

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph K. Sullivan	Commissioner
John A. Tuma	Commissioner

In the Matter of Utilities’ Annual Reports on Progress in Achieving the Solar Energy Standard

ISSUE DATE: January 29, 2021

DOCKET NO. E-999/M-20-464

In the Matter of the Implementation of Solar Energy Standards Pursuant to 2013 Amendments to Minnesota Statutes, Section 216B.1691

DOCKET NO. E-999/M-13-542

ORDER ACCEPTING REPORTS AND MODIFYING FUTURE REPORTING REQUIREMENTS

PROCEDURAL HISTORY

On June 1, 2020, Minnesota Power, Northern States Power Company d/b/a Xcel Energy (Xcel), and Otter Tail Power (Otter Tail) filed their annual solar-energy-standard (SES) progress reports for 2019.

On August 26, 2020, the Commission issued a notice of comment period regarding (1) whether to accept the utilities’ 2019 SES progress reports and (2) a proposal by Commission staff to modify SES reporting requirements and migrate future SES reporting to the utilities’ renewable-energy-standard (RES) compliance reports. The proposed reporting-requirement modifications are listed in Attachment B to the staff briefing papers filed on December 29, 2020.

On September 9, 2020, the Department of Commerce, Division of Energy Resources (the Department) filed comments recommending that the Commission accept the 2019 SES progress reports. The Department supported the proposed changes to future reporting requirements, but it recommended three minor modifications to clarify certain requirements.

On September 28, 2020, Otter Tail filed comments expressing support for the proposed reporting-requirement modifications.

On September 28, 2020, Minnesota Power filed comments generally supporting staff’s proposal for future reporting, but requesting that the Commission consolidate reporting further by moving additional reporting on SES exemptions and solar programs into the RES reports.

On October 8, 2020, Xcel filed comments in support of Commission staff’s proposed modifications and the Department’s proposed clarifications to reporting requirements. Xcel stated that it had no strong preference regarding Minnesota Power’s proposed modifications.

On January 6, 2021, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

Minnesota's SES statute requires a public utility to generate or procure enough solar energy to supply at least 1.5% of its retail electric sales in Minnesota with solar energy by the end of 2020.¹ Of the 1.5% solar, at least 10% must come from solar photovoltaic devices with 40-kilowatt (kW) capacity or less.² Public utilities with 50,000 to 200,000 retail electric customers (Minnesota Power and Otter Tail) may count individual customers' community-solar-garden subscriptions of 40 kW or less toward the 10% small-scale carveout.³

Annually from 2014 to 2020, each utility subject to the SES was required to file a report on its progress toward achieving the standard.⁴ Through a series of orders, the Commission established reporting requirements specifying the information utilities must include in their SES progress reports.⁵ Exhibit A to the staff briefing papers filed on December 29, 2020, lists the requirements applicable to the 2019 SES progress reports currently before the Commission.

I. 2019 SES Progress Reports

Minnesota Power, Otter Tail, and Xcel filed their annual SES progress reports for 2019. The Department analyzed the filings and concluded that they contain the required information and comply with previous Commission orders. Having reviewed the reports, the Commission concurs with the Department and will accept the 2019 SES progress reports as complete.

II. Future Reporting Requirements

Because the SES statute requires compliance with the 1.5% solar standard by the end of 2020, 2020 is the last year in which the statute requires annual reports on the utilities' progress toward that standard.⁶ Because the deadline to attain 1.5% solar has passed, Commission staff proposed to modify future reporting requirements to better suit the current phase of SES compliance.

¹ Minn. Stat. § 216B.1691, subd. 2f.

² *Id.*, subd. 2f(b)-(c).

³ *Id.*, subd. 2f(c)(2).

⁴ *Id.*, subd. 2f(i).

⁵ *In the Matter of the Implementation of Solar Energy Standards Pursuant to 2013 Amendments to Minnesota Statutes, Section 216B.1691*, Docket No. E-999/CI-13-542 (the generic SES docket), Order Clarifying Solar Energy Standard Requirements and Setting Annual Reporting Requirements (April 25, 2014), Order Accepting 2013 Solar Energy Standard Reports and Requiring Additional Information in Next Reports (October 23, 2014), Order (November 28, 2016), and Order Accepting Reports, Denying Request, and Setting Additional Reporting Requirements (October 20, 2017).

⁶ Minn. Stat. § 216B.1691, subd. 2f(i); *see id.* subd. 2f(a).

A. Unopposed Modifications

The majority of the reporting-requirement modifications proposed by Commission staff were unopposed by the parties. The unopposed modifications include eliminating from future reporting items 6–7, 10, 12–13, and 15–16 listed in Attachment A to the staff briefing papers. Those items pertain to pre-compliance efforts to achieve the 1.5% solar standard and are no longer necessary in the post-2020 compliance phase. Staff also proposed to migrate most of the remaining SES reporting items into the RES reporting template, eliminating the need for separate SES reports in the future.

All three utilities and the Department supported the proposal to combine future SES reporting with RES reporting. However, the Department proposed three minor modifications, which are discussed below.

1. Department Modifications

The Department agreed with the reporting-requirement changes listed in Attachment B to the staff briefing papers but proposed three adjustments for clarification.

First, the Department recommended clarifying that reporting on total solar generation for the previous calendar year must be broken down between generation from facilities with 40-kW capacity or less, and those with more than 40-kW capacity, for use in evaluating compliance with the small-scale solar carveout of Minn. Stat. § 216B.1691, subd. 2f(b) and (c).

Second, the Department recommended clarifying that the utilities eligible to count community-solar-garden subscriptions toward the small-scale carveout are required to identify the generation from such subscriptions separately from other small-scale sources.

Third, the Department recommended that the required narrative summaries of the utilities' ongoing efforts to obtain solar energy, progress toward compliance with the small-scale carveout, and efforts to reach the goal of 10% solar by 2030—points 8, 9, and 14 of Attachment A to the staff briefing papers—be included in the utilities' biennial RES reports.

None of the utilities objected to the Department's proposed modifications.

2. Commission Action

Now that the 2020 deadline to achieve 1.5% solar has passed, it is no longer statutorily or practically necessary to require annual reports of data designed to track pre-compliance progress toward that standard. Accordingly, the Commission will adopt staff's recommendation to eliminate from future SES reporting the information listed in points 6–7, 10, 12–13, and 15–16 of Attachment A to the briefing papers.

The information listed in points 1, 4–5, 8–9, 11, and 14 of Attachment A to the briefing papers remains relevant to the evaluation of the utilities' ongoing SES compliance. However, for efficiency and ease of access to information, it is reasonable to combine this reporting with future RES reports rather than continuing to require separate annual SES filings. Going forward, the Commission will require the utilities to report this information their annual and biennial RES reports, as specified in Attachment 1 to this order.

In addition, the Commission concurs that the Department's proposed modifications are consistent with the purposes of SES reporting and with the Commission's intentions for future reporting. Accordingly, the Commission will incorporate the Department's proposed modifications into the future SES reporting requirements, as reflected in Attachment 1 to this order.

B. SES-Exemption Reporting

Sales to certain types of customers are excluded from the calculation of the utility's total retail electric sales for purposes of the SES.⁷ The Commission requires utilities to submit information regarding excluded-customer sales in their annual SES progress reports.⁸ For the future, Commission staff proposed to move this reporting to annual reports in utility-specific SES-exemption dockets.⁹

The Department and Otter Tail supported the proposal.

Minnesota Power agreed that the staff proposal was reasonable, but it contended that it would be more convenient to include this information with RES reporting instead, eliminating the need to track an additional docket and prepare an additional filing.

Xcel stated that Minnesota Power's suggestion would be convenient, but Xcel did not oppose the staff proposal to require separate reports in utility-specific SES-exemption dockets.

Reporting excluded-customer sales information in utility-specific SES-exemption dockets will make it easier for stakeholders and analysts working on those dockets to locate the relevant information. Therefore, the Commission will adopt the proposal to require utilities to report SES-exemption information in utility-specific dockets as specified in Attachment 1 to this order.

C. Reporting on Minnesota Power's Solar Programs

Minnesota Power's annual SES reports include information relating to its SolarSense Customer Solar Program and its Community Solar Garden Pilot Program, which Minnesota Power is required to file pursuant to Commission orders issued in the dockets for those programs.¹⁰

⁷ Minn. Stat. § 216B.1691, subd. 2f(f).

⁸ Generic SES docket, Order Clarifying Solar Energy Standard Requirements and Setting Annual Reporting Requirements (April 25, 2014), at 5, Ordering Paras. 4.B–D; *see* staff briefing papers (December 29, 2020), at Attachment A, points 2–3.

⁹ Minnesota Power would file this information in its annual report in Docket No. E-015/M-15-773. Xcel would file this information in its annual report in Docket No. E-002/M-17-425. Otter Tail would file this information in any future solar-cost-exemption docket relating to Otter Tail.

¹⁰ *In the Matter of the Petition for Approval of Minnesota Power's New SolarSense Customer Solar Program*, Docket No. E-015/M-16-485 (SolarSense docket), Order Approving Program Changes, Denying Cost Recovery in Part, and Requiring Compliance Filing (February 10, 2017), at 7–8, Ordering Para. 3; *In the Matter of a Petition by Minnesota Power for Approval of a Community Solar Garden Pilot Program, Small-Scale Solar Energy Standard Compliance Eligibility, and a Method for Program Cost Recovery*, Docket No. E-015/M-15-825 (Community Solar Garden Pilot docket), Order Approving Pilot Program with Modifications (July 27, 2016), at 12–13, Ordering Para. 15.

Commission staff proposed that Minnesota Power report this required information in the respective SolarSense and Community Solar Garden program dockets going forward.

Instead of requiring program-specific reports, Minnesota Power proposed to migrate this reporting to another established filing, such as the RES report or the SES-exemption report discussed above. Minnesota Power argued that including this information in a multi-purpose filing would reduce the company's administrative burden to track and prepare additional filings and would be convenient for regulators and stakeholders looking for the information.

Filing annual reports on these solar programs in their program-specific dockets will allow program stakeholders to easily track relevant program information without needing to follow and sift through the company's other, unrelated reporting (and, in the case of the multi-utility RES docket, other utilities' reporting). Accordingly, the Commission will adopt the recommendation to require Minnesota Power to report solar-program information in the appropriate program-specific dockets, as specified in Attachment 1 to this order.

ORDER

1. The Commission accepts the 2019 solar-energy-standard reports of Minnesota Power, Northern States Power Company d/b/a Xcel Energy, and Otter Tail Power.
2. The Commission adopts staff's reporting recommendations set forth in Attachment B to the staff briefing papers, with the modifications proposed by the Department, as reflected in Attachment 1 to this order.
3. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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New Solar Energy Standard (SES) Reporting Requirements

Reported in Utility-Specific Cost Exemption Dockets

1. Annual excluded customer sales for the previous calendar year
2. A list of customers requesting exclusion from the requirements of the SES, the North American Industry Classification System (NAICS) code associated with their manufacturing activity, and their annual kilowatt-hour (kWh) usage

For purposes of items 1 and 2:

- a. Minnesota Power shall include all relevant information, including but not limited to the total costs that have been apportioned to and recovered from solar-paying (nonexempt) customers under Minn. Stat. § 216B.1691, subd. 2f(f), that would have been recovered from exempt customers, in its annual reports in Docket 15-773.
- b. Xcel Energy shall include all relevant information, including but not limited to the total costs that have been apportioned to and recovered from solar-paying (non-exempt) customers under Minn. Stat. § 216B.1691, subd. 2f(f), that would have been recovered from exempt customers, in its annual reports in Docket 17-425.
- c. Otter Tail Power shall include all relevant information, including but not limited to the total costs that have been apportioned to and recovered from solar-paying (non-exempt) customers under Minn. Stat. § 216B.1691, subd. 2f(f), that would have been recovered from exempt customers, in its annual reports in any future solar cost exemption docket.

Reported in RES Report Tab “4. SES Retail Sales”

3. The total Minnesota retail sales for customers excluded from the SES requirement
4. Annual solar generation on the utilities’ system for the previous calendar year, including the total number of units registered in M-RETS to that utility and solar renewable energy credits (SRECs) generated in the past year from those units. Generation should be broken down into the following categories: facilities with 40-kilowatt (kW) capacity or less, eligible community solar garden (CSG) subscriptions, and facilities over 40 kW

Reported in RES Report Tab “6. Biennial Compliance Requirement”

5. A short summary of ongoing efforts to obtain solar energy, including a brief summary of the anticipated mix of project sizes for SES compliance
6. A summary of progress toward compliance with the 10% carve out for systems under 20 kW
7. Discussion on the utilities’ efforts to reach, by 2030, the energy goal that 10% of the retail electric sales in Minnesota be generated by solar energy.

Reported in RES Report Tab “7. REC Purchase & Sales”

8. Purchases and sales of SRECs to meet the SES

Reported in Utility-Specific, Program-Specific Dockets

9. Minnesota Power shall file reports relating to its SolarSense program (Docket 16-485) and its Community Solar Garden program (Docket 15-825), in their respective program dockets.

CERTIFICATE OF SERVICE

I, Nancy Jia, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission
ORDER ACCEPTING REPORTS AND MODIFYING FUTURE REPORTING
REQUIREMENTS**

Docket Number

E-999/M-20-464

E-999/M-13-542

Dated this **29th** day of **January, 2021**

/s/ Nancy Jia

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar	721 W 26th st Suite 211 Minneapolis, Minnesota 55405	Electronic Service	No	OFF_SL_20-464_M-20-464
Mara	Ascheman	mara.k.ascheman@xcenergy.com	Xcel Energy	414 Nicollet Mall Fl 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-464_M-20-464
John	Aune	johna@bluehorizonsolar.com	Blue Horizon Energy	171 Cheshire Ln Ste 500 Plymouth, MN 55441	Electronic Service	No	OFF_SL_20-464_M-20-464
Peter	Beithon	pbeithon@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_20-464_M-20-464
Sara	Bergan	sebergan@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-464_M-20-464
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_20-464_M-20-464
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_20-464_M-20-464
Steve W.	Chriss	Stephen.chriss@walmart.com	Wal-Mart	2001 SE 10th St. Bentonville, AR 72716-5530	Electronic Service	No	OFF_SL_20-464_M-20-464
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-464_M-20-464
Lisa	Daniels	lisadaniels@windustry.org	Windustry	201 Ridgewood Ave Minneapolis, MN 55403	Electronic Service	No	OFF_SL_20-464_M-20-464

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Chris	Davis	christopher.davis@state.mn.us	Department of Commerce	Suite 280 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	OFF_SL_20-464_M-20-464
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Suite 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_20-464_M-20-464
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_20-464_M-20-464
Nathan	Franzen	nathan@geronimoenergy.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Suite 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_20-464_M-20-464
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_20-464_M-20-464
Tony	Hainault	anthony.hainault@co.hennepin.mn.us	Hennepin County DES	701 4th Ave S Ste 700 Minneapolis, MN 55415-1842	Electronic Service	No	OFF_SL_20-464_M-20-464
J Drake	Hamilton	hamilton@fresh-energy.org	Fresh Energy	408 St Peter St Saint Paul, MN 55101	Electronic Service	No	OFF_SL_20-464_M-20-464
Jack	Hays	jack.hays@westwoodps.com	Westwood Professional Services	7699 Anagram Drive Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_20-464_M-20-464
Brandon	Heath	bheath@misoenergy.org	MISO Energy	2985 Ames Crossing Rd Eagan, MN 55121	Paper Service	No	OFF_SL_20-464_M-20-464

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Holly	Hinman	holly.r.hinman@xcelenergy.com	Xcel Energy	414 Nicollet Mall, 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-464_M-20-464
Lori	Hoyum	lhoyum@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-464_M-20-464
Dwight	Jelle	dkjelle@gmail.com	Best Power International, LLC	P.O. 5126 Hopkins, MN 55343	Electronic Service	No	OFF_SL_20-464_M-20-464
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_20-464_M-20-464
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-464_M-20-464
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-464_M-20-464
Amy	Liberkowski	amy.a.liberkowski@xcelenergy.com	Xcel Energy	414 Nicollet Mall 7th Floor Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-464_M-20-464
Bob	Long	rlong@larkinhoffman.com	Larkin Hoffman (Silicon Energy)	1500 Wells Fargo Plaza 7900 Xerxes Ave S Bloomington, MN 55431	Electronic Service	No	OFF_SL_20-464_M-20-464
Nicole	Luckey	nluckey@invenergyllc.com	Invenergy LLC	1 S. Wacker Suite 1800 Chicago, Illinois 60606	Electronic Service	No	OFF_SL_20-464_M-20-464
Susan	Mackenzie	susan.mackenzie@state.mn.us	Public Utilities Commission	121 7th Place E Ste 350 St. Paul, MN 551012147	Electronic Service	No	OFF_SL_20-464_M-20-464

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_20-464_M-20-464
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-464_M-20-464
Natalie	McIntire	natalie.mcintire@gmail.com	Wind on the Wires	570 Asbury St Ste 201 Saint Paul, MN 55104-1850	Electronic Service	No	OFF_SL_20-464_M-20-464
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-464_M-20-464
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-464_M-20-464
Michael	Noble	noble@fresh-energy.org	Fresh Energy	Hamm Bldg., Suite 220 408 St. Peter Street St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-464_M-20-464
Rolf	Nordstrom	rnordstrom@gpisd.net	Great Plains Institute	2801 21ST AVE S STE 220 Minneapolis, MN 55407-1229	Electronic Service	No	OFF_SL_20-464_M-20-464
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_20-464_M-20-464
Donna	Pickard	dpickardgsss@gmail.com	Genie Solar Support Services	1215 Lilac Lane Excelsior, MN 55331	Electronic Service	No	OFF_SL_20-464_M-20-464

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_20-464_M-20-464
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-464_M-20-464
Larry L.	Schedin	Larry@LLSResources.com	LLS Resources, LLC	332 Minnesota St, Ste W1390 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-464_M-20-464
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-464_M-20-464
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_20-464_M-20-464
David	Shaffer	shaff081@gmail.com	Minnesota Solar Energy Industries Project	1005 Fairmount Ave Saint Paul, MN 55105	Electronic Service	No	OFF_SL_20-464_M-20-464
Erin	Shea	eshea@silicon-energy.com	Silicon Energy	PO Box 376 8787 Silicon Way Mt Iron, MN 55768	Paper Service	No	OFF_SL_20-464_M-20-464
Doug	Shoemaker	dougs@charter.net	Minnesota Renewable Energy	2928 5th Ave S Minneapolis, MN 55408	Electronic Service	No	OFF_SL_20-464_M-20-464
Joshua	Smith	joshua.smith@sierraclub.org		85 Second St FL 2 San Francisco, California 94105	Electronic Service	No	OFF_SL_20-464_M-20-464

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Russ	Stark	Russ.Stark@ci.stpaul.mn.us	City of St. Paul	390 City Hall 15 West Kellogg Boulevard Saint Paul, MN 55102	Electronic Service	No	OFF_SL_20-464_M-20-464
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-464_M-20-464
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-464_M-20-464
Randy	Synsteliën	rsynsteliën@otpc.com	Otter Tail Power Company	215 S Cascade St Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-464_M-20-464
Lise	Trudeau	lise.trudeau@state.mn.us	Department of Commerce	85 7th Place East Suite 500 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_20-464_M-20-464
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_20-464_M-20-464

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Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar	721 W 26th st Suite 211 Minneapolis, Minnesota 55405	Electronic Service	No	OFF_SL_13-542_Official
Mara	Ascheman	mara.k.ascheman@xcenergy.com	Xcel Energy	414 Nicollet Mall Fl 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_13-542_Official
John	Aune	johna@bluehorizonsolar.com	Blue Horizon Energy	171 Cheshire Ln Ste 500 Plymouth, MN 55441	Electronic Service	No	OFF_SL_13-542_Official
Peter	Beithon	pbeithon@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-542_Official
Sara	Bergan	sebergan@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-542_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_13-542_Official
Steve W.	Chriss	Stephen.chriss@walmart.com	Wal-Mart	2001 SE 10th St. Bentonville, AR 72716-5530	Electronic Service	No	OFF_SL_13-542_Official
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_13-542_Official
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-542_Official
Lisa	Daniels	lisadaniels@windustry.org	Windustry	201 Ridgewood Ave Minneapolis, MN 55403	Electronic Service	No	OFF_SL_13-542_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Suite 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_13-542_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_13-542_Official
Nathan	Franzen	nathan@geronimoenergy.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Suite 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_13-542_Official
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-542_Official
Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, Minnesota 55102	Electronic Service	No	OFF_SL_13-542_Official
Tony	Hainault	anthony.hainault@co.hennepin.mn.us	Hennepin County DES	701 4th Ave S Ste 700 Minneapolis, MN 55415-1842	Electronic Service	No	OFF_SL_13-542_Official
J Drake	Hamilton	hamilton@fresh-energy.org	Fresh Energy	408 St Peter St Saint Paul, MN 55101	Electronic Service	No	OFF_SL_13-542_Official
Jack	Hays	jack.hays@westwoodps.com	Westwood Professional Services	7699 Anagram Drive Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_13-542_Official
Brandon	Heath	bheath@misoenergy.org	MISO Energy	2985 Ames Crossing Rd Eagan, MN 55121	Paper Service	No	OFF_SL_13-542_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Holly	Hinman	holly.r.hinman@xcelenergy.com	Xcel Energy	414 Nicollet Mall, 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_13-542_Official
Dwight	Jelle	dkjelle@gmail.com	Best Power International, LLC	P.O. 5126 Hopkins, MN 55343	Electronic Service	No	OFF_SL_13-542_Official
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_13-542_Official
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-542_Official
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	OFF_SL_13-542_Official
Amy	Liberkowski	amy.a.liberkowski@xcelenergy.com	Xcel Energy	414 Nicollet Mall 7th Floor Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_13-542_Official
Bob	Long	rlong@larkinhoffman.com	Larkin Hoffman (Silicon Energy)	1500 Wells Fargo Plaza 7900 Xerxes Ave S Bloomington, MN 55431	Electronic Service	No	OFF_SL_13-542_Official
Nicole	Luckey	nluckey@invenergyllc.com	Invenergy LLC	1 S. Wacker Suite 1800 Chicago, Illinois 60606	Electronic Service	No	OFF_SL_13-542_Official
Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_13-542_Official
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_13-542_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Natalie	McIntire	natalie.mcintire@gmail.com	Wind on the Wires	570 Asbury St Ste 201 Saint Paul, MN 55104-1850	Electronic Service	No	OFF_SL_13-542_Official
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_13-542_Official
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-542_Official
Michael	Noble	noble@fresh-energy.org	Fresh Energy	Hamm Bldg., Suite 220 408 St. Peter Street St. Paul, MN 55102	Electronic Service	No	OFF_SL_13-542_Official
Rolf	Nordstrom	rnordstrom@gpisd.net	Great Plains Institute	2801 21ST AVE S STE 220 Minneapolis, MN 55407-1229	Electronic Service	No	OFF_SL_13-542_Official
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_13-542_Official
Donna	Pickard	dpickardgsss@gmail.com	Genie Solar Support Services	1215 Lilac Lane Excelsior, MN 55331	Electronic Service	No	OFF_SL_13-542_Official
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes	OFF_SL_13-542_Official
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-542_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Larry L.	Schedin	Larry@LLSResources.com	LLS Resources, LLC	332 Minnesota St, Ste W1390 St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-542_Official
Christopher	Schoenherr	cp.schoenherr@smmpa.org	SMMPA	500 First Ave SW Rochester, MN 55902-3303	Electronic Service	No	OFF_SL_13-542_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_13-542_Official
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_13-542_Official
David	Shaffer	shaff081@gmail.com	Minnesota Solar Energy Industries Project	1005 Fairmount Ave Saint Paul, MN 55105	Electronic Service	No	OFF_SL_13-542_Official
Erin	Shea	eshea@silicon-energy.com	Silicon Energy	PO Box 376 8787 Silicon Way Mt Iron, MN 55768	Paper Service	No	OFF_SL_13-542_Official
Doug	Shoemaker	dougs@charter.net	Minnesota Renewable Energy	2928 5th Ave S Minneapolis, MN 55408	Electronic Service	No	OFF_SL_13-542_Official
Joshua	Smith	joshua.smith@sierraclub.org		85 Second St FL 2 San Francisco, California 94105	Electronic Service	No	OFF_SL_13-542_Official
Russ	Stark	Russ.Stark@ci.stpaul.mn.us	City of St. Paul	390 City Hall 15 West Kellogg Boulevard Saint Paul, MN 55102	Electronic Service	No	OFF_SL_13-542_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Cary	Stephenson	cStephenson@otpco.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_13-542_Official
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-542_Official
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_13-542_Official
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_13-542_Official
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_13-542_Official