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June 22, 2010

—Via Electronic Filing—

Darrell Nitschke, Executive Secretary  
North Dakota Public Service Commission  
600 East Boulevard, Dept. 408  
Bismarck, North Dakota 58505-0480

Re: AGGREGATORS OF RETAIL CUSTOMERS IN WHOLESALE ELECTRIC MARKETS  
Case No. PU-10-059

Dear Mr. Nitschke:

In response to the *Notice of Opportunity for Hearing* issued May 12, 2010 in this docket, Northern States Power Company, a Minnesota corporation (“Xcel Energy” or the “Company”) respectfully submits the following information which the North Dakota Public Service Commission (“Commission”) may find useful in determining whether to take action regarding the possible operation of Aggregators of Retail Customers (“ARCs”) in North Dakota.

The Company maintains its position that ARCs have the potential to adversely impact electric service to retail customers in North Dakota and are likely subject to Commission jurisdiction under North Dakota Century Code. We believe the Commission should issue an order prohibiting the operation of ARCs in North Dakota until it can fully consider the issues raised by ARC operations. Issuing such an order will protect the interests of retail customers, maintain system reliability, protect existing successful demand response programs, and uphold the jurisdictional authority of the Commission.

Such action would also be similar to action taken recently by the Minnesota Public Utilities Commission (“MN PUC”)<sup>1</sup>, South Dakota Public Utilities Commission (“SD PUC”)<sup>2</sup> and Iowa Utilities Board (“IUB”)<sup>3</sup>, and the action taken in 2009 by the Indiana Utility Regulatory Commission (“ICRC”)<sup>4</sup>, Michigan Public Service

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<sup>1</sup> MPUC Order, Docket No. E999/CI-09-1449, May 18, 2010.

<sup>2</sup> SD PUC Order, Docket No. EL 10-003, May 25, 2010.

<sup>3</sup> IUB Order, Docket No. NOI-08-3, March 29, 2010.

<sup>4</sup> ICRC Order, Cause No. 43566, February 25, 2009.

Commission (“MPSC”)<sup>5</sup>, and the Public Service Commission of Wisconsin (“PSCW”)<sup>6</sup>.

An original and twelve copies of these Comments are enclosed. An electronic copy of this filing has been sent to the Commission as well. Please call Dave Sederquist at 701-241-8632 or [dave.sederquist@xcelenergy.com](mailto:dave.sederquist@xcelenergy.com) or myself at 612-330-6270 or [allen.krug@xcelenergy.com](mailto:allen.krug@xcelenergy.com), if you have any questions.

Sincerely,

/s/

ALLEN KRUG  
MANAGING DIRECTOR  
REGULATORY ADMINISTRATION

Enclosures

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<sup>5</sup> MPSC Order, Case No. U-16020, September 29, 2009.

<sup>6</sup> PSCW Order, Docket No. 5-UI-116, October 14, 2009.