

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
Advance Prudence – 100 MW Aurora Solar, LLC  
Application

Case No. PU-15-095

**AFFIDAVIT OF SERVICE BY CERTIFIED & ELECTRONIC MAIL**

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

**Geralyn R. Schmaltz** deposes and says that:

she is over the age of 18 years and not a party to this action and, on the **28th day of July, 2015**, she deposited in the United States Mail, at Bismarck, North Dakota, **one** envelope with certified postage, return receipt requested, fully prepaid, securely sealed and containing a photocopy of:

**Advocacy Staff's Proposed Findings of Fact, Conclusions of Law and Order**

The envelope was addressed as follows:

Dave H. Sederquist  
Senior Consultant, Regulation and Finance  
Xcel Energy Services Inc.  
2302 Great Northern Drive  
Fargo, ND 58102  
**Cert. No. 7015 0920 0001 6791 8534**

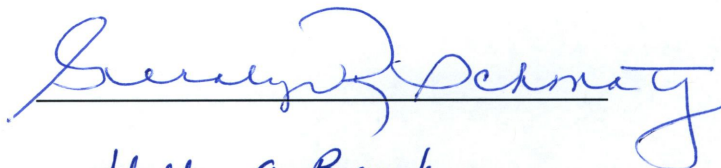
**Geralyn R. Schmaltz** further deposes and says that on the **28th day of July, 2015**, she sent **one** electronic mail containing a photocopy of the same.

The electronic mail was addressed as follows:

SaGonna Thompson  
Xcel Regulatory Administrator  
[sagonna.thompson@xcelenergy.com](mailto:sagonna.thompson@xcelenergy.com)

Each post office address shown is the respective addressee's last reasonably ascertainable post office address and each electronic address shown is the respective addressee's last reasonably ascertainable electronic mailing address.

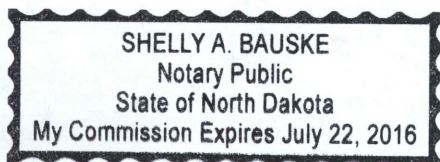
Subscribed and sworn to before me  
this **28th day of July, 2015**.





Notary Public

SEAL



**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
Advance Prudence – 100 MW Aurora Solar, LLC  
Application**

**Case No. PU-15-95**

**ADVOCACY STAFF'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER**

**JULY 21, 2015**

**Appearances**

Commissioners Julie Fedorchak, Randy Christmann, and Brian P. Kalk

Zeviel T. Simpser, Briggs and Morgan, P.A., 2200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402-2157, and Alison C. Archer, Xcel Energy, 414 Nicollet Mall, 5<sup>th</sup> Floor, Minneapolis, MN 55401-1993, on behalf of Northern States Power Company.

John M. Schuh, Public Service Commission, State Capitol, 600 E. Boulevard Ave., Bismarck, North Dakota 58505, on behalf of the Public Service Commission Advocacy Staff.

Illona Jeffcoat-Sacco, General Counsel, Public Service Commission, State Capitol, 600 E. Boulevard Ave., Bismarck, North Dakota 58505, on behalf of the Public Service Commission.

Patrick J. Ward, Administrative Law Judge, Zuger Kirmis & Smith, P.O. Box 1695, Bismarck, ND 58502-1695.

**Preliminary Statement**

On February 13, 2015, Northern States Power Company (NSP) filed an application with the North Dakota Public Service Commission (Commission) seeking an advance determination of prudence (ADP) under North Dakota Century Code (N.D.C.C.) section 49-05-16 for up to 100 MW of solar generation to be added to the NSP system through a 20-year power purchase agreement (PPA) with Aurora Distributed Solar, LLC, an affiliate of Geronimo Energy, LLC (Geronimo Solar PPA). The capacity and energy acquired under the Geronimo Solar PPA will be provided by distributed solar generation facilities to be located at up to 24 sites in Minnesota that interconnect to various Xcel Energy distribution substations.

On May 27, 2015, the Commission issued a Notice of Hearing, scheduling a public hearing to begin at 8:30 a.m. on May 21, 2015 in the Commission Hearing Room, 12<sup>th</sup> floor, State Capitol, Bismarck, North Dakota. The notice identified the issue to be

considered as whether NSP's solar power purchase agreement should receive an advance determination of prudence from the Commission.

On May 21<sup>st</sup>, 2015 the public hearing was held as scheduled.

Having allowed all interested persons an opportunity to be heard and having heard and considered all testimony and evidence presented, the Commission makes the following:

### **Findings of Fact**

1. NSP is an investor-owned electric utility headquartered in Minneapolis, Minnesota authorized to provide public utility service in North Dakota under the regulatory jurisdiction of the Commission.

2. In NSP Electric Rate Increase Application, Case No PU-07-776, NSP agreed to file an application for an advance determination of prudence for any proposed resource addition larger than 50 MW. In NSP Advance Prudence – Geronimo Wind Application, Case No. PU-12-59, NSP agreed to file all advance determination of prudence applications in a timely manner. In NSP's most recent general electric rate application, Case No. PU-12-813, NSP agreed to obtain an advance determination of prudence for power purchase agreements greater than 50 MW before recovering the costs of associated energy through its Fuel Cost Rider (FCR).

3. Geronimo Solar PPA was selected through the Minnesota Competitive Acquisition Process (CAP) Docket. Both North Dakota and Minnesota require pre-approval for any resource additions to the NSP System.

4. NSP evaluated the resource options in Minnesota's CAP docket, which utilizes externality values required under Minnesota's resource evaluation process. The Geronimo Solar PPA was selected under the CAP process in combination with Black Dog Unit 6 and Calpine Project PPA.

5. Geronimo Solar PPA is comprised of up to 100 MW of nameplate capacity from distributed solar facilities, ranging in size from 2 MW to 10 MW and located at up to 24 sites in Minnesota that interconnect to various Xcel Energy distribution substations.

6. NSP's modeling indicates that the 100 MW Geronimo Solar PPA will increase NSP's overall system-wide cost of energy by 62 million present value over the lives of the projects.

7. NSP previously proposed a 187 MW Solar Portfolio (PU-14-810) with a total added system-wide cost of 14 million present value. The Commission determined NSP did not show the 187 MW Solar Portfolio to be prudent.

8. NSP testified that the federal 30 percent income tax credit is a significant incentive to developers.

9. NSP's ADP application states that the Geronimo Solar PPA will help meet an identified need of 150-500 MW in the 2017-2019 time period that was identified in their 2010 Resource Plan, and supports their long-term solar energy commitments as described in their January 5, 2015 Resource Plan filing in Case No. PU-15-019.

10. NSP testified that the capacity benefits of the project, as well as the ability to meet Minnesota's solar energy goals and NSP's goal to significantly reduce carbon dioxide and other fossil fuel emissions, makes the Geronimo Solar PPA an appropriate acquisition at this time. NSP also testified that Minnesota's renewable and solar requirements are higher than the other states they serve.

11. NSP believes, when viewed under the totality of the circumstances, the Geronimo Solar PPA is a prudent resource addition.

12. Based on review of NSP's application and assumptions, inputs, and analysis, Advocacy Staff testified that the Geronimo Solar PPA is inconsistent with least-cost planning.

13. Advocacy Staff testified that the Geronimo Solar PPA was undertaken by NSP in response to the Minnesota SES and environmental regulations and is not a cost-effective resource addition.

14. Advocacy Staff testified that if NSP needs additional energy resources then lower cost energy resource additions are available to NSP, including alternatives that provide a hedge against future environmental regulations and natural gas prices.

15. Advocacy Staff compared NSP's most recent load and generating capacity forecasts, and testified that NSP expects to have sufficient generating capability to meet its reserve margin obligations through 2023 without the proposed Geronimo Solar PPA addition. This conclusion is supported by NSP's testimony.

16. Advocacy Staff testified that the capacity to be provided by the resource addition is in excess of what is necessary to ensure reliability and meet customer load, and therefore the Geronimo Solar PPA will cause increased costs to North Dakota customers without corresponding benefits.

17. Given that NSP entertains the Solar Project to meet Minnesota requirements, and is not a least-cost project, Advocacy staff recommended the costs and benefits of the Solar Project should not be allocated to the North Dakota jurisdiction.

18. Advocacy Staff testified that the Geronimo Solar PPA is not a prudent resource addition.

19. The Commission finds the Geronimo Solar PPA not a prudent resource addition. Therefore, the Commission declines to grant an advanced determination that NSP's Geronimo Solar PPA is prudent.

From the foregoing Findings of Fact, the Commission makes the following:

### **Conclusions of Law**

1. The Commission has jurisdiction in this matter.
2. NSP has not shown that the Geronimo Solar PPA merits an advance determination of prudence under N.D.C.C. § 49-05-16.

From the foregoing Findings of Fact and Conclusions of Law, the Commission makes its:

### **Order**

The Commission orders:

1. NSP's application for an advance determination of prudence for the Geronimo Solar PPA is denied.

**PUBLIC SERVICE COMMISSION**

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**Randy Christmann**  
**Commissioner**

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**Julie Fedorchak**  
**Chairman**

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**Brian P. Kalk**  
**Commissioner**