

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

In the Matter of the Application of Northern States Power Company d/b/a Xcel Energy for Authority to Increase Rates for Electric Service in the State of Minnesota

ISSUE DATE: December 23, 2021

DOCKET NO. E-002/GR-21-630

NOTICE OF AND ORDER FOR HEARING

PROCEDURAL HISTORY

On October 25, 2021, Northern States Power Company d/b/a Xcel Energy (Xcel Energy or the Company) filed a general rate case seeking three consecutive annual rate increases under the Multiyear Rate Plan statute phased as follows:¹

2022: \$395.97 million increase (12.2% of test year revenues)
2023: \$150.51 million increase (4.8%)
2024: \$131.24 million increase (4.2%)

Xcel Energy also filed a proposal for extending its multi-year rate case to additional years, as follows:

2025: \$70.26 million increase (2.2%)
2026: \$117.75 million increase (3.9%)

The filing included an interim rates proposal under Minn. Stat. § 216B.16, subd. 3.

On November 2, 2021, the Commission issued a notice requesting comment on (1) whether Xcel Energy’s application complies with Minnesota rules and statutes for a change in rates, (2) whether this matter should be referred to the Office of Administrative Hearings (OAH) for a contested case proceeding, and (3) other issues and concerns related to this docket.

On November 8, 2021, the Minnesota Department of Commerce, Division of Energy Resources (the Department), filed comments concluding that Xcel Energy complied with the filing

¹ Minn. Stat. § 216B.16, subd. 19.

requirements. The Department and the Xcel Large Industrials (XLI) recommended that the Commission refer the general rate case to OAH for a contested-case proceeding.²

On December 8 and 9, 2021, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

I. Summary

In this order, the Commission refers the general rate case to OAH for a contested-case proceeding. By separate order, the Commission has (1) accepted the filing and suspended the proposed rate change, and (2) set interim rates.³

II. Jurisdiction and Referral for a Contested-Case Proceeding

The Commission has jurisdiction over the proposed rate changes of public utilities under Minn. Stat. § 216B.16. If the Commission is unable to resolve all significant issues regarding the reasonableness of the proposed rates based on the filing alone, the Commission is to refer the matter to OAH for a contested-case proceeding.⁴

The Commission finds that it cannot satisfactorily resolve all questions regarding the reasonableness of the proposed rates on the basis of Xcel Energy's filing. The Commission will therefore refer the matter to OAH for a contested-case proceeding.

III. Issues to be Addressed

In the course of this case, the Commission expects the parties will thoroughly develop a full record addressing, at a minimum, the following issues:

1. Whether the test year revenue increase sought by the Company is reasonable or will result in unreasonable or excessive earnings.
2. Whether the rate design proposed by the Company is reasonable.
3. Whether the Company's proposed capital structure and return-on-equity are reasonable.
4. Issues from past Commission orders.

² XLI is an *ad hoc* consortium of large industrial customers Xcel Energy, consisting for purposes of this filing of Flint Hills Resources Pine Bend, LLC; Marathon Petroleum Corporation; and USG Interiors, Inc.

³ See Order Accepting Filing, Suspending Rates, and Extending Timeline; and Order Setting Interim Rates, both entered in this docket on this date.

⁴ Minn. Stat. § 216B.16, subd. 2.

5. Reasons for significant changes since the last rate case, including but not limited to, the following:
 - a. \$31.4 million increase in power production costs,
 - b. \$24.5 million increase in transmission costs,
 - c. \$17.8 million increase in distribution costs,
 - d. \$26.2 million increase in customer service and information costs, and
 - e. \$41.7 million increase in administrative and general costs.
6. What interest rate should be applied to any prospective interim rate refunds.
7. How proposed rates align with the State's energy policy goals, including those articulated in Minn. Stat. § 216C.05.
8. Decisions made in *In the Matter of Xcel Energy's Petition for Approval of a Workforce Training and Development Program Pilot*, Docket No. E-002/M-21-558, to ensure they are properly reflected in the 2022 Test Year.
9. Any other issues identified by the Commission.

IV. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge (ALJ) assigned to this case is Christa Moseng. Her address is as follows:

Administrative Law Judge Christa Moseng
Office of Administrative Hearings
600 North Robert Street
St. Paul, Minnesota

Her mailing address is as follows:

Administrative Law Judge Christa Moseng
P.O. Box 64620
St. Paul, Minnesota 55164-0620

She can be reached through her legal assistant, Michelle Severson, at 651-361-7874 or michelle.severson@state.mn.us.

B. Hearing Procedure

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Minnesota Administrative Procedure Act, Minn. Stat. §§ 14.57–14.62; the rules of the Office of Administrative Hearings, Minn. R. 1400.5100–1400.8400; and, to the extent that they are not superseded by those rules, the Commission’s Rules of Practice and Procedure, Minn. R. 7829.0100–7829.4000.

These rules and statutes can be accessed free of charge through the State of Minnesota’s website at www.revisor.mn.gov/pubs. If you would like to order hardbound books of Minnesota’s statutes or rules, please contact the Office of the Revisor of Statutes at 651-645-1224, ext. 107, or <https://www.mngovpublications.com/home.asp>.

OAH conducts contested-case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. R. 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under Minn. R. 1400.6700–1400.6800 or informal disposition under Minn. R. 1400.5900 should be directed to Jorge Alonso at 651-201-2258, jorge.alonso@state.mn.us, or

Jorge Alonso
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the ALJ if not-public data is offered into the record. They should take note that any not-public data admitted into evidence may become public unless a party objects and requests relief under Minn. Stat. § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified interpreter if necessary. Persons must promptly notify the ALJ if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of public and evidentiary hearings in this matter will be set by order of the ALJ after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the ALJ within 20 days of the date of this Notice of and Order for Hearing.

- *Sanctions for Non-Compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the ALJ, may result in facts or issues being resolved against the party who fails to appear or comply.

C. Parties and Intervention

The current parties to this case are the Company, the Department, the Office of the Attorney General—Residential Utilities Division, Suburban Rate Authority, the Citizens Utility Board of Minnesota, and XLI. Other persons wishing to become formal parties shall promptly file petitions to intervene with the ALJ. They shall serve copies of such petitions on all current parties and on the Commission.⁵

D. Prehearing Conference

A prehearing conference will be held on January 10, 2022, at 9:30 a.m., via telephone, using the following call-in information:

Call-in Number: 1-888-742-5095
Conference Code: 181 033 4807#

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the pre-hearing conference and to file their petitions to intervene as soon as possible.

⁵ Minn. R. 1400.6200.

E. Time Constraints

The Commission is required to act on substantially complete rate case filings within ten months, although this ten-month period can be extended under certain circumstances. Minn. Stat. § 216B.16, subd. 2(f), grants up to 90 more days if the Commission finds that it has insufficient time to make a final determination due to the need to make determinations in other pending rate cases, and § 216B.16, subd. 19(f) provides another additional 90 days if a utility proposes a multiyear rate plan, to address the added complexity these plans entail. In addition, at the hearings on December 8 and 9, Xcel Energy agreed to extend the Commission's order deadline to May 30, 2023. The Commission will accept Xcel Energy's proposal.

The Commission therefore asks OAH to conduct a contested-case proceeding in light of these time constraints and requests that the ALJ submit the final report on or before March 1, 2023, to permit adequate consideration of the case by the Commission.

V. Application of Ethics in Government Act

The lobbying provisions of the Ethics in Government Act, Minn. Stat. § 10A.01 *et seq.*, apply to general rate cases. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Campaign Finance and Public Disclosure Board with any questions at 651-539-1190.

VI. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this order. Those restrictions and reporting requirements are set forth at Minn. R. 7845.7300–7845.7400, which all parties are urged to consult.

VII. Notices Required; Delegation of Authority

Finally, the rate case statute and the Commission's rules require comprehensive notice of proposed general rate increases. Those notices are required in the ordering paragraphs below. To promote administrative efficiency, the Commission will delegate to the Executive Secretary the authority to approve notices, bill inserts, and bill format for the duration of this proceeding.

ORDER

1. The Commission hereby refers this case to the Office of Administrative Hearings for a contested-case proceeding, as set forth above.
2. This order will be served on Northern States Power Company d/b/a Xcel Energy (Xcel Energy), which shall mail copies of the order to all municipalities, counties, and local governing bodies in its Minnesota service area.

3. Public hearings shall be held in this matter at locations within the service area of Xcel Energy.
4. Xcel Energy shall give the following notices of the evidentiary and public hearings:
 - a. Individual written notice to each customer, which may be in the form of a bill insert, and shall be served at least ten days before the first day of hearings;
 - b. Written notice to the governing bodies of all municipalities, counties, and local governing bodies in the area affected and to all parties in Xcel Energy's last two rate cases. These notices shall be mailed at least ten days before the first day of hearings.
 - c. Display advertisements in legal newspapers of affected counties and other newspapers of general circulation within Xcel Energy's Minnesota service area. These advertisements shall appear at least ten days before the first day of hearings. They shall include the heading **RATE INCREASE NOTICE**, which shall appear in bold face type no smaller than 30 points.
 - d. Xcel Energy shall submit proposed notices for Commission approval prior to publication or service.
5. The Commission delegates to the Executive Secretary the authority to approve notices, bill inserts, and bill format for the duration of this proceeding.
6. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech impairment may call using their preferred Telecommunications Relay Service or email consumer.puc@state.mn.us for assistance.

ATTACHMENT A

OAH Docket Number: 22-2500-37994

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application of Northern States Power
Company d/b/a Xcel Energy for Authority to Increase
Rates for Electric Service in the State of Minnesota

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**¹

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Party's/Agency's Attorney: _____

Firm Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Respondent's/Opposing Party's Name: _____

Email: _____ Telephone: _____

Mailing Address: _____

Dated: _____

Signature of Party/Agency or Attorney

¹ In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See Minn. Stat. § 14.58, Minn. R. 1400.5550, subps. 2-5.

CERTIFICATE OF SERVICE

I, Chrishna Beard, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission NOTICE OF AND ORDER FOR HEARING

Docket Number **E-002/GR-21-630**

Dated this 30th day of December, 2021

/s/ Chrishna Beard

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Alison C	Archer	aarcher@misoenergy.org	MISO	2985 Ames Crossing Rd Eagan, MN 55121	Electronic Service	No	OFF_SL_21-630_Official
Mara	Ascheman	mara.k.ascheman@xcelenergy.com	Xcel Energy	414 Nicollet Mall Fl 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Jessica L	Bayles	Jessica.Bayles@stoel.com	Stoel Rives LLP	1150 18th St NW Ste 325 Washington, DC 20036	Electronic Service	No	OFF_SL_21-630_Official
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official
Elizabeth	Brama	ebrama@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-630_Official
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St. Louis, MO 63119-2044	Electronic Service	No	OFF_SL_21-630_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-630_Official
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_21-630_Official
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_21-630_Official
James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, 401-8 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Brian	Edstrom	briane@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota St Ste W1360 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-630_Official
Rebecca	Eilers	rebecca.d.eilers@xcelenergy.com	Xcel Energy	414 Nicollet Mall - 401 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	2720 E. 22nd St Institute for Local Self-Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_21-630_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_21-630_Official
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E Little Canada, MN 55117	Electronic Service	No	OFF_SL_21-630_Official
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-630_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Edward	Garvey	edward.garvey@AESLconsulting.com	AESL Consulting	32 Lawton St Saint Paul, MN 55102-2617	Electronic Service	No	OFF_SL_21-630_Official
Janet	Gonzalez	Janet.gonzalez@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-630_Official
Matthew B	Harris	matt.b.harris@xcelenergy.com	XCEL ENERGY	401 Nicollet Mall FL 8 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Amber	Hedlund	amber.r.hedlund@xcelenergy.com	Northern States Power Company dba Xcel Energy-Elec	414 Nicollet Mall, 401-7 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_21-630_Official
Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.	445 Etna Street Ste. 61 St. Paul, MN 55106	Electronic Service	No	OFF_SL_21-630_Official
Geoffrey	Inge	ginge@regintl.com	Regulatory Intelligence LLC	PO Box 270636 Superior, CO 80027-9998	Electronic Service	No	OFF_SL_21-630_Official
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_21-630_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_21-630_Official
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Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-630_Official
Ryan	Long	ryan.j.long@xcelenergy.com	Xcel Energy	414 Nicollet Mall 401 8th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_21-630_Official
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_21-630_Official
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-630_Official
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_21-630_Official
Stacy	Miller	stacy.miller@minneapolismn.gov	City of Minneapolis	350 S. 5th Street Room M 301 Minneapolis, MN 55415	Electronic Service	No	OFF_SL_21-630_Official
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_21-630_Official
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official
Christa	Moseng	christa.moseng@state.mn.us	Office of Administrative Hearings	P.O. Box 64620 Saint Paul, MN 55164-0620	Electronic Service	No	OFF_SL_21-630_Official
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_21-630_Official
Carol A.	Overland	overland@legalectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_21-630_Official
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_21-630_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_21-630_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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Patrick	Zomer	Pat.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-630_Official