all buildings, structures, equipment, and installations at a single site that collectively (1) impose a peak electrical demand on an electric utility's system of not less than 20,000 kilowatts, measured in the same way as the utility that serves the customer facility measures electrical demand for billing purposes or (2) consume not less than 500 million cubic feet of natural gas annually. In calculating peak electrical demand, a

large customer facility may include demand offset by on-site cogeneration facilities and, if engaged in mineral extraction, may aggregate peak energy demand from the large customer facility's mining and processing operations.

According to Minn. Stat. §216B.241 subd. 1a(b), a filing submitted on or before October 1 of any year is to be approved within 90 days and become effective January 1 of the year following the filing, unless the Commissioner finds that the owner of the Large Customer Facility has failed to take reasonable measures to identify, evaluate, and implement energy conservation and efficiency improvements.

The exemption may be limited to the qualifying utility if the Commissioner finds that the owner of the Large Customer Facility has failed to take reasonable measures to identify, evaluate, and implement energy conservation and efficiency improvements with respect to the non-qualifying utility.

DEPUTY COMMISSIONER'S DECISION-MAKING APPROACH

When making decisions regarding CIP exemption proposals submitted under Minn. Stat. §216B.241 subd. 1a (b), the Deputy Commissioner considers a variety of factors, including:

- The petitioner's qualification as a Large Customer Facility;
- The efforts of the petitioner to identify, evaluate and implement energy conservation and efficiency improvements; and
- Comments by interested parties.

DEPUTY COMMISSIONER FINDINGS

A. QUALIFICATION AS A LARGE CUSTOMER FACILITY

As described above, Minn. Stat. §216B.241 subd. 1(i) defines a Large Customer Facility as "all buildings, structure, equipment, and installations at a single site that collectively impose a peak electrical demand on an electric utility's system of not less than 20,000 kilowatts (kW) or consumes not less than 500 million cubic feet of natural gas annually."

According to the Petitioner, the structures and equipment of the facility are expected to have annual natural gas usage **[TRADE SECRET DATA HAS BEEN EXCISED]**. However, the facility is not expected to be in service until March 2017. Therefore, the Deputy Commissioner concludes that the Petitioner's facility does not qualify as a Large Customer Facility until it can show actual annual consumption that exceeds 500 million cubic feet of natural gas.

B. COMMENTS BY INTERESTED PARTIES

The Deputy Commissioner carefully considers comments on CIP exemption petitions submitted by interested parties. However, there were no comments filed in response to this Petition.

DECISION

The Deputy Commissioner does not approve Minnesota Municipal Power Agency's proposed exemption for CenterPoint Energy from CIP investment and expenditure requirements under Minn. Stat. §216B.241 with respect to retail revenues attributable to Shakopee Energy Park because the Company did not demonstrate that it qualifies as a Large Customer Facility.

BY ORDER OF THE DEPUTY COMMISSIONER

A handwritten signature in black ink, appearing to read 'W. Grant', is positioned above the printed name of the Deputy Commissioner.

William Grant
Deputy Commissioner
Minnesota Department of Commerce,
Division of Energy Resources

WG/ja

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
Decision**

Docket No. ET6133/CIP-16-748

Dated this 29th day of December 2016

/s/Sharon Ferguson

[illegible]

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