

March 8, 2016

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

Re: SolarStone Partners, LLC's Motion for Clarification of Prior Order

***In the Matter of the Petition of Northern States Power Company, dba Xcel Energy, for Approval of its Proposed Community Solar Garden Program
MPUC Docket No. E-002/M-13-867***

Dear Mr. Wolf:

On behalf of SolarStone Partners, LLC ("SolarStone"), enclosed please find SolarStone's Motion for Clarification of Prior Order Approving Solar-Garden Plan with Modifications, dated September 17, 2014.

Please let me know if you have any questions regarding the enclosed filing.

Sincerely,

Stinson Leonard Street LLP

/s/ Brian M. Meloy

Brian M. Meloy

BMM:cmw

Attachments

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

In the Matter of the Petition of)
Northern States Power Company, dba)
Xcel Energy, for Approval of its Proposed) **Docket No. E-002/M-13-867**
Community Solar Garden Program)

**SOLARSTONE PARTNERS, LLC
MOTION FOR CLARIFICATION OF PRIOR ORDER**

Pursuant to Minnesota Statute § 216B.25, SolarStone Partners, LLC ("SolarStone") respectfully moves the Minnesota Public Utilities Commission ("Commission") for clarification of its September 17, 2014, Order Approving Solar-Garden Plan with Modifications. As discussed below, SolarStone and Northern States Power Company, doing business as Xcel Energy ("Xcel") have a different understanding of the requirement that a community solar garden must be located within the utility's service territory that requires that the Commission clarify its Order to ensure that the program is implemented as the Commission directed.¹

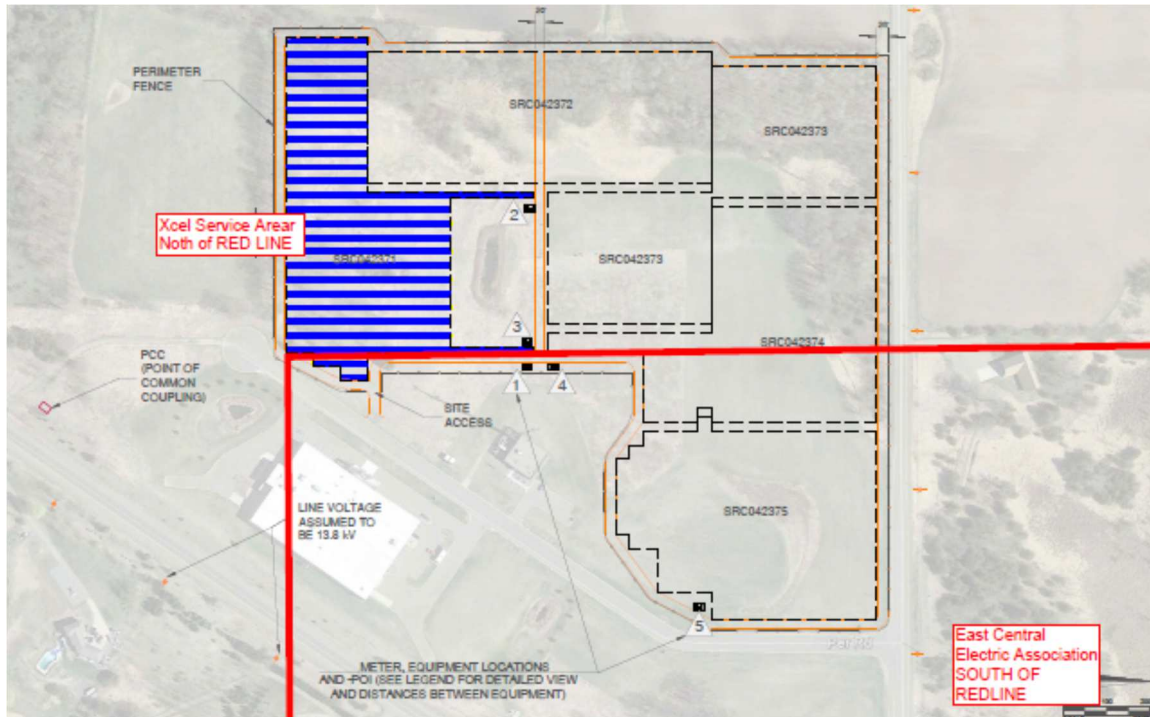
**I.
SOLARSTONE'S CHISAGO PROJECT**

SolarStone is a Minnesota-based solar developer and an active participant in the State's community solar garden program. SolarStone is pursuing the development of a project involving co-located gardens in Chisago County ("Chisago Project"). On November 20, 2015, Xcel determined that the Chisago Project's SRC applications were complete. On December 18, 2015, however, Xcel declined to issue a SOW Request for Service to SolarStone on the grounds that the gardens comprising the Chisago Project were not located *entirely* within Xcel's service territory. Although Xcel acknowledges that the points of interconnection/common coupling for

¹ A copy of this Motion has been provided to Xcel.

the gardens are within its service territory, it asserts that the gardens themselves must also be located entirely within its territory to be eligible for the program. As illustrated in Figure 1 below, a small portion of the Chisago County is physically located outside Xcel's service territory.

Figure 1



As discussed below, Xcel's position is at odds with the plain language of the community solar garden statute, the Commission's order approving Xcel's solar garden plan, and Xcel's tariff. Accordingly, SolarStone requests that the Commission clarify its definition of "Community Solar Garden Site" as set forth in its September 18, 2014, Order Approving Solar-Garden Plan with Modifications, to confirm the Chisago Project's eligibility for the program based upon the facts presented herein.

II.
COMMUNITY SOLAR GARDEN SITES

Minn. Stat. § 216B.1641(c) requires that, to be eligible for a public utility's community solar garden plan, the "solar generation facility must be located in the service territory of the public utility filing the plan." In its September 17, 2014 Order Approving Solar-Garden Plan with Modifications, the Commission approved the following definition of a "Community Solar Garden Site" that would be eligible to participate in the utility's plan:

"Community Solar Garden Site" is the location of the single point of common coupling located at the production meter for the Community Solar Garden associated with the parcel or parcels of real property on which the PV System will be constructed and located, including any easements, rights of way, and other real-estate interests reasonably necessary to construct, operate, and maintain the garden. Multiple Community Solar Garden Sites may be situated in close proximity to one another in order to share in distribution infrastructure.

Order Approving Solar-Garden Plan at 15, No. E-002/M-13-867 (Sept. 17, 2014). The Commission ordered Xcel to amend its tariff to incorporate this definition. *Id.* This definition is consistent with Minn. Stat. § 216B.1641(c), which does not require that a garden be located entirely within the public utility's service territory. There is no dispute that the point of common coupling for the gardens associated with the Chisago Project is located entirely within Xcel's service territory. There is also no dispute that a substantial portion of the Project is located within Xcel's service territory. Based on these facts, the Chisago Project is an eligible project under the plain language of Minn. Stat. § 216B.1641(c) and the Commission's Order.

By requiring the Chisago Project to be located entirely within its service territory, Xcel is reverting to a definition of Community Solar Garden Site that was expressly rejected by the Commission. The initial solar-garden contract proposed by Xcel defined "Community Solar Garden Site" as "the parcel of real property on which the PV System will be constructed and located." *See* Order Rejecting Xcel's Solar-Garden Tariff Filing at 12, No. E-002/M-13-867

(Apr. 7, 2014). The Commission rejected this definition on April 7, 2014, and required Xcel to provide a new definition that would "allow a garden site based on a point of interconnection." *Id.* at 12. This resulted in the revised definition adopted in the Commission's September 17, 2014 Order and in Xcel's amended tariff filed on September 29, 2014. Moreover, on December 15, 2015, after months of controversy, Xcel received Commission approval of comprehensive revisions to Section 9 of its tariff related to community solar garden programs. *See* Order Approving Tariffs as Modified, No. E-002/M-13-867 (December 15, 2015). During this process, Xcel made no attempt to revise the definition of Community Solar Garden Site.²

Through its recent interpretation, Xcel is attempting to exclude the Chisago Project from its community solar garden plan on the basis of a definition of Community Solar Garden Site that is contrary to Minnesota law, Commission order, and Xcel's tariff. Xcel's failure to process the Chisago Project's interconnection request in accordance with these authorities will delay the commercial operations of the Chisago Project and cause financial harm to SolarStone. Accordingly, SolarStone requests that the Commission expeditiously clarify its September 17, 2014 Order and its definition of Community Solar Garden Site to ensure that Xcel is prevented from excluding SolarStone's Chisago Project from its community solar garden plan.

III. **CONCLUSION**

As the foregoing demonstrates, Xcel's refusal to include SolarStone in its community solar garden plan is unwarranted. SolarStone respectfully requests that the Commission reaffirm

² Instead, Xcel has revised its Frequently Asked Questions for Operators listed online, stating that it will only process applications "where the whole solar generation facility of the garden (both array and interconnection) is within Xcel Energy territory." *Solar* Rewards® Community – Frequently Asked Questions*, Xcel Energy, http://www.xcelenergy.com/Energy_Solutions/Business_Solutions/Renewable_Solutions/SolarRewards_Community-MN (last visited February 10, 2016). This statement is at odds with a previous FAQ available online as late as February 2014, which provided that "[t]he garden location is identified by the point of common coupling, so as long as that point is within Xcel service territory, other portions of the project can be outside of Xcel service territory."

its definition of Community Solar Garden Site set forth in its September 17, 2014 Order and require Xcel to comply with the plain language of Minnesota law and its own tariff.

Dated: March 8, 2016

Respectfully submitted,

/s/ **Brian M. Meloy**

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

*In the Matter of the Petition of Northern
States Power Company, dba Xcel Energy,
For Approval of its Proposed Community
Solar Garden Program*)

CERTIFICATE OF SERVICE

MPUC Docket No.: E-002/M-13-867

The undersigned hereby certifies that a true and correct copy of the **SOLARSTONE PARTNERS, LLC'S MOTION FOR CLARIFICATION OF PRIOR ORDER** has been served on this day by e-mail and/or U.S. Mail to the following:

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Dated this 8th day of March 2016

/s/ Catherine M. Wood

Catherine M. Wood