

STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION

Northern States Power Company  
Customer Credit – DOE Settlement 2014 – 2016  
Application

Case No. PU-16-19

**AFFIDAVIT OF SERVICE BY CERTIFIED, REGULAR, AND 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 **1st day of February, 2017**, 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:

- **Order**

The envelope was addressed as follows:

Alison C. Archer  
Assistant General Counsel  
Xcel Energy  
414 Nicollet Mall, 5<sup>th</sup> Floor  
Minneapolis, MN 55401-1993  
**Cert. No. 7015 0640 0006 6993 6606**

**Geralyn R. Schmaltz** further deposes and says that on the **1st day of February, 2017** she deposited in the United States Mail, Bismarck, North Dakota **one** envelope by regular mail, with postage fully prepaid, securely sealed, containing a copy of the same.

The envelope was addressed as follows:

Dave Sederquist  
Sr. Regulatory/Financial Consultant  
Xcel Energy  
2302 Great Northern Drive  
Fargo, ND 58102

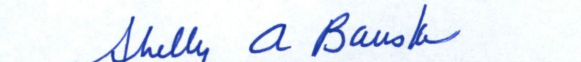
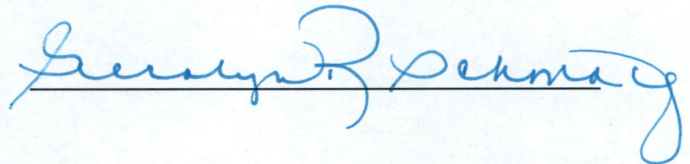
**Geralyn R. Schmaltz** further deposes and says that on the **1st day of February, 2017**, she electronically mailed one copy of the same.

The electronic mail was addressed as follows:

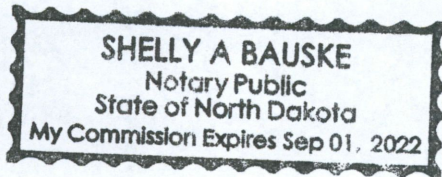
Carl Cronin  
[Regulatory.Records@excelenergy.com](mailto:Regulatory.Records@excelenergy.com)

The addresses shown are the respective addressee's last reasonably ascertainable post office and electronic mail address.

Subscribed and sworn to before me  
this **1st day of February, 2017**.

  
Notary Public

SEAL



**STATE OF NORTH DAKOTA  
PUBLIC SERVICE COMMISSION**

**Northern States Power Company  
Customer Credit – DOE Settlement 2014 - 2016  
Application**

**Case No. PU-16-19**

**ORDER**

**January 31, 2017**

On November 21, 2016, Northern States Power Company (NSP) filed a petition to refund \$1,013,041 received by NSP pursuant to a settlement with the United States Department of Energy (DOE) for the partial breach of its contract to take spent nuclear fuel during 2015. The total settlement payments to date for damages to North Dakota ratepayers for DOE's breach of contract total more than \$12 million.

Under the Nuclear Waste Policy Act, utilities were required to enter into contracts with DOE for the disposal of spent nuclear fuel. Utilities contributed 1.0 mil for every kilowatt-hour generated by their nuclear plants. In exchange, the DOE committed to transport and dispose of the spent nuclear fuel beginning no later than January 31, 1998.

In 1998, NSP filed the first of two lawsuits against the DOE seeking to recover damages associated with storage of spent nuclear fuel at the Company's two nuclear generation stations. The Company's claims were for partial breach of the Standard Contract for Disposal of Spent Nuclear Fuel for DOE failing to take title to, transport and dispose of spent nuclear fuel beginning no later than January 31, 1998.

The most recent settlement with DOE that results in this payment is for a three year period ending 2016. As a result, one additional payment for breach of contract is expected. The payment for 2016 should be received approximately one year from now.

On December 14, 2016, the Commission issued a Notice of Opportunity for Hearing, which provided until January 30, 2017 for receiving written comments and hearing requests. No response was received.

The notice identified the issue: "to determine whether the proposed refund is just and reasonable".

Commission Staff reviewed the Company's proposed refund and finds it just and reasonable.

Having considered this matter, the Commission finds Northern States Power Company's application to credit customers \$1,013,041 is reasonable and should be approved. Therefore, the Commission issues the following:

**Order**

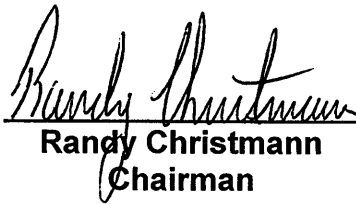
The Commission orders:

1. NSP's application to refund \$1,013,041 to credit customers for the partial settlement with DOE over the storage of nuclear fuel is APPROVED.
2. NSP shall implement the \$1,013,041 credit within 90 days of this order.
3. NSP shall file a compliance report within 30 days after completion of the credit providing a summary of the settlement payment, interest credited, class allocations and the actual average customer credit per customer class.

**PUBLIC SERVICE COMMISSION**



**Brian P. Kalk**  
Commissioner



**Randy Christmann**  
Chairman



**Julie Fedorchak**  
Commissioner