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Minnesota Attorney General Keith Ellison
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October 29, 2020

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

Re: *In the Matter of Minnesota Power's Revised Petition for a Competitive Rate for Energy-Intensive Trade-Exposed ("EITE") Customers*
Docket No. E-015/M-16-564

Dear Mr. Seuffert:

The Office of the Attorney General – Residential Utilities Division (“OAG”) submits this letter to clarify its position in the above-entitled matter.

In its initial comments, the OAG recommended that the Commission allow the EITE rider to expire as scheduled in February 2021 and return the resulting savings to ratepayers. The OAG further recommended that, if the Commission does extend the rider, it only do so on two conditions. First, the Commission should require Minnesota Power to file a proposal for terminating the rider by November 1, 2021, if it does not file a rate case. Second, the Commission should require the Company, in its next rate case, to apportion any interim rate increase among the customer classes according to their base-rate revenues—that is, their revenues *before* application of the EITE rider’s discount.

In reply comments, Minnesota Power agreed to make a request to terminate the EITE rider if the Company does not file a rate case with a 2022 test year. This commitment addresses the OAG’s first recommended rider-extension condition. The Company, however, disagreed with the OAG’s second recommended condition, stating that “any discussion and decisions on future rate design are best made in a rate case proceeding.”¹ This statement mischaracterizes the OAG’s recommendation. The OAG’s second condition does not pertain to “future” rate design. Rather, it would ensure that the *existing* base rate design is maintained until the Commission establishes new base rates, as required by law.²

In its last rate case, Minnesota Power apportioned the interim rate increase according to its customer classes’ “present revenues,” which for the Large Power class included the EITE discount. This changed the existing design of base rates, resulting in a lower interim increase for

¹ MP Reply Comments at 4 (Oct. 13, 2020).

² See Minn. Stat. § 216B.16, subd. 3(b) (requiring that interim rates reflect “no change in the existing rate design”).

Mr. Will Seuffert
Executive Secretary
October 29, 2020
Page 2

the Large Power class and higher increases for other classes. Because the Company did not follow the interim-rate statute in the last rate case, the Commission should put it on notice that its next interim rate increase must not reflect the EITE rider's class-revenue impact.³

Alternatively, if the Commission views the EITE rider as part of the existing rate design, such that its impact may be reflected in interim rates, the Commission should only extend the rider through the effective date of interim rates in Minnesota Power's next rate case. This would ensure that EITE customers do not receive the double benefit of *both* a lower interim increase that reflects the EITE discount *and* continued receipt of the discount.

Sincerely,

/s/ **Peter G. Scholtz**

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³ The OAG's May 21, 2020 letter in Minnesota Power's last rate case illustrates how the present-revenue impact of the EITE discount could be reapportioned in a future rate case. See Docket No. E-015/GR-19-442, Attachment to [OAG Letter](#).

CERTIFICATE OF SERVICE

Re: In the Matter of Minnesota Power's Revised Petition for a Competitive Rate for Energy-Intensive Trade-Exposed ("EITE") Customers
MPUC Docket No. E-015/M-16-564

I, JUDY SIGAL, hereby certify that on the 29th day of October, 2020, I e-filed with eDockets *a Letter of the Minnesota Office of the Attorney General—Residential Utilities Division* and served a true and correct copy of the same upon all parties listed on the attached service list by e-mail, electronic submission, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

/s/ Judy Sigal
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