

Impact should the Company fail to comply with Minnesota's solar mandate, Minn. Stat. § 216B.1691 subd. 2(f)

1. The Company must report on its plans, activities, and progress related to its compliance with the solar mandate in its resource plan filings or in a separate report submitted to the Commission every two years, whichever is more frequent. Minn. Stat. § 216B.1691 subd. 3(a).
2. The Minnesota Commission must regularly investigate whether the Company is in compliance with its duty to act in good faith to meet the objectives of the solar mandate. Minn. Stat. § 216B.1691 subd. 3(7). “If the commission finds noncompliance, it may order the electric utility to construct facilities, purchase energy generated by eligible energy technology, purchase renewable energy credits, or engage in other activities to achieve compliance. If an electric utility fails to comply with an order under this subdivision, the commission may impose a financial penalty on the electric utility in an amount not to exceed the estimated cost of the electric utility to achieve compliance.” *Id.*
3. The Minnesota Commission's compliance powers under the solar mandate are in addition to and do not limit the Commission's normal enforcement powers. *Id.* If a Commission's order is violated, it must refer the matter to the attorney general for legal action. Minn. Stat. § 216B.54. A person who knowingly and intentionally violates the Minnesota Public Utilities Act or fails to comply with a Commission order is subject to a penalty of not less than \$100 nor more than \$1000 for each violation. Minn. Stat. 216B.57. If a party continuously violates the statute or a Commission order, each day of such violation will constitute a separate and distinct offense. Minn. Stat. § 216B.59. A suit to recover these penalties does not bar criminal prosecution against a public utility, or any director, agent, or employee thereof. Minn. Stat. § 216B.60.
4. There is legislative oversight as well. The Minnesota Commission must report once every two years to the chairs of the House of Representatives and Senate committees with jurisdiction over energy and environment policy issues as to the Company's progress on meeting the solar mandate. Minn. Stat. § 216B.1691 subd. 3(b). The Commission must supply the legislature with recommendations for legislative as well as regulatory action. *Id.*