

February 7, 2017

PUBLIC DOCUMENT

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place E, Suite 350
St. Paul, Minnesota 55101

RE: **In the Matter of the Petition of Minnesota Municipal Power Agency for Exemption from the Conservation Improvement Program Investment and Expenditure Requirement Pursuant to Minn. Stat. Sec. 216B.241, Sub. 1a(b)**
Docket No. ET6133/CIP-16-748

Dear Mr. Wolf:

Attached are the Minnesota Department of Commerce's **PUBLIC** comments on Minnesota Municipal Power Association's (MMPA) Appeal in the following matter:

Petition of Minnesota Municipal Power Agency for Exemption from the Conservation Improvement Program Investment and Expenditure Requirement Pursuant to Minn. Stat. Sec. 216B.241, Sub. 1a(b)

As discussed in greater detail herein, the Department recommends the Commission affirm the Department's decision to deny MMPA's exemption request.

Please contact Jessica Burdette at (651) 539-1871 if you require any additional information.

Sincerely,



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

**MINNESOTA DEPARTMENT OF COMMERCE – PUBLIC COMMENTS
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Petition of Minnesota
Municipal Power Agency from the
Conservation Improvement Program
Investment and Expenditure Requirement

Issue Date: February 7, 2017
Docket No. 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 Company had provided the information necessary to support its petition.

On December 29, 2016, the Minnesota Department of Commerce, Division of Energy Resources (the Department) issued a decision (the Decision) denying the Company's Petition.

On January 16, 2017, the Company filed an appeal with the Minnesota Public Utilities Commission (the Commission) requesting that the Decision be overturned.

STATUTORY BACKGROUND

Minnesota Statutes section §216B.241 subd. 1a(b) allows the owner of a Large Customer Facility to petition the Commissioner of the Department (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.

MINNESOTA DEPARTMENT OF COMMERCE'S DECISION-MAKING APPROACH

When making decisions regarding CIP exemption proposals submitted under Minn. Stat. §216B.241 subd. 1a (b), the Department 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.

The focus of the Company's appeal concerns the first factor, its qualification as a Large Customer Facility.

MINNESOTA DEPARTMENT OF COMMERCE COMMENTS ON MINNESOTA MUNICIPAL POWER AGENCY'S APPEAL

The Department denied the Company's Petition after determining that the Company did not meet the statutory definition of "Large Customer Facility." 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 (kW) or (2) consume not less than 500 million cubic feet of natural gas annually."

In its Petition, the Company stated that the structures and equipment of the facility are expected to have annual natural gas usage **[TRADE SECRET DATA HAS BEEN EXCISED]**. While this level of annual consumption would exceed 500 million cubic feet of natural gas, the facility is currently not in service and is not expected to be so until March 2017.

To avoid prematurely approving a petition of this type, the Department requires applicants to submit actual consumption data. To date, the Company has only provided the Department with projections of future energy consumption and, as such, has not demonstrated what the actual annual consumption of this facility is. Therefore, the Department concluded in its Decision that the Company's facility did not qualify as a Large Customer Facility because it had not shown that the actual annual consumption exceeds 500 million cubic feet of natural gas. The Department believes that the Company's facility does not meet the statutory definition of Large Customer Facility and that Minn. Stat. §216B.241 subd. 1a(b) and the exemption benefits contained therein should not apply to the Company for this particular facility.

CONCLUSION

The Department requests that the Commission affirm the Department's decision to deny the Company's Petition.

Sincerely,

A handwritten signature in black ink, appearing to be 'W. Grant', written in a cursive style.

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

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
Public Comments**

Docket No. ET6133/CIP-16-748

Dated this 7th day of February 2017

/s/Sharon Ferguson

[illegible]

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