

The Commission met on **Thursday, January 5, 2023**, with Chair Sieben and Commissioners Means, Schuerger, Sullivan, and Tuma present.

The following matters were taken up by the Commission:

E-119/SA-22-434

In the Matter of the Joint Request of the City of Barnesville and Lake Region Electric Cooperative to Update Electric Service Territory Records

Commissioner Tuma moved that the Commission:

1. Approve the requested permanent service territory transfer from Lake Region Electric Cooperative to the City of Barnesville.
2. Request that the Minnesota Geospatial Information Office update the Commission's maps to reflect the service area designations as shown on the map in the petition.

The motion passed 5–0.

E-332,126/SA-22-531

In the Matter of the Joint Request of Worthington Public Utilities and Nobles Cooperative Electric to Update Electric Service Territory Records

Commissioner Tuma moved that the Commission:

1. Approve the joint petition of Worthington Public Utilities and Nobles Cooperative Electric for:
 - A. The permanent, mutual transfer of assigned electric service territory as described in the petition,
 - B. Confirmation of the Parties' electric service territory boundaries, and
 - C. Acknowledgement of a service-by-exception arrangement in which the Cooperative is providing service by exception in the Municipal's assigned service territory.
2. Request that the Minnesota Geospatial Information Office update the Commission's maps to reflect the service area designations as shown on the map in the petition.

The motion passed 5–0.

E-131,231/SA-22-589

In the Matter of the Joint Request of PKM Electric Cooperative, Inc., and the East Grand Forks Water and Light Commission to Update Electric Service Territory Records

Commissioner Tuma moved that the Commission:

1. Approve the petition for a permanent service area transfer from PKM Electric Cooperative, Inc., to East Grand Forks Water & Light Commission.
2. Request that the Minnesota Geospatial Information Office update the Commission's maps to reflect the service area designations as shown on the map in the petition.

The motion passed 5–0.

E-002,325/SA-22-595

In the Matter of the Compensation and Orderly Transfer Agreement Between the City of Waseca and Northern States Power Company d/b/a Xcel Energy

Commissioner Tuma moved that the Commission:

1. Approve the petition for a permanent service territory transfer from Northern States Power Company d/b/a Xcel Energy to the City of Waseca.
2. Request that the Minnesota Geospatial Information Office update the Commission's maps to reflect the service area designations as shown on the map in the petition.

The motion passed 5–0.

IP-7093/PPL-22-422

In the Matter of the Application of Summit Carbon Solutions, LLC, for a Routing Permit for the Otter Tail to Wilkin Carbon Dioxide Pipeline Project in Otter Tail and Wilkin Counties, Minnesota

Commissioner Sullivan moved that the Commission:

1. Accept the pipeline routing permit application of Summit Carbon Solutions, LLC, as substantially complete.
2. Take no action on an advisory task force at this time.
3. Approve Department of Commerce, Energy Environmental Review and Analysis unit's initial budget estimate of \$150,000 for application processing.
4. Refer the matter to the Office of Administrative Hearings for a contested case hearing pursuant to Minnesota Rules Chapter 1405.

5. Deny Clean Up the River Environment’s petition for an environmental assessment worksheet.
6. Find that the requirements for variance have been satisfied, vary Minnesota Rule 7852.1500, and order the preparation of an environmental impact statement pursuant to Minnesota Rules Chapter 4410. This variance extends through the entirety of the permitting process. To the extent that there are any procedural inconsistencies in preparation of the environmental impact statement between Chapter 7852 and Chapter 4410, the Commission varies Chapter 7852 and directs that Chapter 4410 shall control.
7. Vary the timeframes of Minn. R. 7852.1400, subparts 3 and 4.
8. Delegate authority to the Executive Secretary regarding scheduling and other administrative matters.

The motion passed 5–0.

E-002/M-20-86

In the Matter of the Petition of Northern States Power, doing business as Xcel Energy, for Approval of General Time-Of-Use Service Tariff

Commissioner Schuerger moved that the Commission:

1. Find that Northern States Power Company d/b/a Xcel Energy has met all Order Points, except Order Points 1(B)(1) and 1(B)(5), from the Commission’s July 16, 2021, Order.
2. Require the Company to file the following to comply with Order Points 1(B)(1) and 1(B)(5):
 - a) Additional details regarding the Commission’s March 15, 2022 Order in Docket No. E002/M-21-101;
 - b) Incremental costs from managing the Minnesota-specific general service TOU rate pilot;
 - c) Detailed information regarding the sample size for each rate design in the pilot, including control groups, a discussion of the number of participants needed to obtain statistically significant results to inform a default general service TOU rate, and the percentage of meters dedicated to EV charging providers and EV fleet operators;
 - d) Assessment of—and control for—impacts of self-selection biases from the opt-in enrollment structure and incremental benefits of the new meters and price signals;

- e) Pilot timing considerations regarding deployment of AMI meters with Distributed Intelligence capabilities;
 - f) Baseline procedures for customers without an interval meter currently installed on their premises;
 - g) Design of intake survey and interview content used to contextualize unique usage patterns of participants;
 - h) Identification and control procedures for the impacts from unique pre-pilot usage patterns of individual customers;
 - i) Strategies for implementing commercial and industrial TOU rates based on experience and expertise from the Company's Colorado service territory;
 - j) The anticipated criteria to be used to call CPP events; and
 - k) Results of Xcel's analysis of dual-enrollment opportunities for select customers already enrolled in demand response programs.
3. Require Xcel to provide the information listed above by March 31, 2023 to meet the requirements of Order Points 1(B)(1) and 1(B)(5). Delegate authority to the executive secretary to approve, via notice, requests to extend the deadline to make the compliance filing.
 4. Approve Xcel's proposed General Service Time of Use and Critical Peak Pricing Pilot contingent upon Xcel filing the information indicated for compliance with Order Points 1(B)(1) and 1(B)(5) above. Delegate authority to the Executive Secretary to approve, via notice, the petition and compliance filing if no interested parties or Commission staff object or file an intent to object within 30 days of the filing.
 5. Approve Xcel's proposed tariff as filed in the Company's January 18, 2022 compliance filing, with the following modifications.
 6. Approve Xcel's updated tariff sheets in the Company's April 7, 2022 Supplement filing.
 7. Approve Xcel's tariff modifications as proposed in the Company's June 16, 2022 Reply Comments regarding clarifying language for the calculation of Peak and Base billing demands.
 8. Approve the modifications to the Fuel Clause Adjustment Rider adding the General TOU Service Pilot to the list of rate schedules and proposed Fuel Adjustment Factors as proposed in the Company's May 13, 2022, supplemental filing.
 9. Require Xcel to further modify the General Service TOU Pilot and associated tariffs as follows.

10. Require Xcel to evaluate dual participation of customers in different demand response programs and time of use rates as part of the pilot and require Xcel to provide a description of how it plans to conduct this evaluation in a filing to be completed within 60 days of the order resulting from this decision. Delegate authority to the executive secretary to approve, via notice, requests to extend the deadline to make the compliance filing.
11. Approve Xcel's bill credit proposal as petitioned, including a one-year limit. Require Xcel to discuss by March 31, 2023, in a compliance filing, the possibility of applying a bill credit to the Metropolitan Transit Authority for year two of the pilot program. The compliance filing will be treated as automatically approved if no interested parties or Commission staff object or file an intent to object within 30 days of the filing.
12. Approve Xcel's 20/40/40 recruitment plan wherein 20% of customers eligible to opt into the pilot will have their choice of either the General TOU service or the CPP service, 40% will be marketed only the General TOU rate, and the remaining 40% will be marketed only the CPP rate.
13. Xcel may track TOU rate pilot revenues for possible rate recovery or refund.
14. Authorize Xcel to track and recover its proposed TOU pilot participant bill credits for the duration of the pilot program.
15. Approve recovery of costs to administer the general TOU portion of the pilot.
16. Approve the reporting requirements proposed in the Department's May 25, 2022, Comments and included as attachment A to these briefing papers.
17. Require Xcel to provide information on the seasonal distribution of high-cost hours, to what extent these hours fall on consecutive days, and to what extent these hours were covered by called CPP events in its proposed annual pilot evaluation reports.
18. Require Xcel to evaluate the impacts of pilot participation by customers with load factors below 30 percent and assess the appropriateness of each pilot TOU rate for low load factor customers more generally, in its proposed annual pilot evaluation reports.
19. Require Xcel to file a compliance filing with the required tariff modifications within 10 days of the issuance of the Order.

The motion passed 5–0.

P-421/C-20-432

**In the Matter of Formal Complaint Regarding the Services Provided by the Qwest Corporation,
d/b/a CenturyLink in Minnesota, on Behalf of the Communications Workers of America**

Commissioner Tuma moved that the Commission:

1. Refer the matter to the Office of Administrative Hearings for a contested case proceeding pursuant to Minn. Stat. § 237.081, subd. 1, regarding whether Qwest Corporation d/b/a CenturyLink (CenturyLink) is meeting the requirements of Minnesota Statutes Chapter 237 and Minnesota Rules Chapter 7810. The scope of the hearing shall include whether CenturyLink has violated Minnesota Rules identified in the August 30, 2021 Joint Recommendation of the Department of Commerce and the Office of the Attorney General and, if so, what should be the remedy.
2. Request that the administrative law judge hold one or more public hearings within CenturyLink's service territory to take public comments on the potential rule violations and issues identified in the Department's and OAG's Joint Reply Comments (August 30, 2021), Attachment A.

The motion passed 5–0.

There being no further business, the meeting was adjourned.

APPROVED BY THE COMMISSION: January 18, 2023

A handwritten signature in black ink, appearing to read "Will Seuffert", with a long horizontal flourish extending to the right.

Will Seuffert, Executive Secretary