STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0845

In the Matter of the Formal Complaint and Request
for Relief by the Minnesota Solar Advocates.

Filed April 14, 2025
Affirmed
Ede, Judge

Minnesota Public Utilities Commission
File No. E-002/C-23-424

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Considered and decided by Ede, Presiding Judge; Bentley, Judge; and Kirk, Judge.*

NONPRECEDENTIAL OPINION

EDE, Judge

In this certiorari appeal, relator Minnesota Solar Energy Industries Association (MnSEIA) challenges a decision by respondent Minnesota Public Utilities Commission

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

(the commission) determining that there was no reasonable basis to investigate a complaint brought by MnSEIA and others against respondent Northern States Power Company dba Xcel Energy (Xcel).[1] We affirm the commission's decision because it is supported by substantial evidence and is not based on legal error.

FACTS

This matter stems from a complaint filed with the commission against Xcel by the Minnesota Solar Advocates (MSA), a group that included MnSEIA. The complaint asserts that Xcel violated state law by implementing a technical planning standard (TPS) without prior commission approval. After soliciting public comment and discussing the complaint at a meeting, the commission issued an order dismissing the complaint. The commission later denied MSA's request for reconsideration of that order. In the sections below, we summarize the record developed in relation to the complaint and recent legislative developments that bear upon the commission's decision to dismiss the complaint.

DER, Xcel's TPL Proposal, and Xcel's Implementation of the TPS

The issues in this appeal relate to the interconnection of distributed energy resources (DER) to Xcel's electric distribution system. DER includes community solar gardens and rooftop solar panels. Owners of DER must apply to Xcel to interconnect to its distribution system, and, as Xcel explains, "[t]here are physical limits on how much DER can be

[1] This opinion employs several acronyms. For ease of reference, the acronyms used throughout this decision are listed and defined here in the order that they appear: MnSEIA (Minnesota Solar Energy Industries Association); MSA (Minnesota Solar Advocates); TPS (technical planning standard); DER (distributed energy resources); TPL (technical planning limit); and DML (daytime minimum load).

accommodated at any given point on the distribution grid with the current equipment that is in place." Xcel describes the interconnection application process as follows:

> The company processes interconnection applications on a case-by-case basis, following the rules established in the Minnesota Distributed Energy Resources Interconnection Process. . . . The company also applies the technical requirements established in the State of Minnesota Technical Interconnection and Interoperability Requirements . . . and the company's Technical Specifications Manual . . . .
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> Each application moves through a study review process to determine requirements for safe and reliable interconnection to the grid and to identify the necessary costs for interconnection.

By 2021, Xcel was experiencing congestion in areas of its distribution system that it attributed to a "quick and significant increase in community solar gardens." The congestion was limiting the opportunities for DER to interconnect to Xcel's distribution system. It also prompted reliability and safety concerns that caused Xcel to propose a technical planning limit (TPL), which would limit the amount of DER that could connect to any particular interconnection point on Xcel's distribution system to 80% of the equipment's rating plus the daytime minimum load (DML).[2] During workgroup sessions,

[2] As described below, the TPL was later renamed the TPS without any substantive change. In the discussion that follows, we do not treat references by the parties to the TPL as substantively distinct from our analysis of the TPS. To explain further, we note that commission staff described the TPS in briefing papers as follows:

> The TPS . . . acts as a generation capacity limit, or buffer, by capping the generation allowed on the system to 80% of the equipment's thermal rating plus the Daytime Minimum Load (DML). This was a change from Xcel's previous historical practice of using 100% of the equipment's thermal rating plus the DML. Daytime Minimum Load is defined as the minimum amount of load or power delivered to customers on a feeder

however, stakeholders opposed Xcel's attempt to unilaterally implement the TPL. Following this opposition, Xcel stayed implementation of the TPL pending commission consideration.

At a January 2022 meeting, the commission considered issues including Xcel's proposed TPL and its related proposal to reserve 25% of the TPL for DER systems with a generating capacity of up to 40 kilowatts. The commission—particularly a commissioner who is a licensed professional engineer (electrical and mechanical)—questioned the technical basis for setting the TPL. Nevertheless, the commission, at the engineer commissioner's suggestion, decided not to approve or disapprove the TPL. In making that suggestion, the engineer commissioner stated: "The company to my understanding will either implement what they propose, or they will make adjustments and refinements . . . ." The engineer commissioner expressed his opinion that Xcel could "do better than this proposal," but stated that "it is not up to th[e] commission to order [Xcel] to do something different." Thus, the engineer commissioner suggested that the commission "not take an explicit action on that." The commission voted to adopt the engineer commissioner's proposal on the TPL.

In late March 2022, the commission issued an order effectuating its decisions at the January 2022 meeting. The order required further study of the "DML issue" and rejected Xcel's proposal to reserve 25% of the TPL for DER systems smaller than 40 kilowatts. Meanwhile, in early March 2022, Xcel had implemented what it was by then calling the

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> during a certain period of time. This typically occurs during the spring and fall when heating and cooling loads are lower.

TPS. Other than the name change, the TPS is identical to the proposed TPL, in that "[t]he aggregate nameplate capacity of all DER installed on a feeder or substation may not exceed the TPS, which is calculated as the DML plus 80% of the equipment rating of either the feeder or the substation transformer."

2023 Legislation

In 2023, the legislature adopted several statutory provisions and amendments that would impact how the commission and utilities addressed applications to interconnect to utility distribution systems, particularly with respect to solar energy.

First, the legislature adopted a provision requiring that a certain percentage of utilities' total Minnesota retail electric sales be generated from distributed solar energy generating systems of 10 megawatts or less by 2030. 2023 Minn. Laws ch. 60, art. 12, § 16 (codified at Minn. Stat. § 216B.1691, subd. 2h (2024)). Second, the legislature created a new community solar garden program, effective for applications received beginning January 1, 2024. 2023 Minn. Laws ch. 60, art. 12, § 14, at 2195-2202 (amending Minn. Stat. § 216B.1641 (2022)). Third, the legislature directed that, by September 1, 2023, the commission

> open a proceeding to establish interconnection procedures that allow customer-sited distributed generation projects up to 40 kilowatts alternating current in capacity to be processed according to schedules specified in the Minnesota Distributed Energy Resources Interconnection Process, giving such projects priority over larger projects that may enjoy superior positions in the processing queue.

2023 Minn. Laws ch. 60, art. 12, § 75, at 2267. And fourth, the legislature established a DER systems upgrade program in the Minnesota Department of Commerce (the

department) to provide funding for Xcel "to complete infrastructure investments necessary to enable electricity customers to interconnect [DER]." Minn. Stat. § 216C.378, subd. 2 (2024); *see* 2023 Minn. Laws ch. 60, art. 12, § 38.

The 2023 legislation specifies goals that the DER systems upgrade program "must be designed to achieve . . . to the maximum extent feasible." Minn. Stat. § 216C.378, subd. 2. The first goal is "mak[ing] upgrades at capacity constrained locations on the utility's distribution system that maximize the number and capacity of distributed energy resources projects with a capacity of up to 40 kilowatts alternating current that can be interconnected sufficient to serve projected demand." *Id.* Other goals aim to decrease wait times for approval of applications to interconnect for DER of up to 40 kilowatts, minimizing barriers for electricity customers seeking to construct net metered facilities for on-site electricity use, and "advanc[ing] innovative solutions that can minimize the cost of distribution and network upgrades required for interconnection." *Id.* The legislation contemplates the existence of a "DER Technical Planning Standard," which it defines as "an engineering practice that limits the total aggregate distributed energy resource capacity that may interconnect to a particular location on the utility's distribution system." *Id.*, subd. 1(c) (2024). And the legislation provides for the reservation of "any increase in the DER Technical Planning Standard made available by upgrades paid for under [the program] for net metered facilities and [DER] with a nameplate capacity of up to 40 kilowatts alternating current." *Id.*, subd. 6 (2024).

MSA's Complaint, Public Comments, and Commission Consideration

In September 2023, MSA filed a formal complaint with the commission against Xcel, asserting that "Xcel is in violation of Minnesota law by unreasonably limiting the capacity of its entire distribution system without approval of the commission."[3] The commission noticed a public-comment period, describing the issue as whether the commission should investigate the complaint. And the commission identified the following topics open for comment: whether the commission had jurisdiction over the subject matter of the complaint; whether there were reasonable grounds for the commission to investigate the complaint; whether it was in the public interest for the commission to investigate on its own motion; and what procedures should be employed if the commission determined that it should investigate. In addition to MSA and Xcel, the commission received comments from the department and the Office of the Attorney General—Residential Utilities Division, as well as other organizations and individuals. No party disputed the commission's jurisdiction over the subject matter; most recommended that the commission should investigate.[4]

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[3] The complaint also asserted that Xcel had violated the commission's March 2022 order by implementing the TPS without commission approval. The commission rejected this argument, and MnSEIA does not challenge that aspect of the commission's order on appeal.

[4] Both the department and the Residential Utilities Division recommended that the commission investigate the allegations raised in the complaint, but those recommendations were largely based on uncertainty about whether Xcel's implementation of the TPS violated the commission's March 2022 order. The department is charged with enforcing statutes relating to utility ratemaking and acts to protect the interests of ratepayers; it participated before the commission as an intervenor in this case. *See* Minn. Stat. §§ 216A.07, subds. 2-3 (2024). "The attorney general is responsible for representing and

Xcel submitted a comment asserting that there were not reasonable grounds to investigate because the commission had allowed Xcel to proceed with the TPS, which Xcel maintained was an exercise of its engineering judgment. Moreover, Xcel argued that it had complied with all applicable laws and rules. And Xcel cited the changing legal landscape—the 2023 legislation—and argued that "[a]ny action by the commission on the complaint (other than dismissal) could potentially jeopardize or conflict with" actions required by the legislation.[5] Two labor unions echoed that concern and commented that, "[r]ather than opening an investigation into Xcel's implementation of the TPS, all stakeholders, including the utility, should be focused on how to meet the new [distributed generation] and other clean energy standards, while operating a system that is safe and reliable."

The commission discussed the complaint at a December 2023 meeting. The engineer commissioner again expressed his concerns about the basis for setting the TPS, asking Xcel's engineer: "Why 80% [of DML]? Why not 60% or 90%?" While Xcel's engineer conceded that Xcel did not have "detailed spreadsheets and a full-on analysis,"

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furthering the interests of residential and small business utility consumers through participation in matters before the Public Utilities Commission involving utility rates and adequacy of utility services to residential or small business utility consumers." Minn. Stat. § 8.33, subd. 2 (2024). The department and the Residential Utilities Division are often participating respondents on appeal, and the department has in at least one appeal appeared as an appellant challenging the commission's decisions. *See In re Enbridge Energy, Ltd. P'ship*, 964 N.W.2d 173, 188 (Minn. App. 2021) (describing department's appeal from commission decision issuing certificate of need for pipeline), *rev. denied* (Minn. Aug. 24, 2021). Here, the department filed a letter indicating that it would not file a brief, and the Residential Utilities Division has made no appearance on appeal.

[5] Xcel also asserted that the complaint should be barred under the doctrine of laches, but the commission did not dismiss the complaint on that ground.

the engineer nonetheless maintained that Xcel set the TPS based on "engineering observations where [Xcel] thought the system would best be operated at." Other commissioners questioned whether Xcel's true motivation was to create some "headroom" to address upcoming changes. Xcel later agreed that it did need some flexibility to address the new priorities set by the 2023 legislation. Despite his questions about the basis for setting the TPS, the engineer commissioner ultimately suggested that the commission dismiss the complaint. The engineer commissioner explained that he had "real concerns about the TPS as it stands today," but that it was an issue that "need[ed] to continue to develop" and that there were a number of other commission dockets—a term used to describe the proceedings or cases before the commission—that "are really going to get into this." In addition, the engineer commissioner suggested that language be added to the commission's order requiring Xcel to continue discussing the TPS with stakeholders.

In February 2024, the commission issued an order dismissing the complaint. The commission determined that it had jurisdiction over the complaint, but concluded based on the record "that the practical limitations of Xcel's system are at issue—not [Xcel's] compliance with the law." And the commission explained that, "[a]s a threshold matter, it is unreasonable to expect that Xcel could effectively, reliably, and safely operate its complex and vast distribution system without technical standards and engineering practices that are designed for that purpose." The commission determined that the TPS aligned with Xcel's general approach of "identifying and addressing system limitations" and that "[s]uch an approach fosters interconnections rather than restricting them in violation of applicable statutes, as [MSA has] claimed." But the commission cautioned that,

> [e]ven with such a standard in place[,] . . . [Xcel's] reasonable application of the standard to individual projects remains within the commission's purview, and the commission will continue to scrutinize [Xcel's] actions on a case-by-case basis to ensure reasonable outcomes consistent with applicable law, as has been the commission's past practice.

The commission also "recognize[d] the state's commitment to clean energy goals, particularly as set forth in recent legislation, and remain[ed] clearly cognizant of the need to encourage and further these important policy objectives while balancing the need to ensure safe and reliable service to all customers."

For those reasons, the commission found that there were not reasonable grounds to investigate the complaint at that time. The commission therefore dismissed the complaint "without prejudice." But "[t]o encourage continued development of the issues raised and additional solutions for improving the interconnection process," the commission also ordered Xcel to host informational meetings with stakeholders regarding "the justification and decision-making behind [Xcel's] implementation of the [TPS], including options to apply the standard more granularly and set aside a smaller buffer." And the commission required that Xcel file summaries of those meetings.

After the commission denied MSA's request for reconsideration, MnSEIA appealed.

DECISION

We first address (A) the applicable standard of review and legal framework for our analysis; we next review (B) whether the commission adequately explained the basis for

its determinations and whether those determinations are reasonable given the record before us; and we last consider (C) whether the commission's decision is based on legal error.

A. The substantial-evidence test applies to our review of the commission's decision to dismiss MnSEIA's complaint based on its determination that there are not reasonable grounds to investigate the allegations.

Minnesota Statutes section 216B.17 (2024) provides a process to bring before the commission a complaint "against any public utility" asserting that

> any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or cannot be obtained.

Minn. Stat. § 216B.17, subd. 1.[6] When it receives such a complaint, "the commission shall proceed, with notice, to make such investigation as it may deem necessary." *Id.* "The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest." *Id.* We have recognized that "[s]ection 216B.17 provides the

[6] The statute provides for the commission to act on receipt of such a complaint made "by the governing body of any political subdivision, by another public utility, by the department [of commerce], by any 50 consumers of a particular utility, or by a complainant under section 216B.172." Minn. Stat. § 216B.17, subd. 1. And section 216B.172 governs complaints by individual residential customers or tenants against public utilities or landlords of shared-metered residential buildings. Minn. Stat. § 216B.172, subd. 1(c) (2024). Although the commission points out that neither MSA nor its members fall within the groups that may bring complaints under section 216B.17, the commission also acknowledges that an administrative rule more broadly defines complainants. *See* Minn. R. 7829.0100, subp. 4 (2023). Because the parties do not dispute this issue and it ultimately does not affect our analysis, we assume without deciding that MSA and its members fall within the broad definition of complainants set forth in subpart 4 of Minnesota Rule 7829.0100.

[commission] with considerable discretion." *Minn. Pub. Int. Rsch. Grp. v. N. States Power Co.*, 360 N.W.2d 654, 657 (Minn. App. 1985) (*MPIRG*) (affirming the commission's dismissal of a complaint under section 216B.17).

Administrative rules adopted by the commission require that the commission review a complaint as soon as practicable to determine whether it has jurisdiction over the matter and if there are "reasonable grounds to investigate the allegation." Minn. R. 7829.1800, subp. 1 (2023). "On concluding that it lacks jurisdiction or that there is no reasonable basis to investigate the matter, the commission shall dismiss the complaint." *Id.*

"Any party to a proceeding before the commission or any other person, aggrieved by a decision and order and directly affected by it, may appeal from the decision and order of the commission in accordance with chapter 14." Minn. Stat. § 216B.52 (2024). Under the appeal provisions of chapter 14, we may reverse an agency decision if it is, among other things, based on legal error or unsupported by substantial evidence. Minn. Stat. § 14.69(d), (e) (2024). A relator has the burden of demonstrating a basis for reversal when challenging an agency decision in a certiorari appeal. *In re Enbridge Energy, Ltd. P'ship*, 964 N.W.2d at 189. "[D]ecisions of administrative agencies enjoy a presumption of correctness, and deference should be shown by courts to the agencies' expertise and their special knowledge in the field of their technical training, education, and experience." *In re Application of Minn. Power for Auth. to Increase Rates for Elec. Serv. in Minn.*, 838 N.W.2d 747, 757 (Minn. 2013).

The Minnesota Supreme Court has "designated standards of review applicable to commission decisions based on the type of power the commission is exercising." *In re*

Application by Minn. Power for Auth. to Increase Rates for Elect. Serv. in Minn., 12 N.W.3d 477, 487 (Minn. App. 2024), *rev denied* (Minn. Jan. 21, 2025). The commission has both legislative and quasi-judicial functions. *See* Minn. Stat. §§ 216A.02, subds. 2, 4, .05, subd. 1 (2024). When the commission acts in its legislative capacity, the commission's decision "will be upheld unless shown to be in excess of statutory authority or resulting in unjust, unreasonable, or discriminatory rates by clear and convincing evidence." *St. Paul Area Chamber of Com. v. Minn. Pub. Serv. Comm'n*, 251 N.W.2d 350, 358 (Minn. 1977) (*St. Paul*). And when it acts in its quasi-judicial capacity, "the standard of review is the substantial evidence test." *In re Request of Interstate Power Co. for Auth. to Change its Rates for Gas Serv. in Minn.*, 574 N.W.2d 408, 413 (Minn. 1998).

We conclude that the substantial-evidence test applies to our review of the commission's decision to dismiss MnSEIA's complaint. The commission acts in a quasi-judicial capacity when it "hear[s] the views of opposing sides presented in the form of written and oral testimony, examin[es] the record, and mak[es] findings of fact." *St. Paul*, 251 N.W.2d at 356; *see also* Minn. Stat. § 216A.02, subd. 4 (defining the commission's quasi-judicial function). Here, the commission's application of the prescribed "reasonable grounds" standard, as set forth in subpart 1 of Minnesota Rule 7829.1800, indicates that its decision was quasi-judicial in nature. *See Minn. Ctr. for Env't Advoc. v. Metro. Council*, 587 N.W.2d 838, 842 (Minn. 1999) (explaining that "the three indicia of quasi-judicial actions" are: "(1) investigation into a disputed claim and weighing of evidentiary facts; (2) application of those facts to a prescribed standard; and (3) a binding decision regarding the disputed claim"). And we are not convinced by the commission's argument that our

review is governed by the standard applicable to actions undertaken in its legislative capacity. Even accepting the commission's argument that its decision "not to pursue an investigation of the TPS at this time was legislative" in some respects, the supreme court has applied the substantial-evidence test to commission decisions with both quasi-judicial and legislative aspects. *See In re N. States Power Co.*, 416 N.W.2d 719, 724 n.5 (Minn. 1987). Thus, we are persuaded that we should review the commission's decision to dismiss the complaint for the support of substantial evidence.

The substantial-evidence test requires that we "determine whether the agency has adequately explained how it derived its conclusion and whether that conclusion is reasonable on the basis of the record." *In re NorthMet Project Permit to Mine Application Dated December 2017*, 959 N.W.2d 731, 749 (Minn. 2021) (*Northmet*) (quoting *Minn. Power & Light Co. v. Minn. Pub. Utils. Comm'n*, 342 N.W.2d 324, 330 (Minn. 1983)). "This principle is rooted in the deference [reviewing courts] show to matters that are properly within an agency's particular expertise." *Id.* (citing *Rsrv. Mining Co. v. Herbst*, 256 N.W.2d 808, 824 (Minn. 1977)). "[The] guiding principle is that if the ruling by the agency decision-maker is supported by substantial evidence, it must be affirmed." *Id.* (quoting *In re Excess Surplus Status of Blue Cross & Blue Shield of Minn.*, 624 N.W.2d 264, 279 (Minn. 2001)).

As explained above, the commission is required to "review a formal complaint as soon as practicable to determine whether the commission has jurisdiction over the matter and to determine whether there are reasonable grounds to investigate the allegation." Minn. R. 7829.1800, subp. 1. And "[o]n concluding that it lacks jurisdiction or that there

is no reasonable basis to investigate the matter, the commission shall dismiss the complaint." *Id.* Here, all parties agreed that the commission had jurisdiction, such that there is no jurisdictional dispute on appeal. Instead, the issue is whether substantial evidence supports the commission's determination that there were "not reasonable grounds at this time to proceed with an investigation into the complaint."

The applicable rules do not define "reasonable grounds." *Id.*; *see also* Minn. R. 7829.0100 (2023) (defining terms for chapter 7829). But "[w]hen a statute or a rule does not contain a definition of a word or phrase, we look to the common dictionary definition of the word or phrase to discover its plain and ordinary meaning." *Jaeger v. Palladium Holdings, LLC*, 884 N.W.2d 601, 605 (Minn. 2016) (quotation omitted); *see also In re Reissuance of an NPDES/SDS Permit to United States Steel Corp.*, 954 N.W.2d 572, 576 (Minn. 2021) (recognizing that rules for statutory interpretation apply to interpretation of administrative rules); Minn. Stat. §§ 645.001 (2024) (providing that chapter 645, governing interpretation of statutes, applies to interpretation of rules), .08 (providing that words of statutes are "construed . . . according to their common and approved usage"). "Reasonable" means "[g]overned by or being in accordance with reason or sound thinking." *The American Heritage Dictionary* 1465 (5th ed. 2018). And "grounds" are "[t]he foundation for an argument, belief, or action; a basis." *Id.* at 776. We therefore understand Minnesota Rule 7829.1800 to require that the commission determine whether there is a basis, in accordance with reason, to investigate a complaint.

MnSEIA urges us to instead apply a standard "similar to a motion to dismiss, where the allegations in the complaint are accepted as true." We reject this proposal as contrary

to the plain language of rule 7829.1800 and as incongruous with the "considerable discretion" afforded the commission under subdivision 1 of section 216B.17. *MPIRG*, 360 N.W.2d at 657.

We therefore conclude that the substantial-evidence test applies to our review of the commission's decision to dismiss MnSEIA's complaint based on its determination that there are not reasonable grounds to investigate the allegations.

B. The commission has adequately explained its decision to dismiss the complaint, and its determinations are reasonable on the basis of the record.

Applying the substantial-evidence test, we first conclude that the commission has adequately explained its decision to dismiss the complaint. The commission detailed its conclusions that Xcel was not required to seek commission approval before implementing the TPS. And the commission made clear that it would continue in its oversight role, beginning with requiring Xcel to provide information to stakeholders regarding the justification for the TPS, including options to apply the standard more granularly and to set aside a smaller buffer. The commission's determination that there were not "reasonable grounds *at this time* to proceed with an investigation" and its dismissal of the complaint "without prejudice" further evidence the commission's intent to provide ongoing oversight in relation to DER and the TPS.

We also conclude that the commission's explanation is reasonable on the basis of the record. Xcel explained in its comments on the complaint why a buffer like the TPS is necessary to ensure the safety and reliability of its distribution system. The commission has expressed concerns about the size of the buffer created by the TPS, which could justify

the commission opening an investigation. But, as discussed earlier, the legal landscape has shifted in relation to DER in Minnesota. The commission has opened several dockets aimed at implementing legislative directives in relation to interconnection of DER and, in particular, small solar projects. In this context, and on this record, the commission's decision not to separately investigate the TPS is reasonable.

We therefore conclude that the commission adequately explained its decision to dismiss MnSEIA's complaint based on its determination that, at the time, there were not reasonable grounds to investigate the allegations. *See NorthMet*, 959 N.W.2d at 749. And we conclude that the commission's dismissal decision is reasonable on the basis of the record. *See id.*

C. The commission's decision is not based on legal error.

Having concluded that the commission's decision is supported by substantial evidence, we turn to MnSEIA's arguments that the commission's decision is based on legal error.[7] MnSEIA argues that "the commission erred as a matter of law by allowing Xcel to implement the TPL without the commission's explicit approval" and references multiple statutory provisions that it asserts require such approval.[8]

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[7] MnSEIA also asserts that the commission's decision is arbitrary and capricious, but those arguments are either duplicative of its substantial-evidence arguments or unsupported by legal analysis or citation. We therefore do not address them further. *See Ganguli v. Univ. of Minn.*, 512 N.W.2d 918, 919 n.1 (Minn. App. 1994) (declining to address allegations unsupported by legal analysis or citation); *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982) (stating that inadequately briefed issues are not properly before the court).

[8] MnSEIA separately asserts that the commission's decision is affected by an error of law because the commission "refused to address any of the legal violations alleged in the complaint." But the commission's order does reject the complaint's legal arguments,

To begin, we address the commission's argument that "[t]he scope of certiorari review under . . . [section] 14.69 focuses this court on the decision of the agency" and "does not call for the court to pass judgment on whether an agency is adhering to a laundry list of statutes that are not implicated by the agency's decision." We agree with the commission that this appeal is limited to reviewing the commission's decision to dismiss MSA's complaint. But we understand MnSEIA to argue that the commission's decision to dismiss the complaint was based on legal error because the commission erroneously concluded that the TPS did not require commission approval. Indeed, in the order dismissing the complaint, the commission expressly stated: "The commission also concurs with Xcel that prior commission approval was not required to implement its standard." MnSEIA argues that this statement is contrary to Minnesota law. We thus address the merits of MnSEIA's statutory arguments in analyzing whether the commission's decision to dismiss the complaint was based on legal error.

MnSEIA cites statutes that it asserts—either individually or in combination—require the commission to approve the TPS. And the complaint asserts that Xcel should be investigated for "violations of sections 216B.164, 216B.1641, 216B.1611, 216B.03, 216B.05, 216B.07, and 216B.16 of the Minnesota Statutes." As explained below, we are not convinced that any of these statutes required the commission to approve the TPS before it was implemented by Xcel.

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concluding that "the practical limitations of Xcel's system are at issue—not the company's compliance with the law."

We first address MnSEIA's argument that the TPS is a "rate" for which commission approval was required. Minnesota Statutes section 216B.16 (2024) prohibits a utility from charging rates other than those duly established under chapter 216B and provides the procedure through which a utility may seek a change to its rates. In arguing that the TPS is a "rate" requiring commission approval, MnSEIA points to Minnesota Statutes section 216B.02, subdivision 5 (2024), which defines "rate" to mean "every compensation, charge, fare, toll, tariff, rental, and classification, or any of them, demanded, observed, charged, or collected by any public utility for any service and any rules, practices, or contracts affecting any such compensation, charge, fare, toll, rental, tariff, or classification." MnSEIA contends that the TPS meets the definition of a "rate" because it "directly affects the ability of and costs to interconnect to Xcel's distribution system." The commission counters that MnSEIA's "expansive reading of 'rate' would logically encompass every single practice of a utility" and that "[a] more reasonable reading of the definition of 'rate' would encompass only those practices that directly affect utility compensation, charge or tariff." *See* Minn. Stat. § 645.17 (2024) (stating the presumption that the "legislature does not intend a result that is absurd, impossible of execution, or unreasonable"). We agree with the commission.

Notwithstanding its broad statutory definition, the term "rate" appears to take a different meaning in certain parts of chapter 216B. Minnesota Statutes section 216B.05 (2024) provides one such example. Subdivision 1 of section 216B.05 requires utilities to file schedules of "all rates, tolls, tariffs, and charges." Minn. Stat. § 216B.05, subd. 1. And subdivision 2 of the same section requires utilities to file "all rules that, in the judgment of

the commission, in any manner affect the service or product, or the rates charged or to be charged for any service or product." *Id.*, subd. 2. If the term "rate" in subdivision 1 encompassed all utility rules or practices, then subdivision 2—which plainly governs rules that would fall within such a broad interpretation of subdivision 1—would be rendered superfluous, in contravention of the rules of statutory construction. *See Kremer v. Kremer*, 912 N.W.2d 617, 623 (Minn. 2018) ("A statute should ordinarily be read as a whole to harmonize all its parts, and, whenever possible, no word, phrase or sentence should be deemed superfluous, void or insignificant." (quotation omitted)); *see also* Minn. Stat. § 654.16 (2024) ("Every law shall be construed, if possible, to give effect to all its provisions."). Given the inconsistent use of the term "rate" in chapter 216B, we conclude that a literal application of the statutory definition, divorced from any context, is inappropriate. *See Roberts v. State*, 933 N.W.2d 418, 422 (Minn. App. 2019) (rejecting a "literal interpretation" of a statutory definition that "makes no sense in the context of the greater statutory scheme"), *aff'd*, 945 N.W.2d 850 (Minn. 2020); *cf. Wayzata Nissan, LLC v. Nissan N. Am., Inc.*, 875 N.W.2d 279, 287 (Minn. 2016) (stating that the Minnesota Supreme Court has "ignored a statutory definition only when applying the definition would violate our canons of statutory interpretation"). Because MnSEIA's argument—that the TPS was a "rate" required by statute to be approved by the commission—improperly reads the statutory definition of "rate" in isolation, it is unavailing.

We next address MnSEIA's argument that Minnesota Statutes sections 216B.164 (2024) and 216B.1641 (2024) required commission approval of the TPS. Section 216B.164 governs cogeneration and small power generation. MnSEIA focuses on subdivision 4b of

the statute, which requires a utility to seek commission approval before limiting "the cumulative generation of net metered facilities" and limits the commission's authority to grant such approval. Minn. Stat. § 216B.164, subd. 4b. Section 216B.1641 concerns community solar gardens. Subdivision 1 of that statute provides: "There shall be no limitation on the number or cumulative generating capacity of community solar garden facilities other than the limitations imposed under section 216B.164, subdivision 4c, or other limitations provided in law or regulations." Minn. Stat. § 216B.1641, subd 1. We conclude that there is merit to the commission's argument that, while "each of these statutes addresses the cumulative generation of certain types of DER," "[t]he TPS operates as a limit on the distribution system capacity used in interconnection review for a proposed project at a particular feeder." Moreover, as the commission's staff briefing papers explained:

> [W]hile the TPS does limit the generation capacity on the distribution system, it does not disallow upgrades to the distribution system to increase capacity. These upgrades are paid for under the principle of cost-causation, where DER developers pay for the upgrades to the distribution system to accommodate the desired DER. Staff does note that on the very constrained areas of the system, upgrades can become cost-prohibitive, but that is not the same as disallowing further generation.

Thus, we disagree that either section 216B.164 or section 216B.1641 required the commission to approve the TPS.

We are similarly unpersuaded that other statutory provisions cited by MnSEIA demanded commission approval of the TPS. Minnesota Statutes section 216B.03 (2024)

establishes the overriding principle that all rates charged by a public utility must be "just and reasonable"—it imposes no specific requirement on the commission to approve the TPS. Section 216B.05, as just referenced, requires utilities to file certain schedules with the commission. But the complaint did not assert that Xcel failed to file the required schedules. And Minnesota Statutes section 216B.1611 (2024) required the commission to establish "generic standards for utility tariffs for the interconnection and parallel operation of distributed generation," which the commission adopted in the Minnesota Distributed Energy Resources Interconnection Process and the State of Minnesota Technical Interconnection and Interoperability Requirements.

In short, nothing in the language of the statutes cited by MnSEIA required Xcel to obtain commission approval before implementing the TPS. We therefore discern no legal error in the commission's decision to dismiss the complaint.[9]

Affirmed.

[9] Our conclusion that the cited statutes did not require the commission to approve the TPS before Xcel implemented it should not be read to limit the commission's discretionary authority to regulate Xcel in relation to the TPS, including by requiring the submission of information and stakeholder engagement, as the commission has done here.