

## NOTICE OF COMMENT PERIOD

Issued: February 6, 2019

### In the Matter of 2019 Cogeneration and Small Power Production Reports

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

**Comment Period:** Utility responses due February 22, 2019 at 4:30 pm

Initial comment period closes March 8, 2019 at 4:30pm

Reply comment period closes March 18, 2019 at 4:30pm

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

**PLEASE NOTE:** Environmental Law and Policy Center (ELPC) and Institute for Local Self Reliance's (ILSR) request is solely related to Commission action on the Trade Secret status of the annual filings. It does **not** impact the implementation of 2019 rates and tariffs by Minnesota Power, Otter Tail Power, and Xcel Energy. Rate implementation for those utilities shall proceed through the streamlined process identified in the Commission's October 17, 2017 Order in Docket E999/CI-15-755 unless other objections are filed within sixty days of the utility's annual filing.

**Issue:** What action should the Commission take on the ELPC/ILSR filing?

### Topic(s) Open for Comment:

- What procedures should the Commission use to address this matter?
- Should the Commission require utilities to file their Annual Cogeneration and Small Power Production reports as public in their entirety? Please discuss the applicability of:
  - 18 C.F.R 292.302(b) AVAILABILITY OF ELECTRIC UTILITY SYSTEM COST DATA
  - Minn. Stat. 13.37(1)(b) GENERAL NONPUBLIC DATA "Trade Secret Information"
  - Minn. Rules 7835.1200 AVAILABILITY OF FILINGS
- Are there other issues or concerns related to this matter?

The Commission requests that by **February 22, 2019** Minnesota Power, Otter Tail Power, and Xcel Energy provide justification of why they consider the following to be protected data and a citation to the statute that applies for the following data requested in Minn. Rules 7835 Filing Requirements:

Minnesota Power, Otter Tail Power, Xcel Energy:

- Schedules A, Estimated Marginal Energy Costs

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- Schedule B, Subp. 2, Items E-H (Planned utility generating facility additions)
- Schedule G, calculations, including individual inputs

For unique treatment of the data listed below as trade secret or non-public, these utilities should provide justification and a citation to the statute that applies:

Minnesota Power:

- Schedule B
  - Subp. 2, Item I (Average annual fuel savings)
  - Subp. 5 (Net annual avoided capacity cost)

Otter Tail Power:

- Schedule B
  - Subp. 2, Items A – D, I (Unit name, nameplate rating, fuel type, in-service date, average annual fuel savings)
  - Subp. 3 (Planned firm capacity purchases)
  - Subp. 4 (Line losses)
  - Subp. 5 (Net annual avoided capacity cost)

**Background:** On January 29, 2019, Environmental Law and Policy Center (ELPC) and Institute for Local Self Reliance (ILSR) 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.

On October 17, 2017, the Commission issued its Order Approving Fees and Setting Filing Requirements in Docket E999/CI-15-755. In the Order, the Commission set forth a streamlined approval method for public utilities Annual Cogeneration and Small Power Production tariff filings under Minn. Rules Chapter 7835. The Executive Secretary was delegated the authority to approve via notice these filings if no interested parties or Commission staff raise concerns within 60 days of the filing. Additionally, the following conditions must be met:

- a. The filing must contain Schedules A through H as provided in Minn. R. 7835.0500–.1100.
- b. Changes to the Average Retail Utility Energy Rate (ARUER) must be calculated as provided in Minn. R. 7835.0100, subp. 2a.

- c. Changes to the Simultaneous Purchase and Sale (SPS) Billing Rate must be calculated as provided in Minn. R. 7835.4014. The filing must contain the calculations used to arrive at the rate.
- d. Changes to the Time-of-Day (TOD) Purchase Rate must be calculated as provided in Minn. R. 7835.4015. The filing must contain the calculations used to arrive at the rate.
- e. The utility must provide clean and redlined versions of the tariff changes to the Average Retail Utility Energy Rate, the Simultaneous Purchase and Sale Billing Rate, and the Time-of-Day Purchase Rate.
- f. The filing must only contain tariff changes that have a calculation process clearly defined in statute or in Minn. R. Ch. 7835.
- g. If no changes are to be made to the cogeneration and small power production tariff, the utility may comply under Minn. R. 7835.0400.

**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!* to find this docket, and add your comments to the discussion or email your comments to [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us).

**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 (19) and the docket number (9), select *Search*.

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**Questions about this docket or Commission process and procedure?** Contact Commission staff, Hanna Terwilliger, at [hanna.terwilliger@state.mn.us](mailto:hanna.terwilliger@state.mn.us) or 651-201-2243.

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