

1 FEBRUARY 5, 2020 - EVIDENTIARY HEARING - 19-478

2 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS

3 FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION

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5
6 In the Matter of the Application of Dakota Electric
7 Association for Authority to Increase Rates for Electric
8 Service in Minnesota

9 PUC DOCKET NO. E-111/GR-19-478

10 OAH DOCKET NO. 60-2500-36475

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18 Met, pursuant to Notice, at 9:30 a.m. in
19 the morning on February 5, 2020.

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24 BEFORE: Judge LaFave

25 REPORTER: Bridget E. Kelly, Court Reporter

1 **APPEARANCES:**

2 ERIC SWANSON, Attorney at Law,
3 Winthrop & Weinstine, P.A., 225 South Sixth Street,
4 Suite 3500, Minneapolis, Minnesota 55402, appeared
5 for and on behalf of the Applicant.

6 JOSEPH MEYER and MAX KIELEY,
7 Assistant Attorneys General, 445 Minnesota Street,
8 Suite 1400, St. Paul, Minnesota 55101, appeared for
9 and on behalf of the Office of Attorney General.

10 KATHERINE HINDERLIE and RICHARD DORNFELD,
11 Assistant Attorneys General, 445 Minnesota Street,
12 St. Paul, Minnesota 55101, appeared for and on
13 behalf of the Department of Commerce.

14 PUC STAFF:

15 JASON BONNETT

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23 WHEREUPON, the following proceedings were
24 duly had and entered of record, to wit:

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1 JUDGE LAFAVE: Good morning. My name is
2 Jim LaFave. I'm an Administrative Law Judge with
3 the state Office of Administrative Hearings. We're
4 here this morning for an evidentiary hearing In the
5 Matter of the Application by Dakota Electric
6 Association for Authority to Increase Rates for
7 Electrical Service in Minnesota.

8 Would the parties please note their
9 appearances for the record; beginning with Dakota
10 Electric; then the Minnesota Department of Commerce,
11 Division of Energy Resources; and finally, the
12 Office of Attorney General; and then Department
13 Staff.

14 MR. SWANSON: Thank you, Judge. Good
15 morning. Eric Swanson from the law firm of Winthrop
16 and Weinstine on behalf of Dakota Electric
17 Association.

18 JUDGE LAFAVE: Thank you.

19 MS. HINDERLIE: Good morning, Judge.
20 Katherine Hinderlie and with me today is Richard
21 Dornfeld. We represent the Minnesota Department of
22 Commerce, Division of Energy Resources.

23 JUDGE LAFAVE: Thank you.

24 MR. MEYER: Good morning, Judge. Joe
25 Meyer on behalf of the Office of the Attorney

1 General, Residential Utilities Division. Assistant
2 Attorney General Max Kieley is appearing with me
3 today.

4 JUDGE LAFAVE: Thank you.

5 MR. BONNETT: Good morning, Judge. Jason
6 Bonnett for the Minnesota Public Utilities
7 Commission.

8 JUDGE LAFAVE: Thank you.

9 I will note for the record that on
10 Thursday, January 30th, at the prehearing conference
11 mandated by Minnesota Statute 216B.16 Subdivision
12 1a, the parties had reached a general agreement on
13 most of the issues present in this case, so for
14 today's hearing we will admit the exhibits and then
15 discuss the schedule.

16 The Dakota Electric Association submitted
17 Exhibits 1 through 53 -- or 55, 1 through 55, and
18 the parties have stipulated to the admission of
19 those exhibits without objection; is that correct,
20 Ms. Hinderlie?

21 MS. HINDERLIE: That's correct, Your
22 Honor.

23 JUDGE LAFAVE: Mr. Meyer?

24 MR. MEYER: That's correct, Your Honor.

25 JUDGE LAFAVE: Then without objection,

1 Dakota Electric's Exhibits 1 through 55 are
2 admitted.

3 Also submitted were the Office of
4 Attorney General's Exhibits 1 and 2, and the parties
5 have agreed to admit those without objection; is
6 that correct, Mr. Swanson?

7 MR. SWANSON: That's correct, Judge.

8 JUDGE LAFAVE: Ms. Hinderlie?

9 MS. HINDERLIE: Correct, Your Honor.

10 JUDGE LAFAVE: Very good. Then without
11 objection, Office of Attorney General's Exhibits 1
12 and 2 are admitted.

13 And then finally, the Department of
14 Commerce, Division of Energy Resources, has
15 submitted Exhibits 1 through 9. And it's my
16 understanding that there are no objection to those
17 exhibits; is that correct, Mr. Swanson?

18 MR. SWANSON: It is, Your Honor.

19 JUDGE LAFAVE: And, Mr. Meyer?

20 MR. MEYER: That's correct, Your Honor.

21 JUDGE LAFAVE: Then without exhibits,
22 exhibit -- Department of Commerce Exhibits 1 through
23 9 are admitted.

24 We had a brief discussion prior to going
25 on the record, regarding the scheduling of post

1 hearing filings. And it was agreed that Dakota
2 Electric would submit proposed findings of fact,
3 conclusions of law by the close of business on
4 February 28th and that the remaining parties would
5 have until March 12th of 2020, close of business on
6 March 12th to submit any further filings; is that
7 correct?

8 MS. HINDERLIE: That's correct, Your
9 Honor. Thank you.

10 JUDGE LAFAVE: Mr. Meyer.

11 MR. MEYER: Yes, Your Honor. Thank you.

12 MR. SWANSON: Correct, Judge. Thank you.

13 JUDGE LAFAVE: Very good. Then so
14 ordered.

15 Anything further this morning?
16 Mr. Swanson.

17 MR. SWANSON: Not from the Cooperative,
18 Your Honor. Thank you.

19 JUDGE LAFAVE: Mr. Meyer.

20 MR. MEYER: Yes, Your Honor. I have just
21 two brief items I would like to put on the record.

22 First of all, in OAG -- Exhibit OAG-1,
23 which was the direct testimony of Ms. Shoua Lee, on
24 page 7 of that testimony, she indicates that Account
25 37020 will be fully depreciated by the end of 2021.

1 And I just want to give the clarification that while
2 that is correct, a little more specificity would be
3 to say that that account is also fully depreciated
4 as of the end of 2019. And there's more detail
5 about that depreciation found in Exhibit OAG-2,
6 which is Ms. Lee's surrebuttal testimony. And I
7 just wanted to highlight that clarification given
8 that we're not putting the witnesses on to be
9 questioned about that.

10 And then second of all, in Your Honor's
11 recitation of the exhibits that were admitted, the
12 direct testimony of OAG witness Brian Lebens did not
13 appear on that list, and this was noted in last
14 week's prehearing conference. But that based on the
15 agreement of the parties, the OAG indicated that
16 pursuant to Paragraph 22 of Your Honor's first
17 prehearing order, we would not be offering it with
18 the understanding that -- that it's considered
19 withdrawn. And I highlight that only because I
20 believe the testimony does continue to appear in the
21 eDockets with the Commission, and I just wanted to
22 make sure the record was clear that its lack of
23 admission today is not an oversight but rather a
24 decision made by the parties, and I believe that is
25 also highlighted in the filing letter accompanying

1 Ms. Lee's surrebuttal testimony.

2 JUDGE LAFAVE: Thank you, Mr. Meyer.

3 Ms. Hinderlie.

4 MS. HINDERLIE: Nothing further for the
5 Department, Your Honor.

6 JUDGE LAFAVE: Thank you very much.

7 Then this matter is under advisement.

8 This hearing is adjourned.

9 Have a good day. Thank you all.

10 (Proceedings concluded at 9:34 a.m.)

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STATE OF MINNESOTA)
) ss.
COUNTY OF CARVER)

REPORTER'S CERTIFICATE

I, Bridget E. Kelly, do hereby
certify that the above and foregoing transcript,
consisting of the preceding eight pages is a
correct transcript of my stenographic notes, and is
a full, true and complete transcript of the
proceedings to the best of my ability.

Dated February 7, 2020.

/s/Bridget E. Kelly
BRIDGET E. KELLY
Court Reporter

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