

NOTICE OF SUPPLEMENTAL COMMENT PERIOD

Issued: August 30, 2019

In the Matter of 2019 Cogeneration and Small Power Production Reports

PUC Docket Number(s): E999/PR-19-09

Comment Period: Minnesota Power, Otter Tail Power and Xcel Energy revised 2019 Cogeneration and Small Power Production filings due September 10, 2019 at 4:30pm

Initial comment period closes September 30, 2019 at 4:30pm

Reply comment period closes October 10, 2019 at 4:30pm

Comments received after the close of the comment period may or may not be considered by the Commission.

Issue: What, if any, of the trade secret designated information in Minnesota Power, Otter Tail Power, and Xcel Energy's Annual Cogeneration and Small Power Production reports should be filed as public?

Topic(s) Open for Comment:

- a. Minnesota Power, Otter Tail Power, and Xcel Energy revised 2019 annual cogeneration and small power production filings with the data each utility has proposed to make public and the rationale for these changes to trade secret designation.
- b. Provide further explanation of how the specific information claimed to be trade secret does or does not qualify as trade secret under the Data Practices Act, Minnesota Statute Chapter 13.
- c. Is any of the specific, trade secret-designated information required by Minnesota rules under part 7835.0500 (Schedule A); part 7835.0600 (Schedule B); and part 7835.1000 (Schedule G) not required by PURPA?
- d. Discuss the 'public inspection' requirement under PURPA and Minn. Rules 7835.1200 and whether that can be satisfied by granting developers interested in providing generation as qualifying facilities (QFs), and their consultants and advisors, access to the data required by the rules under a Commission-approved non-disclosure agreement.

Background: On August 22, 2019, the Commission met to consider this issue. The Commission requested supplemental comments addressing the topics outlined in this notice. During oral arguments and in the initial round of comments, Minnesota Power, Otter Tail Power and Xcel Energy proposed making some of the previously designated trade secret data public.

Between February 22nd and March 18, 2019, the Commission received comments from the Department of Commerce, Joint Commenters (Environmental Law and Policy Center and Institute for Local Self-Reliance), Minnesota Power, Otter Tail Power, Ridge Energy LLC, and Xcel Energy.

On January 29, 2019, Joint Commenters filed comments objecting to the utility's Trade Secret designation of their annual cogeneration and small power production tariff filings.

Between January 2 and January 18, 2019, Minnesota Power, Otter Tail Power, and Xcel Energy filed their 2019 annual cogeneration and small power production reports in this docket; including filing requirements outlined in Minn. Rules Chapter 7835 which result in annual updates to compensation rates for qualifying distributed generation facilities.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Submit Public Comments: Visit mn.gov/puc, select *Speak Up!* to find this docket, and add your comments to the discussion or email your comments to consumer.puc@state.mn.us.

Full Case Record: See all documents filed in this docket via the Commission's website at mn.gov/puc, select *Search eDockets*, enter the year (19) and the docket number (9), select *Search*.

Subscribe to receive email notification when new documents are filed in this docket at mn.gov/puc, select *Subscribe*, or click [HERE](#) and follow the prompts.

Questions about this docket or Commission process and procedure? Contact Commission staff, Michelle Rosier, at michelle.rosier@state.mn.us or 651-201-2212.

Change your mailing preferences: Email docketing.puc@state.mn.us or call Leesa Norton at 651-201-2246.

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