

## NOTICE OF COMMENT PERIOD

Issued: *November 15, 2017*

**In the Matter of** Minnesota Energy Resources Corporation's Complaint Against Northern States Power Company

**PUC Docket Number:**            **G-011, G-002/C-17-802**

**Comment Period:**    Initial comment period closes **November 29, 2017 at 4:30pm**  
(The Commission requests Xcel to respond to MERC's complaint during the initial comment period.)

Reply comment period closes **December 11, 2017 at 4:30pm**

*Comments received after comment period closes may not be considered*

### Topics Open for Comment:

- Does the Commission have jurisdiction over the subject matter of this complaint?
- Is it in the public interest for the Commission to investigate these allegations? And
- If the Commission chooses to investigate the complaint, what procedures should be used to do so?
- Are there other issues or concerns related to this matter?

### Background:

On November 9, 2017, Minnesota Energy Resources Corporation (MERC) submitted its Complaint against Northern States Power Company d/b/a Xcel Energy (Xcel). In its Complaint, MERC states that Xcel intends to construct facilities to provide natural gas services to United Properties for its "Boulder Lakes" development located in Eagan, MN.<sup>1</sup> MERC requested the Commission: (1) immediately suspend Xcel's authorization to offer its Natural Gas Competitive Agreement pending completion of the Commission's investigation into competition among natural gas utilities,<sup>2</sup> and

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<sup>1</sup> The tenant for this development is Prime Therapeutics who will occupy two large office buildings housing 2,000 employees.

<sup>2</sup> In the Matter of a Commission Investigation into Parameters for Competition Among Natural Gas Utilities Involving Duplication of Facilities and Use of Promotional Incentives and Payments, Docket No. G-999/CI-17-499

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(2) refer this Complaint to the Office of Administrative Hearings (OAH) for a contested case hearing to address disputed issues of fact and to fully develop the record.

On August 15, 2017, Xcel entered into a Natural Gas Competitive Agreement with United Properties. However, MERC is currently providing natural gas services to United Properties because the City of Eagan (City) denied Xcel's request to access the right-of-way it needed to provide natural gas services to United Properties. Because United Properties needed natural gas services to maintain its construction schedule, United Properties signed MERC's Distribution Facilities Installation Agreement on October 18, 2017. Xcel has appealed the City's right-of-way decision and a City Council meeting on Xcel's appeal is scheduled for December 5, 2017. MERC claims that Xcel is duplicating MERC's existing facilities and offering unlawful discounts (promotional discounts) to acquire additional customers in the City of Eagan.

**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](http://mn.gov/puc), select *eFiling*, and follow the prompts.

**Submit Public Comments:** Visit [mn.gov/puc](http://mn.gov/puc), select *Speak Up!* or click [HERE](#) to find this docket, and add your comments to the discussion.

- If you wish to include an exhibit, map or other attachment, please send your comments via U.S. Mail.

Send U.S. Mail to Public Utilities Commission, 121 7<sup>th</sup> Place East, Suite 350, St. Paul MN 55101. Please include the Commission's docket number in all communications.

**Full Case Record:** See all documents filed in this docket via the Commission's website at [mn.gov/puc](http://mn.gov/puc), select *Search eDockets*, enter the year (17) and the docket number (802), select *Search*.

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**Questions about this docket or Commission process and procedure?** Contact Commission staff, Bob Brill, at [bob.brill@state.mn.us](mailto:bob.brill@state.mn.us) or 651-201-2242, or Jason Bonnett, at [jason.bonnett@state.mn.us](mailto:jason.bonnett@state.mn.us) or 651-201-2235.

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