



AN ALLETE COMPANY

Lori Hoyum
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November 10, 2016

VIA E-FILING

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: In the Matter of a Commission Inquiry into
Fees Charged on Qualifying Facilities
Docket No. E999/CI-15-755

Dear Mr. Wolf:

Minnesota Power hereby electronically submits its Reply Comments to the Supplemental Comments submitted by the Department of Commerce – Division of Energy Resources in the above-referenced Docket.

Please contact me at the number or the email address provided if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Lori Hoyum".

Lori Hoyum

LH:sr
Attach.
cc: Service List

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of a Commission Inquiry
Into Fees Charged on Qualifying Facilities

Docket No. E999/CI-15-755

**MINNESOTA POWER'S
REPLY COMMENTS**

I. INTRODUCTION

The Department of Commerce – Division of Energy Resources (“Department”) submitted its Supplemental Comments in the above-referenced Docket on October 17, 2016. On June 22, 2016, the Minnesota Public Utilities Commission (“Commission”) issued a Notice of Comment Period allowing parties a supplemental comment period to respond to issues raised by a party in reply comments that were not raised in its initial comments. Minnesota Power appreciates the time and work by the Department, and respectfully provides these Reply Comments to the comments submitted by the Department.

II. RESPONSE TO DEPARTMENT’S COMMENTS

Affirmative approval of QF fees

In its October 17, 2016 comments, the Department affirmed the legality of Minnesota Power’s fees approved in the October 29, 2009 Order in Docket E015/GR-08-415, and re-approved by the Commission in its May 24, 2011 Order. The Company appreciates the Department’s validation of fees and rates approved through general rate cases. Utilities must rely on rate cases as a dependable venue in which to garner approval for their financial requirements. Without the assurance that decisions made through rate cases will be upheld, the ability to mitigate financial risk both to the utility and the ratepayer, is greatly decreased.

While expounding upon the topic of the legality of the Company’s qualifying facility (“QF”) fees as filed in years 2011-2015, the Department states,

“The Department disagrees with the IOUs that they obtained Commission approval simply through the filing of their Annual Cogeneration and Small Power Production Filings. Minnesota Rules 7835.0300 clearly states that the Annual Filings are submitted for the Commission’s “*review and approval.*” To the Department’s knowledge, none of the IOUs sought affirmative Commission approval of their Annual Filings and the Commission did not give such approval. Therefore, the Department concludes that the Commission did not approve the Annual Filings of any IOU.”

The Department goes on to state, “Therefore, the Department concludes that Minnesota Power violated the statutory requirement it obtain affirmative Commission approval to change the rate that was approved in its 2009 rate case.” Minnesota Power strongly disagrees with the Department’s line of reasoning on this issue. As shown in Exhibit A, in compliance with Minnesota Rules 7835.0300, the Company submitted each of its annual Cogen and Small Power Production filings in the respective docket set up by the Department of Commerce. Each submission was filed with a cover letter that clearly stated in the first line:

*Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power’s **Request for Rate Revision.***
[emphasis added].

This statement left no doubt that through the filing the Company was seeking Commission approval to revise its rate.¹ In fact, Minnesota Power’s December 29, 2014 annual filing is identified in eDockets in Docket No. E999/PR-15-09 as “REPORT-COGEN SMALL POWER RATE REVISION (TS/PUB).” Any questions and/or supporting documentation to substantiate the revised rate could have been addressed through the regulatory review process had the Commission met its statutory obligation to review Minnesota Power’s request for rate revision.

Following the terms outlined in the Commission’s October 16, 1984 Order in Docket No. E999/R-84-105, these requested rate revisions in its Cogen and Small Power Production filings became effective 60 days after the date of each subsequent tariff filing when no Commission action was taken on any of the filings. Minnesota Power emphasizes the clear request for a rate revision as illustrated on each filing’s cover letters and the Commission provision that these rates are enacted after 60 days barring Commission action. The due diligence exhibited by Minnesota Power in regards to its Cogen and Small Power Production filings provides ample

¹ See Exhibit A

evidence that Minnesota Power has met all regulatory and legal thresholds in regards to its monthly QF fees.

Legality of QF fee recovery

The Department states “The Department does not disagree that Minnesota statutes and rules prior to 2015 allowed for the reasonable recovery of interconnection costs” and that “the Department does not object to the use of a monthly fee for recovery, but expects the costs to be reflected in the Uniform Statewide Contract presented to QF providers.” Minnesota Power supports the Department’s analysis on the legality of recovery of monthly interconnection costs.

In its comments the Department also asserts that the utilities did not provide the QFs the appropriate options as outlined in the Uniform Contract. Minnesota Power objects to the framing of this specific item. The statewide contract provides direction in the way of options for those items requiring specific alternatives. In regard to the method of a monthly QF fee recovery, neither Minnesota State Statute nor the Uniform Statewide Contract stipulate the need for numerous options of payment for monthly QF fees.² The designation of terms within the contract, and ultimate approval of the contract by the utility and QF, equates to an agreement between the utility and the QF. Nowhere does it state in statute that the contract itself must outline a myriad of options for payment of the interconnection costs. In its discussions with QF customers, Minnesota Power addresses all concerns raised by the QF owner.

In accordance with the Uniform Statewide Contract, Minnesota Power’s QF contract does have a general provision wherein it states the up-front interconnection fees related to facility upgrades that a QF will pay. The tariff sheets associated with the monthly QF fee are provided prior to the QF signing the contract. The Company cautions against the requirement of adding the monthly QF fees to the contract language. The fees are collected on a monthly basis for administrative ease and to cover future upgrades to metering and associated equipment required to serve the QF. The potential fluctuating nature of the monthly rates presents a burden for both the utility and QF if the monthly fees were to be outlined in the contract. Any change in the monthly fees would require a renewed contract with each of Minnesota Power’s approximate 108 qualifying facilities.

² 216B.164 COGENERATION AND SMALL POWER PRODUCTION

CONCLUSION

Minnesota Power reasserts its position that it complied with the statutory requirements to obtain affirmative Commission approval to change its rates, and the Company's monthly service charge assessed as part of its Rider for Parallel Generation has been lawfully implemented since its inception in 1984. Minnesota Power appreciates the opportunity to provide these Reply Comments.

Dated: November 10, 2016

Respectfully submitted,

A handwritten signature in cursive script that reads "Lori Hoyum".

Lori Hoyum
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lhoyum@mnpower.com



**PUBLIC DOCUMENT
TRADE SECRET DATA
HAS BEEN EXCISED**

December 23, 2010

VIA E-FILING

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *Cogeneration and Small Power Production
Tariff Filing*

Dear Dr. Haar:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

Trade Secret data is defined as data filed with the Minnesota Public Utilities Commission that meets the definition of trade secret in the Minnesota Government Data Practices Act, Minn. Stat. § 13.37. A statement justifying the Trade Secret designation is attached.

Please contact me should there be any questions pertaining to this filing.

Yours truly,

David R. Moeller

DRM:sr
Enclosures



David R. Moeller
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December 30, 2015

VIA E-FILING

Mr. Daniel P. Wolf, Executive Secretary
MN Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: ***Cogeneration and Small Power Production Tariff Filing***
Docket No. E999/PR-15-09

Dear Mr. Wolf:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

This filing incorporates significant language and rate changes in the existing Rider for Parallel Generation due to statutory changes to Minn. Stat. §216B.164 and resulting changes to Minnesota Rules, Chapter 7835¹. These statutory and rule changes provided for a broader range of generator sizes to be allowed to take service under the Rider for Parallel Generation, as well as additional compensation options for cogeneration and small power production customers.

Due to the change in generator sizes allowed to take service under the Rider for Parallel Generation and additional compensation options, a new structure of service charges and energy credits has been established. There are three groups of customer generator sizes listed in the tariff, each with different service charges: facilities rated at less than 40 kW, facilities rated at 40 kW or greater and less than 500 kW, and facilities rated at 500 kW or greater and less than 1,000 kW. The breakout of these generator sizes is because of different metering costs at each level.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

¹ Docket No. E-999/R-13-729

EXHIBIT A
Docket No. . E-999/CI-15-755
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PUBLIC DOCUMENT
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HAS BEEN EXCISED

December 29, 2014

VIA E-FILING

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *Cogeneration and Small Power Production*
Tariff Filing
Docket No. E999/PR-14-09

Dear Dr. Haar:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

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Please contact me should there be any questions pertaining to this filing.

Yours truly,

David R. Moeller

DRM:sr
Enclosures



EXHIBIT A
Docket No. . E-999/CI-15-755
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PUBLIC DOCUMENT
TRADE SECRET DATA
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December 23, 2013

VIA E-FILING

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *Cogeneration and Small Power Production*
Tariff Filing
Docket No. E999/PR-13-09

Dear Dr. Haar:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

Trade Secret data is defined as data filed with the Minnesota Public Utilities Commission that meets the definition of trade secret in the Minnesota Government Data Practices Act, Minn. Stat. § 13.37. A statement justifying the Trade Secret designation is attached.

Please contact me should there be any questions pertaining to this filing.

Yours truly,

A handwritten signature in black ink that reads "David R. Moeller". The signature is written in a cursive, slightly slanted style.

David R. Moeller

DRM:sr
Enclosures



EXHIBIT A
Docket No. . E-999/CI-15-755
Page 5 of 6



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David R. Moeller
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PUBLIC DOCUMENT
TRADE SECRET DATA
HAS BEEN EXCISED

December 27, 2012

VIA E-FILING

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *Cogeneration and Small Power Production*
Tariff Filing
Docket No. E999/PR-12-09

Dear Dr. Haar:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

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Please contact me should there be any questions pertaining to this filing.

Yours truly,

David R. Moeller

DRM:sr
Enclosures



EXHIBIT A
Docket No. . E-999/CI-15-755
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PUBLIC DOCUMENT
TRADE SECRET DATA
HAS BEEN EXCISED

December 29, 2011

VIA E-FILING

Dr. Burl Haar, Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: *Cogeneration and Small Power Production*
Tariff Filing
Docket No. E999/PR-11-09

Dear Dr. Haar:

Enclosed for filing, in accordance with the Cogeneration and Small Power Production Regulations, Minn. Rule 7835.0300, is Minnesota Power's Request for Rate Revision.

Because of the sensitive nature of information provided on pages 1 and 2 of 13 in Schedule A and pages 6 and 7 of 13 in Schedule B, Minnesota Power has designated this information as **TRADE SECRET**. As such, Minnesota Power has provided both a Public version and a Trade Secret version of the filing.

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Please contact me should there be any questions pertaining to this filing.

Yours truly,

A handwritten signature in black ink that reads "David R. Moeller". The signature is written in a cursive, slightly slanted style.

David R. Moeller

DRM:sr
Enclosures



STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

AFFIDAVIT OF SERVICE VIA
ELECTRONIC FILING

Susan Romans of the City of Duluth, County of St. Louis, State of Minnesota, says that on the **10th** day of **November, 2016**, she served Minnesota Power's Reply Comments Docket No. E999/CI-15-755 on the Minnesota Public Utilities Commission and the Energy Resources Division of the Minnesota Department of Commerce via electronic filing. The persons on the attached Official Service list were served as requested.



Susan Romans

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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