



414 Nicollet Mall
Minneapolis, MN 55401

September 13, 2021

—Via Electronic Filing—

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

RE: ANSWER TO PETITION FOR RECONSIDERATION
IN THE MATTER OF A FORMAL COMPLAINT FOR EXPEDITED RELIEF BY
SUNRISE ENERGY VENTURES, SOLARCLUB 12 LLC AND SOLARCLUB 14
LLC AGAINST NORTHERN STATES POWER COMPANY D/B/A XCEL
ENERGY DOCKET NO. E002/C-21-160

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, submits this Answer in Opposition to Sunrise's September 2, 2021 Petition for Amendment, Vacation or Reconsideration of the Commission's August 13, 2021 Order Dismissing Complaint (Petition for Reconsideration).

Petitions for reconsideration are governed by Minn. Stat. § 216B.27, Subd. 3, which permits reconsideration of Commission decisions if they are "in any respect unlawful or unreasonable." Minn. R. 7829.3000 sets forth additional procedural requirements for petitions for reconsideration, and requires that petitions "set forth specifically the grounds relied upon or errors claimed." Generally, the Commission will review petitions for reconsideration "to determine whether the petition (i) raises new issues, (ii) points to new and relevant evidence, (iii) exposes errors or ambiguities in the underlying order, or (iv) otherwise persuades the Commission that it should rethink its decision."¹ The Sunrise Petition for Reconsideration does not satisfy this standard and should be denied.

The Sunrise Petition for Rehearing repeats arguments Sunrise previously raised. As stated, we performed a proper System Impact Study up to the limiting factor,

¹ ORDER DENYING RECONSIDERATION, DENYING STAY, AND APPROVING COMPLIANCE FILINGS, Oct. 7, 2019, Docket No. E002/M-18-643, at 3; see also ORDER DENYING RECONSIDERATION, June 12, 2020, Docket No. E002/M-17-410.

which could not be cured by further study on the same feeder, nor by further reconductoring consistent with our standards. We presented Sunrise a path forward by offering to study installation of a new feeder that would allow these projects to interconnect; Sunrise declined this approach.

Among other arguments, Sunrise asserts that its Complaint was brought under MN DIP Section 5.3.8, Minn. Stat. §216B.164, subd 5(a), Minn. R. 7835.4500 and Minn. R. 7829.1700, and not under Minn. Stat. §216B.17. As such, Sunrise states that the Commission must investigate the matter unless there is “no reasonable basis to investigate the matter” (citing Minn. R. 7829.1800, subd. 1). Sunrise seems to imply (at page 4) that the Commission inappropriately applied a “public interest” test under Minn. Stat. §216B.17 in dismissing the Complaint and neglected to address the “reasonable basis” standard.

However, the Commission’s August 13, 2021 Order Dismissing Complaint (August 2021 Order, at page 7) specifically found that there were no reasonable grounds to investigate the Complaint, and concluded that launching a formal investigation into this matter would not be in the public interest (at page 8). As we explained in our April 5, 2021 Comments, the standard of “no reasonable basis to investigate the matter” applies to Formal Complaints under Minn. R. 7829.1800, Sub. 1, while the “public interest” standard applies to Investigations under Minn. Stat. 216B.17. Subd. 1, which allows the Commission to begin an investigation also on its own motion. We further note that the Commission’s March 17, 2021 Notice for Comment asked for comments on both the “reasonable grounds” and “public interest” standards. Sunrise on March 19, 2021 filed objections to other portions of this Notice, but made no objection to both standards being addressed in comments. The Commission properly considered both the “reasonable basis” and the “public interest” standards in dismissing the Complaint.

Sunrise also seems to imply that if the Commission had not dismissed the Complaint and instead would have proceeded under Minn. R. 7829.1800 – by serving the Complaint on the Company, requiring the Company to Answer, and followed by Sunrise’s Reply – then there would have been additional material facts for the Commission to consider before ruling on the merits of the matter. The Company, however, already filed a robust response to the allegations in the Complaint in our prior filings in this docket. Sunrise, in its Petition for Reconsideration, has not specified what additional new issues, material facts, or evidence should be considered by the Commission. Sunrise is speculating that some additional material facts would be considered by the Commission if further

proceedings were allowed. This additional material would need to be presented by Sunrise or by the Company.

If there would have been additional proceedings, then Minn. R. 7829.1800, Subp. 4 specifically would allow the Company not to file an answer to a complaint, and not providing an answer would be considered as a denial of the allegations. In such case, with no answer being filed, Sunrise would not be able to file a further reply. The matter would then go back to the Commission for a hearing based on the exact same record that was before the Commission when it initially declined to investigate the Complaint. We would expect that the Commission, based on the same record, would reach the same conclusion and dismiss the Complaint.

Sunrise's Petition for Reconsideration has not raised new issues, pointed to new relevant evidence, or presented errors or ambiguities in the Commission's August 13, 2021 Order. The Commission properly dismissed the Complaint, and the Petition for Reconsideration should be denied.

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 Jessica Peterson at Jessica.k.peterson@xcelenergy.com or (612) 330-6850 if you have any questions concerning this filing.

Sincerely,

/s/

JAMES DENNISTON
ASSISTANT GENERAL COUNSEL

Enclosures
c: Service List

CERTIFICATE OF SERVICE

I, Mustafa Adam, 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; or

xx by electronic filing.

Docket Nos.: E002/C-21-160

Dated this 13th day of September 2021.

/s/

Mustafa Adam
Regulatory Administrator

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-160_Official
James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, 401-8 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-160_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-160_Official
Dean	Leischow	dean@sunrisenrg.com	Sunrise Energy Ventures	315 Manitoba Ave Wayzata, MN 55391	Electronic Service	No	OFF_SL_21-160_Official
Matthew	Melewski	matthew@theboutiquefirm.com	Nokomis Energy	2639 Nicollet Ave., Suite 200 Minneapolis, Minnesota 55408	Electronic Service	No	OFF_SL_21-160_Official
Jessica	Peterson	jessica.k.peterson@xcelenergy.com	Xcel Energy	414 Nicollet Mall GO 6 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-160_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_21-160_Official
Angie	Schreiner	angie@sunrisenrg.com	Sunrise Energy Ventures, LLC	315 Manitoba Avenue Suite 200 Wayzata, MN 55391	Electronic Service	No	OFF_SL_21-160_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-160_Official
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-160_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Tierney	joe@sunrisenrg.com	Sunrise Energy Ventures	315 Manitoba Ave Wayzata, MN 55391	Electronic Service	No	OFF_SL_21-160_Official
Curtis P	Zaun	curtis@cpzlaw.com	Attorney At Law	3254 Rice Street Little Canada, MN 55126	Electronic Service	No	OFF_SL_21-160_Official