



414 Nicollet Mall
Minneapolis, MN 55401

June 29, 2018

—Via Electronic Filing—

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

RE: STAKEHOLDER MINUTES
COMMUNITY SOLAR GARDENS
DOCKET NO. E002/M-13-867

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits the attached Compliance information in response to the Commission's February 13, 2015 Order (Order Point 3) submitted in the above-noted docket. Per Commission Order, all agendas, approved minutes and attachments from the Solar*Rewards Community (S*RC) Implementation Workgroup will be filed in eDockets. Attachment A includes the meeting minutes for our May 9, 2018 meeting.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please contact Jessica Peterson at Jessica.K.Peterson@xcelenergy.com or 612-330-6850 if you have any questions regarding this filing.

Sincerely,
/s/

SHAWN WHITE
MANAGER, DSM & RENEWABLE REGULATORY STRATEGY AND PLANNING

Enclosure
c: Service List

S*RC Implementation Workgroup: Independent Engineering Discussion

Meeting Minutes

May 9, 2018

OPENING

This special session of the S*RC Implementation Workgroup was called to order at 1:00 p.m. on May 9, 2018 by Jessie Peterson, Xcel Energy

PRESENT INCLUDE:

| Companies Present - Companies | | |
|--|---|--|
| <i>Phone Attendee</i> | <i>Attendee</i> | <i>Attendee</i> |
| <ul style="list-style-type: none">• Michelle, MPUC• Novel (Neta Eitan-Johnson)• Anna• Craig• Ona Gem, Ecoplexus• John Harlander, Xcel Energy• Dave Madigan, Xcel Energy• Susan Mackenzie, MPUC• Ross Abbey, US Solar | <ul style="list-style-type: none">• Sue Pierce, Department of Commerce• Bill Grant, Department of Commerce• Lee Gabler, Xcel Energy• Joe Devito, SolarStone• Dean Leischow, SunRise• Dan Rogers• Cindy Larson O'Neil, RenaSola• Laura Hannah, Fresh Energy | <ul style="list-style-type: none">• Jessie Peterson, Xcel Energy• Kerry Klemm, Xcel Energy• Allan Urban, Xcel Energy• Patrick Dalton, Xcel Energy• David Amster-Olszerksi, SunShare• Dan Ryan, SunShare |

APPROVAL OF MINUTES

The workgroup attendees approved the meeting minutes from March 11, 2018, Department of Commerce moved to approve and Xcel Energy seconded.

DISCUSSION/RESULTS

This special session of the S*RC Implementation Workgroup was requested by the Department of Commerce and lead by Commissioner Bill Grant.

Topic 1: Status of the IE Dispute Process

The Department of Commerce (Department) was tasked to create an Independent Engineering (IE) process. While they have been using this process for some time; their role was to develop a Request for Qualifications (RFQ) and find qualified engineers who could mediate technical disputes between Xcel Energy and developers regarding solar garden projects. During the course of the utilization of the IE process they have had challenges. The Department had four IE's at one time, now they are down to one due to several factors including the unexpected death of Michael Sheehan.

If the Department is to continue this process, they need to go out for a second RFQ to identify additional engineers to play this role. This is why we (the Department) wanted the thinking of this group before they made a next step on this. We must first judge how the process has worked thus far – what changes and improvements might be made. If we do not think that we are going to have a bunch of new disputes, perhaps we should leave things as they are and get along with the one remaining engineer. This will allow us to transition to the new interconnection rule that has a new provision within it – without an independent engineer.

During this meeting, the Department would like to reflect regarding the rules/challenges that have arisen in these situations:

(1) Most engineers do not come in with a built in mediator skill set. While they have attempted to provide mediator services, they have raised a lot of questions with the Department regarding how to go about doing this. Some things have worked out okay and others have not. It is unlikely that the Department will find the same person who has both skills – or have them down well.

(2) The intent was to allow the technical issues to be resolved by engineers, instead lawyers have been brought into the situation. Engineers then have concerns with their own legal positions in these matters – concerns with being sued, handle litigious disputes that they did not envision being this way. These unforeseen situations are not producing the type of record that is helpful to resolve disputes. If they are legal disputes, they should go in front of a judge rather than an IE.

The Department needs to make a decision. They have also asked the Commission Staff – they were not positive about the process. Bill Granted noted that there was not a lot of patience with these disputes as they are highly technical.

Topic 2: Feedback on the process for participants

(SolarStone) The IE process has been bumpy; but successful. The flicker issue was a success in changing the rules. The IE process was intended to be mediation first; then the deciding body was the Commission. A lesson learned was that the process seemed to be more judiciary. The IE was a judge and the Parties were bringing a legal face rather than mediation.

(SunRise) The process was painful, but a useful tool. There are certain things that an engineer can do and others that that by more of a legal review. The problem that there is an appeal process that helps parties get a do over. No deference was given to the decision (or deciding party). There needs to be more meat to the decision.

(US Solar) Agrees with SolarStone, the process adds value to the developers. There does not seem to be a need to do one now – or at least has not been for some time. The utility now works better with the developers because of the backstop of the IE process. It would be difficult to get the utility to take the engineering dispute seriously if there was not this type of process.

(Xcel Energy) The IEs were not brought in as mediators. The first several disputes were cumbersome. What is the role of the IE – to mediate or to give balls and strikes? The scope of previous disputes was beyond engineering matters – this is when an attorney gets involved. We draw a line with safety and reliability situations and will continue to do so. Balls and strikes are a problem. The roles of all parties

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need to be determined and outlined. There may come a time when we will run into the same scenarios of multiple disputes with smaller projects. There will always be a fundamental line that neither party wants to cross.

(SolarStone) The Commission should give some deference to the IE report, if the IE is doing their job. We may not agree, but if there is deference to the IE we can lay out facts for the Commission based on these facts.

(Department) In rate case decisions, an ALJ makes a finding but ultimately it always goes to the Commission. Does that process work? In rate cases – ALJ's makes a decision of fact. Right now the process is bogged down by issuing report, then a party appeals, then the Commission asks for more rounds of comments.

(SunRise) Are there grounds for an appeal? There needs to be a reason for the appeal.

(SunShare) The process has been successful – given the flicker decision. Looking back at the original disputes, it seems as though the Commission was at a loss of how to deal with engineer issues. SunShare ended up settling with Xcel Energy – the process allowed for movement forward and prevented several other disputes regarding flicker. The IE process is valuable. The Commission did not also want to give up the authority to make a final ruling. The Commissioners wanted a basis to make a decision. A standardized contract would be helpful – if it is standard, this can limit the process as well.

(SolarStone) What would have happened if the process did not exist? There would be no independent party, no record and we would be fighting it out at the Commission.

(Department) Have we resolved 80-90% of the issues in the community solar garden process? Will the new interconnection rules cause another round of disputes that will need to be resolved?

(SolarStone) We do not know. The answer is probably yes, with every new process will cause some confusion. The problem with the developers is that we only have what Xcel Energy has been willing to share with us. The RFQ seems to make sense.

(Unknown) It is better to have a process for an independent party?

(SunShare) We cannot resolve everything; we may not know what all of the issues will be. There will be issues. There needs to be an off ramp for the engineering process.

(Department) It would be nice to consolidate these issues for disputes. Multiple disputes for the same issue can be difficult.

(Xcel Energy) With flicker, we did consolidate the issue and applied results to all developers moving forward. It is important to understand that Xcel Energy has changed how we work with studies as well. We have begun to work with the developers to see results (with a NDA), answer questions on a weekly call – this has led to a reduction in the number of IE disputes. This allows us to be consistent across the board. We try to roll up our sleeves to work with developers. We believe that 90% of disputes will be over. IE review's will be an outlier to the process.

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(SunShare) We have seen a huge movement from Xcel Energy to improve their accuracy, etc. We are appreciative of this. I do not think we know that 90% of these issues will be resolved. We cannot say that smaller projects will not be disputed. There is a significant cost to going through an IE process – which is more difficult to absorb as a project at this smaller level. They need to make this cost benefit analysis of whether to complete an IE review.

(Xcel Energy) We think there are easier technical issues to resolve on a 1-MW project. We have not seen any at this time.

(Fresh Energy) What will happen with the interconnection docket? There will be a hearing on phase one which is process focused. As we work through the kinks on the process, this workgroup will be look to as we update details etc. The next phase is more of a technical review. It is worthwhile to review the IE process as it exists today.

(Department) There are a couple of disputes right now. One is on hold due to a conflict. The other is beginning to move forward.

(Xcel Energy) We are working with the party who does not have an IE due to a conflict and to jointly hire a mediator in an attempt to resolve the issue. We expect that IEs should have their own engineering manuals (and not bill the parties for the IE to obtain such manuals) and to have a better understanding of processes in the future.

(Department) The RFQ process was done internally; the state procurement rules were followed. The technical staff of the Department reviewed under their own requirements. Knowing what we now know we would revise the process, and different characteristics. It is going to be challenging to find IEs. We did not have a lot of candidates – IEs need to be neutral in their opinions, which is hard to come by. They will go forward with a second RFQ.

(Xcel Energy) We support having IEs on deck.

(Nautical Solar) Are you looking for IE recommendations?

(Department) We will be.

(SunShare) I'd like to hear about the proposal to bring in mediators or have split between legal and engineers.

(Xcel Energy) Engineers need to focus on technical aspects and tariff interpretation. Section 10 *does* include a mediator avenue.

(Department) As we develop the RFQ we will like to review the process itself. This is very helpful feedback. If Xcel Energy can pursue the dispute without the IE – that would be appreciated.

(FE) The Commission has tried hard to improve the Consumer Advocate Office dispute process, perhaps we could use them as a mediation resources.

(Xcel Energy) We note that the intake process was intended for engineering issues only.

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(SunShare) In some applications it is difficult to draw a clear line between the two (engineering and legal issues). The tariff outlines engineering standards and regulatory proceedings follow tariff rules. It is going to be hard to draw a clear line between the two. That is why the Commission needed the valve to bring technical issues to a technical resource and they can make a policy decision. There needs to be a solution for both.

(SolarStone) This is where the Department can help. If the IE is making decisions on the policy side, perhaps the Department can be of help to address these issues.

(Department) We are not comfortable micromanaging the process, as they have to provide their own opinion of fact in the case. We have resisted helping the IEs by allowing the process to go to them and have a clean break. Conflict for the Department exists in this process.

(Xcel Energy) It is important to consider that Xcel Energy is doing things on the edge. To the extent that things have engineering that could go a bit far into system risk – we believe that the PUC may need to be aware of these as we are charged with safety and reliability of the grid. These are not one off decisions, but standards we apply consistently moving forward. If they are not consistent, this is something of concern for us.

There are a number of people that tie standards to the IE process. From the inside looking out, Patrick (Xcel Energy) has a different opinion. We have had a lot of conversations with other utilities across the country and looking into new technical standards. Most of the changes are based on peer review and changing standards as well. The changes are not necessarily attributed to the IE disputes themselves. CA has gone through these changes without this type of process. How quickly would have the flicker change? We were prepared to go to the IEEE 1453 with or without the working group.

(SunShare) That is not how I recollect that process. But at the end of the day, this is the interplay that is needed between developers and the utility.

Topic 3: Next steps in light of the pending approval of a new interconnection process

The new process will tend to involve Consumer Affairs – mediation services – parties will be free to hire their own independent engineer. The Commission will have a regulatory engineer and staff that will help the Consumer Affairs department as well – the parties can agree to request mediation from an outside party; sharing cost equally. If it is not resolved, it will go to the Commission. There is no independent engineer on staff. This is a draft proposal today.

Will Xcel Energy have a group to work with the IE disputes. Xcel Energy is still waiting to see how this will turn out. The draft does not speak directly to what the utility will do.

Topic 4: Wrap-up

We will have an in person meeting on June 27, 2018.

Minutes submitted by: Jessie Peterson, Xcel Energy

Approved by: Workgroup on 6.26.18

CERTIFICATE OF SERVICE

I, Jim Erickson, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota; or

xx by electronic filing.

Docket Nos.: E002/M-13-867

Dated this 29th day of June.

/s/

Jim Erickson
Regulatory Administrator

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|----------------|--------------------|-----------------------------------|---|--|--------------------|-------------------|------------------------|
| Ross | Abbey | ross.abbey@us-solar.com | United States Solar Corp. | 100 North 6th St Ste 222C Minneapolis, MN 55403 | Electronic Service | No | OFF_SL_13-867_Official |
| Michael | Allen | michael.allen@allenergysolar.com | All Energy Solar | 721 W 26th st Suite 211 Minneapolis, Minnesota 55405 | Electronic Service | No | OFF_SL_13-867_Official |
| David | Amster Olzweski | david@mysunshare.com | SunShare, LLC | 1774 Platte St Denver, CO 80202 | Electronic Service | No | OFF_SL_13-867_Official |
| Sara | Baldwin Auck | sarab@irecusa.org | Interstate Renewable Energy Council, Inc. | PO Box 1156 Latham, NY 12110 | Electronic Service | No | OFF_SL_13-867_Official |
| Laura | Beaton | beaton@smwlaw.com | Shute, Mihaly & Weinberger LLP | 396 Hayes Street San Francisco, CA 94102 | Electronic Service | No | OFF_SL_13-867_Official |
| Kenneth | Bradley | kbradley1965@gmail.com | | 2837 Emerson Ave S Apt CW112 Minneapolis, MN 55408 | Electronic Service | No | OFF_SL_13-867_Official |
| Michael J. | Bull | mbull@mncee.org | Center for Energy and Environment | 212 Third Ave N Ste 560 Minneapolis, MN 55401 | Electronic Service | No | OFF_SL_13-867_Official |
| Jessica | Burdette | jessica.burdette@state.mn.us | Department of Commerce | 85 7th Place East Suite 500 St. Paul, MN 55101 | Electronic Service | No | OFF_SL_13-867_Official |
| Generic Notice | Commerce Attorneys | commerce.attorneys@ag.state.mn.us | Office of the Attorney General-DOC | 445 Minnesota Street Suite 1800 St. Paul, MN 55101 | Electronic Service | Yes | OFF_SL_13-867_Official |
| Carl | Cronin | Regulatory.records@xcelenergy.com | Xcel Energy | 414 Nicollet Mall FL 7 Minneapolis, MN 554011993 | Electronic Service | No | OFF_SL_13-867_Official |
| | | | | | | | |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|------------------|--------------------------------------|------------------------------------|--|--------------------|-------------------|------------------------|
| Arthur | Crowell | Crowell.arthur@yahoo.com | A Work of Art Solar | 14333 Orchard Rd. Minnetonka, MN 55345 | Electronic Service | No | OFF_SL_13-867_Official |
| Timothy | DenHerder Thomas | timothy@cooperativeenergyfutures.com | Cooperative Energy Futures | 3500 Bloomington Ave. S Minneapolis, MN 55407 | Electronic Service | No | OFF_SL_13-867_Official |
| James | Denniston | james.r.denniston@xcenergy.com | Xcel Energy Services, Inc. | 414 Nicollet Mall, Fifth Floor Minneapolis, MN 55401 | Electronic Service | No | OFF_SL_13-867_Official |
| Ian | Dobson | residential.utilities@ag.state.mn.us | Office of the Attorney General-RUD | 1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130 | Electronic Service | Yes | OFF_SL_13-867_Official |
| Jason | Edens | jason@rreal.org | Rural Renewable Energy Alliance | 3963 8th Street SW Backus, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| Betsy | Engelking | betsy@geronimoenergy.com | Geronimo Energy | 7650 Edinborough Way Suite 725 Edina, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| John | Farrell | jfarrell@ilsr.org | Institute for Local Self-Reliance | 1313 5th St SE #303 Minneapolis, MN 55414 | Electronic Service | No | OFF_SL_13-867_Official |
| Sharon | Ferguson | sharon.ferguson@state.mn.us | Department of Commerce | 85 7th Place E Ste 280 Saint Paul, MN 551012198 | Electronic Service | No | OFF_SL_13-867_Official |
| Matthew D. | Forsgren | mforsgren@greeneespel.com | GREENE ESPEL PLLP | 222 S. Ninth Street, Suite 2200 Minneapolis, MN 55402 | Electronic Service | No | OFF_SL_13-867_Official |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|--------------------------------|--------------------------------------|---|--------------------|-------------------|------------------------|
| Nathan | Franzen | nathan@geronimoenergy.com | Geronimo Energy | 7650 Edinborough Way Suite 725 Edina, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| Hal | Galvin | halgalvin@comcast.net | Provectus Energy Development llc | 1936 Kenwood Parkway Minneapolis, MN 55405 | Electronic Service | No | OFF_SL_13-867_Official |
| Allen | Gleckner | gleckner@fresh-energy.org | Fresh Energy | 408 St. Peter Street Ste 220 Saint Paul, Minnesota 55102 | Electronic Service | No | OFF_SL_13-867_Official |
| Sean | Gosiewski | sean@afors.org | Alliance for Sustainability | 2801 21st Ave S Ste 100 Minneapolis, MN 55407 | Electronic Service | No | OFF_SL_13-867_Official |
| Todd J. | Guerrero | todd.guerrero@kutakrock.com | Kutak Rock LLP | Suite 1750 220 South Sixth Street Minneapolis, MN 554021425 | Electronic Service | No | OFF_SL_13-867_Official |
| Timothy | Gulden | info@winonarenewableenergy.com | Winona Renewable Energy, LLC | 1449 Ridgewood Dr Winona, MN 55987 | Electronic Service | No | OFF_SL_13-867_Official |
| Michael | Harvey | emily@weknowsolar.com | We Know Solar | 265 Mounds View Rd Suite #1 River Falls, WI 54022 | Electronic Service | No | OFF_SL_13-867_Official |
| Duane | Hebert | duane.hebert@novelenergy.biz | Novel Energy Solutions | 1628 2nd Ave SE Rochester, MN 55904 | Electronic Service | No | OFF_SL_13-867_Official |
| Kimberly | Hellwig | kimberly.hellwig@stoel.com | Stoel Rives LLP | 33 South Sixth Street Suite 4200 Minneapolis, MN 55402 | Electronic Service | No | OFF_SL_13-867_Official |
| Jim | Horan | Jim@MREA.org | Minnesota Rural Electric Association | 11640 73rd Ave N Maple Grove, MN 55369 | Electronic Service | No | OFF_SL_13-867_Official |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|-------------------------------|------------------------------------|---|--------------------|-------------------|------------------------|
| Jan | Hubbard | jan.hubbard@comcast.net | | 7730 Mississippi Lane Brooklyn Park, MN 55444 | Electronic Service | No | OFF_SL_13-867_Official |
| John S. | Jaffray | jjaffray@jirpower.com | JJR Power | 350 Highway 7 Suite 236 Excelsior, MN 55331 | Electronic Service | No | OFF_SL_13-867_Official |
| Linda | Jensen | linda.s.jensen@ag.state.mn.us | Office of the Attorney General-DOC | 1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134 | Electronic Service | No | OFF_SL_13-867_Official |
| Julie | Jorgensen | Julie@greenmark.us.com | GreenMark Community Solar LLC | 708 N. 1st St. #421 Minneapolis, MN 55401 | Electronic Service | No | OFF_SL_13-867_Official |
| Michael | Kampmeyer | mkampmeyer@a-e-group.com | AEG Group, LLC | 260 Salem Church Road Sunfish Lake, Minnesota 55118 | Electronic Service | No | OFF_SL_13-867_Official |
| John | Kearney | jmkearney@MnSEIA.org | MnSEIA | 2512 33rd Ave S Minneapolis, MN 55406 | Electronic Service | No | OFF_SL_13-867_Official |
| Brad | Klein | bklein@elpc.org | Environmental Law & Policy Center | 35 E. Wacker Drive, Suite 1600 1600 Suite 1600 Chicago, IL 60601 | Electronic Service | No | OFF_SL_13-867_Official |
| Madeleine | Klein | mklein@socoreenergy.com | SoCore Energy | 225 W Hubbard Street Suite 200 Chicago, IL 60654 | Electronic Service | No | OFF_SL_13-867_Official |
| Aaron | Knoll | aknoll@greeneespel.com | Greene Espel PLLP | 222 South Ninth Street Suite 2200 Minneapolis, MN 55402 | Electronic Service | No | OFF_SL_13-867_Official |
| | | | | | | | |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|----------------|-----------|---------------------------------|-------------------------|--|--------------------|-------------------|------------------------|
| Jon | Kramer | sundialjon@gmail.com | Sundial Solar | 3209 W 76th St Edina, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| Michael | Krause | michaelkrause61@yahoo.com | Kandiyo Consulting, LLC | 433 S 7th Street Suite 2025 Minneapolis, Minnesota 55415 | Electronic Service | No | OFF_SL_13-867_Official |
| Dean | Leischow | dean@sunrisenrg.com | Sunrise Energy Ventures | 315 Manitoba Ave Wayzata, MN 55391 | Electronic Service | No | OFF_SL_13-867_Official |
| Christopher W. | Madel | N/A | MADEL PA | 800 Hennepin Ave Ste 800 Minneapolis, MN 55403 | Paper Service | No | OFF_SL_13-867_Official |
| Thomas | Melone | Thomas.Melone@AllcoUS.com | Minnesota Go Solar LLC | 222 South 9th Street Suite 1600 Minneapolis, Minnesota 55120 | Electronic Service | No | OFF_SL_13-867_Official |
| Andrew | Moratzka | andrew.moratzka@stoel.com | Stoel Rives LLP | 33 South Sixth St Ste 4200 Minneapolis, MN 55402 | Electronic Service | No | OFF_SL_13-867_Official |
| Martin | Morud | mmorud@trunorthsolar.com | Tru North Solar | 5115 45th Ave S Minneapolis, MN 55417 | Electronic Service | No | OFF_SL_13-867_Official |
| Rolf | Nordstrom | rnordstrom@gpsd.net | Great Plains Institute | 2801 21ST AVE S STE 220 Minneapolis, MN 55407-1229 | Electronic Service | No | OFF_SL_13-867_Official |
| Jeff | O'Neill | jeff.oneill@ci.monticello.mn.us | City of Monticello | 505 Walnut Street Suite 1 Monticello, Minnesota 55362 | Electronic Service | No | OFF_SL_13-867_Official |
| Eric | Pasi | ericp@ips-solar.com | IPS Solar | 2670 Patton Rd Roseville, MN 55113 | Electronic Service | No | OFF_SL_13-867_Official |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-------------|---------------------------------|---|---|--------------------|-------------------|------------------------|
| Dan | Patry | dpatry@sunedison.com | SunEdison | 600 Clipper Drive Belmont, CA 94002 | Electronic Service | No | OFF_SL_13-867_Official |
| Jeffrey C | Paulson | jeff.jcplaw@comcast.net | Paulson Law Office, Ltd. | 4445 W 77th Street Suite 224 Edina, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| Gayle | Prest | gayle.prest@minneapolismn.gov | City of Mpls Sustainability | 350 South 5th St, #315 Minneapolis, MN 55415 | Electronic Service | No | OFF_SL_13-867_Official |
| David | Shaffer | shaff081@gmail.com | Minnesota Solar Energy Industries Project | 1005 Fairmount Ave Saint Paul, MN 55105 | Electronic Service | No | OFF_SL_13-867_Official |
| Doug | Shoemaker | dougs@mnRenewables.org | Minnesota Renewable Energy | 2928 5th Ave S Minneapolis, MN 55408 | Electronic Service | No | OFF_SL_13-867_Official |
| Eric | Swanson | eswanson@winthrop.com | Winthrop & Weinstine | 225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629 | Electronic Service | No | OFF_SL_13-867_Official |
| Thomas P. | Sweeney III | tom.sweeney@easycleanenergy.com | Clean Energy Collective | P O Box 1828 Boulder, CO 80306-1828 | Electronic Service | No | OFF_SL_13-867_Official |
| Anna | Tobin | atobin@greeneespel.com | Greene Espel PLLP | 222 South Ninth Street Suite 2200 Minneapolis, MN 55402 | Electronic Service | No | OFF_SL_13-867_Official |
| Pat | Treseler | pat.jcplaw@comcast.net | Paulson Law Office LTD | 4445 W 77th Street Suite 224 Edina, MN 55435 | Electronic Service | No | OFF_SL_13-867_Official |
| Jason | Willett | jason.willett@metc.state.mn.us | Metropolitan Council | 390 Robert St N Saint Paul, MN 55101-1805 | Electronic Service | No | OFF_SL_13-867_Official |

| First Name | Last Name | Email | Company Name | Address | Delivery Method | View Trade Secret | Service List Name |
|------------|-----------|----------------------|-----------------------------|---|--------------------|-------------------|------------------------|
| Daniel P | Wolf | dan.wolf@state.mn.us | Public Utilities Commission | 121 7th Place East Suite 350 St. Paul, MN 551012147 | Electronic Service | Yes | OFF_SL_13-867_Official |