COMMERCE DEPARTMENT

July 9, 2024

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Xcel Energy's Small DER Capacity Reservation System
Docket No. E002/CI-24-176

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in the following matter:

> In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy

The Department recommends **permanent suspension** of the comment period noticed on April 26, 2024 in this docket, and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. Sydnie Lieb
Assistant Commissioner of Regulatory Analysis

SL/ad
Attachment

Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce
Division of Energy Resources

Docket No. E002/CI-24-176

I. INTRODUCTION

The Department provides the following comments on Xcel Energy's (Xcel) request to suspend the Notice of Comment Period from Docket E002/CI-24-176 issued by the Commission on April 26, 2024. The Department agrees with Xcel's proposal to suspend the comment period in light of recent legislation, and further asserts that the suspension should be permanent.

The Department believes that the core issue in this proceeding is the cost-causer-pays principle. This principle, in practice, requires an interconnection customer that triggers a capacity upgrade to pay for all the costs associated with the upgrade. These costs can be prohibitive for a single, small project, and that prohibition deters further interconnections in capacity-constrained areas of the grid. Xcel has proposed to protect small interconnection customers from these prohibitive capacity upgrade costs by reserving hosting capacity for the exclusive use of small, distributed energy resources (DER). Recent legislation instead addresses the cost-causer-pays principle with a requirement that the Commission hold a proceeding to implement a cost-sharing process according to specific parameters. To solve the bottlenecks created by the cost-causer-pays principle, the Legislature could have adopted a capacity reservation, but instead opted for a cost-sharing process.

Furthermore, the Department reaches the conclusion that a capacity reservation in light of a cost-sharing process appears to be redundant. Consequently, the Department does not see a need for a continuation of the comment period on capacity reservation at this time.

II. PROCEDURAL HISTORY

On September 1, 2023, the Commission issued a notice on what changes to the Minnesota Distributed Interconnection Process (MN DIP) should the Commission make to achieve the purpose of Minnesota Law 2023, Ch. 60, Art. 12, Sec. 75 (HF 2310). [1] This law required the Commission to establish interconnection procedures that would allow small customer-sited DER projects superior positions in the interconnection queue.

On April 15, 2024, the Commission issued its Order which established a Notice of Comment Period on a capacity reservation for small DER applications on the distribution system.[2]

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[1] *Notice of Comment Period – In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distributed Generation Facilities Established Under Minn. Stat. §216B.1611, Docket No. E999/CI-16-521* (September 1, 2023). (eDocket 20239-198677-01).

[2] *Order Establishing a Two-Queue System, Directing Further Discussions, and Addressing Miscellaneous Matters, In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distribution Generation Facilities*

On April 26, 2024, the Commission issued its Notice on the issue of whether the Commission should allow Xcel Energy to establish a capacity reservation for small DER applications.[3]

On May 23, 2024, the Department requested a 30-day extension of comment period to incorporate forthcoming data from the Solar on Public Buildings and Solar on Schools programs and to analyze the impact of new legislation on capacity upgrade costs.[4]

On May 24, 2024, Governor Walz approved Minnesota Law 2024 (SF 4942). Ch. 126, Art. 6, Sec. 53 (Section 53) of that legislation states:

> the commission must initiate a proceeding to establish by order generic standards for the sharing of utility costs necessary to upgrade a utility's distribution system by increasing hosting capacity or applying other necessary distribution system upgrades at a congested or constrained location in order to allow for the interconnection of distributed generation facilities at the congested or constrained location.[5]

On May 29, 2024, the Commission granted the Department's request for a 30-day extension of comment period and issued its Notice of Extended Comment Period.[6]

On June 25, 2024, Xcel filed a letter requesting that the Minnesota Public Utilities Commission (Commission) suspend the comment period in the instant docket until the impacts from Section 53 and Commission decisions in Xcel's Integrated Distribution System Plan (Docket E002/M-23-452) are more widely known.[7]

On June 26, 2024, the Commission issued a Notice of Comment Period[8] requesting that parties comment on the following:

What action should the Commission take on Xcel Energy's request to suspend the Notice of Comment Period from Docket E002/CI-24-176 issued by the Commission on April 26, 2024?

Established Under Minn. Stat. § 216B.1611, Docket No. E999/CI-16-521 (April 15, 2024). (eDocket No. 20244-205355-01). Hereinafter "April 15, 2024 Order".

[3] *Notice of Comment Period - In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy, Docket No. E002/CI-24-176* (April 26, 2024). (eDocket No. 20244-205996-01).

[4] *The Department Extension Variance Request - In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy, Docket No. E002/CI-24-176* (May 23, 2024) (eDocket No. 20245-207057-01)

[5] *Minnesota Law, Ch. 126, Art. 6, Sec. 53 (SF 4942)*

[6] *Notice of Extended Comment Period - In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy, Docket No. E002/CI-24-176* (May 29, 2024). (eDocket No. 20245-207174-01).

[7] *Xcel's Request to Suspend Comment Period - In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy, Docket No. E002/CI-24-176* (June 25, 2024). (eDocket No. 20246-207922-01).

[8] *Notice of Comment Period on Xcel's Suspension Request - In the Matter of an Investigation into the Implementation of a Small DER Capacity Reservation System for Xcel Energy, Docket No. E002/CI-24-176* (June 26, 2024). (eDocket No. 20246-207979-01).

III. DEPARTMENT ANALYSIS

The Department generally supports the Company's request to suspend the comment period. Recent legislation, Section 53, addresses the cost-causer-pays principle to promote equitable DER interconnection. With the Commission proceeding required by Section 53 upcoming and other statutes already in place, the Department believes that a small DER capacity reservation is redundant. Furthermore, the Department recommends a permanent suspension as the potential reopening of the comment period places administrative burdens on the involved parties.

A. *LEGISLATIVE GOALS FOR DER INTERCONNECTION*

The cost-causer-pays principle presents a challenge to promoting the widespread adoption of DERs and maximizing their benefits for ratepayers. The Legislature has provided guidance on the subject of fairness in DER interconnection through recent legislative measures aimed at establishing equitable cost-sharing mechanisms prioritizing small DER interconnections. These initiatives underscore the state's commitment to fostering a balanced approach that supports renewable energy goals while ensuring grid reliability and affordability.

With the expansion of DER interconnections, system upgrades are necessary to ensure grid reliability and efficiency. However, the financial burden of these upgrades often falls disproportionately on the "trigger" project. The cost-causer-pays principle requires the trigger project to bear the entire cost of grid upgrades to accommodate the project. Accordingly, these upgrades place a disproportionate financial burden on the project and discourage its initiation. The Legislature has established the policy objective to promote small DER projects as part of its approach to energy policy and, correspondingly, has elevated the issue of improving the process for small DER interconnection.

To promote the adoption of small scale solar and other DERs, the Legislature has established, among others, the following statutes: Minn. Stat. § 216B.1611[9] (Interconnection of On-Site Distributed Generation), Minn. Stat. § 216B.1691, Subd. 2f[10] (Solar energy standard), and Minn. Stat. § 216B.164[11] (Cogeneration and Small Power Production).

The Legislature has previously established the policy objective of improving interconnection of small DER. Minnesota Law 2023, Ch. 60, Art. 12, Sec. 75 (HF 2310) directed the Commission to open a proceeding to establish interconnection procedures prioritizing systems under 40 kW over larger projects.[12] Consequently, the Commission issued a Notice of Comment Period on September 1, 2023 to consider giving such priority in the Minnesota Distributed Interconnection Process (MN-DIP).[13] The

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[9] *Minnesota Statute §216B.1611, Subd. 1 (5)*
[10] *Minnesota Statute §216B.1691, Subd. 2f*
[11] *Minnesota Statute §216B.164 Subd. 8*
[12] *Minnesota Law 2023, Ch. 60, Art. 12, Sec. 75 (HF 2310)*
[13] *Notice of Comment Period – In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distributed Generation Facilities Established Under Minn. Stat. §216B.1611, Docket No. E999/CI-16-521* (September 1, 2023). (eDocket 20239-198677-01).

Commission's proceeding culminated with the April 15, 2024 Order establishing priority in interconnection for DER under 40 kW.

In further alignment with these statutory goals, the Legislature recently enacted Section 53 to address the cost-causer-pays principle as it relates to small DER interconnection. This law expands hosting capacity by distributing the costs of necessary upgrades among DER project owners. The pro-rata upgrade costs reduce the capital burden on "trigger" projects that necessitate upgrades and ensure that subsequent projects share the cost of system upgrades. In conjunction, the regulatory procedures required by both session laws promote the interconnection of single, small DER projects. The Legislature has established that addressing the problem of disincentivizing small DER interconnection is a policy priority during the last two legislative sessions and has provided guidance on the means to address the problem.

B. CAPACITY RESERVATION IS REDUNDANT

The Department believes that the implementation of Section 53 obviates the need for a capacity reservation for customer-sited small-scale solar. Xcel previously proposed capacity reservations through modifications to its technical planning standard. These modifications included a cap on interconnection costs at $15,000, which would direct these funds to a common pool for future system upgrades. This proposal was intended to facilitate small-scale solar integration by reducing financial barriers and ensuring a fair distribution of upgrade costs across all DER projects.[14]

However, Section 53 addresses the cost-causer-pays principle by requiring the Commission to hold a proceeding to implement a structured cost-sharing process according to specific parameters. The cost-sharing process could reduce the capital burden on single, small projects and accelerate the expansion of hosting capacity. This framework addresses the primary concerns that a small DER capacity reservation aims to mitigate and eliminates the need for reserved capacity at this time.

C. REGARDING PERMANENT SUSPENSION

The Department recommends a permanent suspension rather than a temporary pause as the more appropriate action. It would be administratively burdensome on parties to answer the mirror of the instant notice posted—one asking whether the Commission should reopen the comment period upon the conclusion of the interconnection cost sharing proceeding required by Section 53. The Department recommends that Xcel, as the party that has consistently requested a capacity reservation, should bear the burden of petitioning for one if it believes there is a policy need after implementation of the comment period required by Section 53.

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[14] *Comments, Northern States Power Company dba Xcel Energy, In the Matter of Updating the Generic Standards for the Interconnection and Operation of Distribution Generation Facilities Established Under Minn. Stat. § 216B.1611 Docket Nos. E999/CI-01-1023, E999/CI-16-521* (August 25, 2021). (eDocket No. 20218-177446-02)

IV. CONCLUSION AND RECOMMENDATION

After analysis and consideration, the Department recommends a permanent suspension of the comment period in this docket. The Legislature has mandated the establishment of a cost-sharing process to address the cost-causer-pays principle and promote equitable DER interconnection. With this process and other statutes in place, it would be redundant to implement a capacity reservation at this time. Moreover, the Department believes that reopening the comment period would impose administrative burden on the parties involved.

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
Comments

Docket No. E002/CI-24-176

Dated this **9th** day of **July 2024**

/s/Sharon Ferguson

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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Richard	Macke	macker@powersystem.org	Power System Engineering, Inc.	10710 Town Square Dr NE Ste 201 Minneapolis, MN 55449	Electronic Service	No	OFF_SL_24-176_Official
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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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Timothy	O'Leary	toleary@llec.coop	Lyon-Lincoln Electric Cooperative, Inc	P.O. Box 639 Tyler, MN 561780639	Electronic Service	No	OFF_SL_24-176_Official

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Wendi	Olson	wolson@otpco.com	Otter Tail Power Company	215 South Cascade Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_24-176_Official
Russell	Olson	rolson@hcpd.com	Heartland Consumers Power District	PO Box 248 Madison, SD 570420248	Electronic Service	No	OFF_SL_24-176_Official
Bethany	Owen	bowen@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_24-176_Official
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Dean	Pawlowski	dpawlowski@otpco.com	Otter Tail Power Company	PO Box 496 215 S. Cascade St. Fergus Falls, MN 565370496	Electronic Service	No	OFF_SL_24-176_Official
Susan	Peirce	Susan.Peirce@state.mn.us	Department of Commerce	85 Seventh Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_24-176_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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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_24-176_Official
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_24-176_Official
Nathaniel	Runke	nrunke@local49.org	International Union of Operating Engineers Local 49	611 28th St. NW Rochester, MN 55901	Electronic Service	No	OFF_SL_24-176_Official
Darla	Ruschen	d.ruschen@bcrea.coop	Brown County Rural Electric Assn.	PO Box 529 24386 State Highway 4 Sleepy Eye, MN 56085	Electronic Service	No	OFF_SL_24-176_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Roger	Warehime	roger.warehime@owatonnautilities.com	Owatonna Municipal Public Utilities	208 S Walnut Ave PO BOX 800 Owatonna, MN 55060	Electronic Service	No	OFF_SL_24-176_Official
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