

February 20, 2025

**VIA EFILING**

Mr. William Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7th Place East, Suite 350  
Saint Paul, MN 55101-2147

**Re: In the Matter of the Certificate of Need and Route Permit Applications for the Minnesota Energy Connection Project in Sherburne, Stearns, Kandiyohi, Wright, Meeker, Chippewa, Yellow Medicine, Renville, Redwood, and Lyon counties in Minnesota**  
**OAH Docket No. 23-2500-39782**  
**MPUC Docket Nos. E002/CN-22-131 and TL-22-132**

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy, respectfully submits this filing concerning the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations issued on February 5, 2025,<sup>1</sup> in the above referenced dockets (the Report).

The Report reflects thorough and reasoned analysis and recommends granting a Certificate of Need and Route Permit for the proposed Minnesota Energy Connection Project (Project). Xcel Energy supports these recommendations. Xcel Energy also supports the Report's recommendation that the Minnesota Public Utilities Commission (Commission) approve Xcel Energy's Preferred Route for the Project, with one modification which Xcel Energy does not oppose.

Because of the Report's comprehensive analysis, Xcel Energy has only limited exceptions to the Report. In addition, Xcel Energy proposes revisions to the Report to incorporate the Department of Commerce, Energy Environmental Review and Analysis's (EERA) recommendation that Alternative Alignment 1 (or, AA1) be incorporated into the Project's route. As described further below, after further title review, Xcel Energy agrees with this recommendation.

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<sup>1</sup> Findings of Fact, Conclusions of Law, and Recommendations (Feb. 5, 2025) (eDocket No. 20252-214994-01) (Report).

### **Paragraph 215**

Xcel Energy proposes the following addition to Paragraph 215 to provide additional record support for the Report's recommendation to incorporate modified Route Segment 223 into the Project's route:

Because a short length of the modified Route Segment 223 is not within a route width studied in the DEIS, Xcel Energy provided a map depicting modified Route Segment 223 and a table summarizing the potential human and environmental impacts of this segment.<sup>2</sup> As shown on the map and table, the parcels crossed by the modified segment were already crossed by routes studied in the EIS, and there is information concerning the potential human and environmental impacts of this segment in the record.<sup>3</sup> That information supports the selection of modified Route Segment 223, rather than the corresponding section of the Blue Route or the unmodified Route Segment 223.

### **Paragraph 328**

Paragraph 328 of the Report reflects the cost reporting condition agreed to by Xcel Energy and the Department of Commerce, Division of Energy Resources:

With respect to Project costs, Xcel Energy requested that the Commission include a condition that requires Xcel Energy to do the following:

1. provide a final number or cap amount within 90 days of the Commission's Order determining the route;
2. fully justify the reasonableness of recovering any cost overruns of the proposed Project from Minnesota ratepayers – including operations-and-management expense; ongoing capital expense; revenue requirements related to capital included in rate base;

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<sup>2</sup> Direct Testimony of Matthew Langan at 13:1-5 and 14:1-2 (Sept. 6, 2024) (eDocket No. 20249-210020-02) (Langan Direct).

<sup>3</sup> Langan Direct at 13:1-5 and 14:1-2.

insurance expense land-lease expense; and property/production tax expense.

3. place the burden of proof in any future regulatory proceeding related to the recovery of costs above those forecasted in this proceeding upon Xcel Energy; and

4. wait until the first rate case after the proposed Project is placed into service before Xcel Energy may recover any cost overruns from Minnesota ratepayers.

Xcel Energy continues to support the condition reflected in this finding. Xcel Energy is also aware that, in Docket 22-416 related to the Northland Reliability Project, the Commission approved the following condition:

Minnesota Power shall bear the burden of proof in any future regulatory proceeding related to the recovery of any costs above \$1,210,000,000. Nothing prevents the Applicant from seeking recovery of additional amount through the Transmission Cost Recovery Rider.

To the extent the Commission believes a similar condition is appropriate for this Project, Xcel Energy does not object.

### **Paragraph 501**

Xcel Energy proposes revisions to Paragraph 501 of the Report because it suggests that Xcel Energy provide a decommissioning plan. Unlike wind or solar projects, transmission lines are rarely decommissioned, and Xcel Energy has no plans to decommission the Project after any set timeframe.<sup>4</sup> Further, unlike independent power producers, Xcel Energy is a rate-regulated utility subject to the ongoing jurisdiction of the Commission.<sup>5</sup> The record does not identify any benefit that would be provided by a decommissioning plan, either now or in the future, nor does the record identify a reason to single the Project out for a decommissioning plan requirement, as compared to other transmission lines constructed and operated by rate-regulated utilities.

Xcel Energy stated that it does not support preparing a decommissioning plan for the Project because a decommissioning

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<sup>4</sup> See Xcel Energy's Response to Hearing Comments at 32 (Dec. 13, 2024) (eDocket No. 202412-212990-02).

<sup>5</sup> See *id.*

plan would be speculative and not useful for an asset like the Project that does not have a specific service life. Further, Xcel Energy is a rate-regulated utility subject to the ongoing jurisdiction of the Commission. For these reasons, the record does not support requiring a decommissioning plan for the Project. At the time of decommissioning, a decommission plan established by Xcel Energy, subject to approval by the Commission, is a reasonable permit condition.

### **Paragraph 573**

Xcel Energy proposes the following revisions to Paragraph 573 of the Report to clarify that the recommended condition is only applicable if the Commission selects the Purple Route:

In MDNR's comments on the DEIS, MDNR requested, and the Administrative Law Judge recommends, a special permit condition requiring Xcel Energy to work with the MDNR if the Purple Route is selected to determine if any impacts to the calcareous fen will occur during any phase of the Project.

### **Paragraph 638**

Xcel Energy proposes the following addition to Paragraph 638 of the Report to summarize the Report's analysis regarding the Project's use of existing rights-of-way:

Xcel Energy's Preferred Route and the MDNR proxy route following existing rights-of-way or parcel, section, and division lines for approximately 91 percent of their length, as compared to approximately 89 percent for the Blue and Purple Routes. The record reflects a consideration of routing along existing high voltage transmission line and highway rights-of-way. Routes use or follow those rights-of-way to the extent feasible, but following those rights-of-way for the entirety of the Project is not feasible for the reasons discussed in Paragraph 637 and elsewhere in this Report.

In addition to the exceptions above, Xcel Energy also supports the inclusion of Paragraph 200 from EERA's January 29, 2025,<sup>6</sup> filing, which lists the date, time, and location of each public information and scoping meeting held for the Project.

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<sup>6</sup> EERA's Comments Concerning Xcel Energy's Proposed Findings (Jan. 29, 2025) (eDocket No. 20251-214591-01).

### **Alternative Alignment 1**

In its January 29, 2025, filing, EERA recommended the inclusion of AA1 within the Project's route because "it reduces potential impacts to RIM conservation easements." Based on additional title review conducted by Xcel Energy in this area, Xcel Energy supports EERA's recommendation to include AA1 because AA1 avoids conservation easements which would be crossed by the Preferred Route. Xcel Energy proposes the following revisions to the Report to incorporate AA1:

- **Summary of recommendations, third paragraph:** ". . . grant a route permit for the Applicant's Preferred Route, as identified in the Direct Testimony of Matthew Langan, with modification to include Alternative Alignment 1 (or, AA1) and the northern most portion of Route Segment 223 as described in Finding 215."
- **Paragraph 416:** "Other recreational resources in Region A include snowmobile trails and impacts are anticipated to be minimal. Alternative Alignment 1 would minimize impacts to existing conservation easements."
- **Paragraph 673:** "The Preferred Route, with the inclusion of AA1 and the northernmost portion of Route Segment 223 as described in Finding 215, is consistent with the Commission's routing criteria and best balances and minimizes potential impacts. . . ."
- **Conclusions 12-15:** revise references to the Preferred Route to include, "the Preferred Route, with the inclusion of AA1 and the northernmost portion of Route Segment 223 as described in Finding 215, . . ."
- **Recommendation:** ". . . the Administrative Law Judge recommends that the Commission issue a Certificate of Need and Route Permit for the Applicant's Preferred Route, with the inclusion of AA1 and the northernmost portion of Route Segment 223 as described in Finding 215, . . ."

These exceptions have been e-filed through [www.edocket.state.mn.us](http://www.edocket.state.mn.us). A copy of this filing is also being served upon the persons on the Official Service Lists of record.

Please let me know if you have any questions regarding this filing.

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Sincerely,

FREDRIKSON & BYRON, P.A.

*/s/ Haley L. Waller Pitts*

Haley L. Waller Pitts

**Direct Dial:** 612.492.7443

**Email:** hwallerpitts@fredlaw.com

**In the Matter of the Certificate of Need and  
Route Permit Applications for the Minnesota  
Energy Connection Project in Sherburne,  
Stearns, Kandiyohi, Wright, Meeker, Chippewa,  
Yellow Medicine, Renville, Redwood, and Lyon  
counties in Minnesota**

**OAH Docket No. 23-2500-39782  
MPUC Docket Nos. E002/CN-22-131 and  
TL-22-132**

***CERTIFICATE OF SERVICE***

Breann L. Jurek certifies that on the 20th day of February, 2025, she e-filed on behalf of Northern States Power Company, doing business as Xcel Energy, a true and correct copy of its Exceptions to the Administrative Law Judge's Report via eDockets ([www.edockets.state.mn.us](http://www.edockets.state.mn.us)). Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: February 20, 2025

*Signed: /s/ Breann L. Jurek*

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Fredrikson & Byron, P.A.  
60 South Sixth Street  
Suite 1500  
Minneapolis, MN 55402

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	22-131Official
2	Mara	Ascherman	mara.k.ascherman@xcelenergy.com	Xcel Energy		414 Nicollet Mall Fl 5 Minneapolis MN, 55401 United States	Electronic Service		No	22-131Official
3	David	Bell	david.bell@state.mn.us		Department of Health	POB 64975 St. Paul MN, 55164 United States	Electronic Service		No	22-131Official
4	Todd	Boonstra	todd_boonstra@fws.gov	U.S. Fish and Wildlife Service		22274 615th Ave Litchfield MN, 55355 United States	Electronic Service		No	22-131Official
5	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	22-131Official
6	Board of	Commissioners		Wright County		3650 Braddock Ave NE Ste 1200 Buffalo MN, 55313 United States	Paper Service		No	22-131Official
7	Brandon	Crawford	brandonc@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota St Ste W1360 St. Paul MN, 55101 United States	Electronic Service		No	22-131Official
8	George	Damian	gdamian@cleanenergyeconomymn.org	Clean Energy Economy MN		13713 Washburn Ave S Burnsville MN, 55337 United States	Electronic Service		No	22-131Official
9	Randall	Doneen	randall.doneen@state.mn.us		Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul MN, 55155 United States	Electronic Service		No	22-131Official
10	Jim	DuBois	jrdubois@hotmail.com			null null, null United States	Electronic Service		No	22-131Official
11	Tim	DuBois				3494 160th Street South Haven MN, 55382 United States	Paper Service		No	22-131Official
12	Adam	Duininck	aduininck@ncsrcc.org	North Central States Regional Council of Carpenters		700 Olive Street St. Paul MN, 55130 United States	Electronic Service		No	22-131Official
13	Bret	Eknes	bret.eknes@state.mn.us		Public Utilities Commission	Suite 350 121 7th Place East St. Paul MN, 55101-2147 United States	Electronic Service		No	22-131Official
14	Kate	Fairman	kate.fairman@state.mn.us		Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul MN, 55155-4032 United States	Electronic Service		No	22-131Official



#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
15	Annie	Felix Gerth	annie.felix-gerth@state.mn.us			Board of Water & Soil Resources 520 Lafayette Rd Saint Paul MN, 55155 United States	Electronic Service		No	22-131Official
16	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	22-131Official
17	Todd	Green	todd.a.green@state.mn.us		Minnesota Department of Labor & Industry	443 Lafayette Rd N St. Paul MN, 55155-4341 United States	Electronic Service		No	22-131Official
18	Kari	Howe	kari.howe@state.mn.us		DEED	332 Minnesota St, #E200 1ST National Bank Bldg St. Paul MN, 55101 United States	Electronic Service		No	22-131Official
19	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500 Minneapolis MN, 55402 United States	Electronic Service		No	22-131Official
20	Raymond	Kirsch	raymond.kirsch@state.mn.us		Department of Commerce	85 7th Place E Ste 500 St. Paul MN, 55101 United States	Electronic Service		No	22-131Official
21	Chad	Konickson	chad.konickson@usace.army.mil	U.S.Army Corps of Engineers		332 Minnesota St. Suite E1500 Saint Paul MN, 55101 United States	Electronic Service		No	22-131Official
22	Nicholas	Korn	njkorn@gmail.com			27445 County Road 23 Albany MN, 56307 United States	Electronic Service		No	22-131Official
23	Stacy	Kotch Egstad	stacy.kotch@state.mn.us		MINNESOTA DEPARTMENT OF TRANSPORTATION	395 John Ireland Blvd. St. Paul MN, 55155 United States	Electronic Service		No	22-131Official
24	Gretchen	Laakso				3494 160th St South Haven MN, 55382 United States	Paper Service		No	22-131Official
25	Kelly	Lagnese	kjlagnese@gmail.com			null null, null United States	Electronic Service		No	22-131Official
26	Terry	Louwagie	soybeanbeanbacker@gmail.com			2894 310th St Marshall MN, 56258 United States	Electronic Service		No	22-131Official
27	Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service		Minnesota-Wisconsin Field Offices 4101 American Blvd E Bloomington MN, 55425 United States	Electronic Service		No	22-131Official

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
28	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing MN, 55066 United States	Electronic Service		No	22-131Official
29	Paul	Pfeiffer	paulpf@atsinc.com			725 Opportunity Drive St. Cloud MN, 56303 United States	Electronic Service		No	22-131Official
30	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	22-131Official
31	Grant	Rademacher	grantr@rademacherco.com			7007 River Rd SE Clear Lake MN, 55319 United States	Electronic Service		No	22-131Official
32	Stephen	Rakow	stephen.rakow@state.mn.us		Department of Commerce	Suite 280 85 Seventh Place East St. Paul MN, 55101-2198 United States	Electronic Service		No	22-131Official
33	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	22-131Official
34	Stephan	Roos	stephan.roos@state.mn.us		Minnesota Department of Agriculture	625 Robert St N Saint Paul MN, 55155-2538 United States	Electronic Service		No	22-131Official
35	Nathaniel	Runke	nrunke@local49.org			611 28th St. NW Rochester MN, 55901 United States	Electronic Service		No	22-131Official
36	Deborah	Schabel	deborah.schabel@gmail.com			15751 35th Ave South Haven MN, 55382 United States	Electronic Service		No	22-131Official
37	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall FL 7 Minneapolis MN, 55401-1993 United States	Electronic Service		No	22-131Official
38	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	22-131Official
39	Bria	Shea	bria.e.shea@xcelenergy.com	Xcel Energy		414 Nicollet Mall Minneapolis MN, 55401 United States	Electronic Service		No	22-131Official
40	Andy	Simon	anysimon777@gmail.com			1511 Co. Rd. 45 South Haven MN, 55382 United States	Electronic Service		No	22-131Official
41	Madelyn	Smerillo	msmerillo@cleangridalliance.org	Clean Grid Alliance		570 Asbury St Suite 201 Saint Paul MN, 55104 United States	Electronic Service		No	22-131Official

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
42	Cindy	Stelten	cstelten@meltel.net			31 Cherry St S Kimball MN, 55353 United States	Electronic Service		No	22-131Official
43	Jayne	Trusty	execdir@swrdc.org	SWRDC		2401 Broadway Ave #1 Slayton MN, 56172 United States	Electronic Service		No	22-131Official
44	Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency		Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago IL, 60604-3590 United States	Electronic Service		No	22-131Official
45	Garrick	Valverde	garrick.valverde@apexcleanenergy.com	Apex Clean Energy		8665 Hudson Boulevard North Suite 200 Lake Elmo MN, 55042 United States	Electronic Service		No	22-131Official
46	Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	22-131Official
47	Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources		500 Lafayette Road Box 25 St. Paul MN, 55155-4040 United States	Electronic Service		No	22-131Official
48	Alan	Whipple	sa.property@state.mn.us		Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul MN, 55146-3340 United States	Electronic Service		No	22-131Official
49	Jonathan	Wolfgang	jonathan.wolfgang@state.mn.us		Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury MN, 55125 United States	Electronic Service		No	22-131Official

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Lisa	Agrimonti	lagrimonti@fredlaw.com	Fredrikson & Byron, P.A.		60 South Sixth Street Suite 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	22-132Official CC Service List
2	Mara	Ascherman	mara.k.ascherman@xcelenergy.com	Xcel Energy		414 Nicollet Mall Fl 5 Minneapolis MN, 55401 United States	Electronic Service		No	22-132Official CC Service List
3	David	Bell	david.bell@state.mn.us		Department of Health	POB 64975 St. Paul MN, 55164 United States	Electronic Service		No	22-132Official CC Service List
4	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	22-132Official CC Service List
5	Ian M.	Dobson	ian.m.dobson@xcelenergy.com	Xcel Energy		414 Nicollet Mall, 401-8 Minneapolis MN, 55401 United States	Electronic Service		No	22-132Official CC Service List
6	Randall	Doneen	randall.doneen@state.mn.us		Department of Natural Resources	500 Lafayette Rd, PO Box 25 Saint Paul MN, 55155 United States	Electronic Service		No	22-132Official CC Service List
7	Bret	Eknes	bret.eknes@state.mn.us		Public Utilities Commission	Suite 350 121 7th Place East St. Paul MN, 55101-2147 United States	Electronic Service		No	22-132Official CC Service List
8	Kate	Fairman	kate.fairman@state.mn.us		Department of Natural Resources	Box 32 500 Lafayette Rd St. Paul MN, 55155-4032 United States	Electronic Service		No	22-132Official CC Service List
9	Annie	Felix Gerth	annie.felix-gerth@state.mn.us			Board of Water & Soil Resources 520 Lafayette Rd Saint Paul MN, 55155 United States	Electronic Service		No	22-132Official CC Service List
10	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	22-132Official CC Service List
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13	Breann	Jurek	bjurek@fredlaw.com	Fredrikson & Byron PA		60 S Sixth St Ste 1500	Electronic Service		No	22-132Official

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						Minneapolis MN, 55402 United States				CC Service List
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15	Chad	Konickson	chad.konickson@usace.army.mil	U.S.Army Corps of Engineers		332 Minnesota St. Suite E1500 Saint Paul MN, 55101 United States	Electronic Service		No	22- 132Official CC Service List
16	Nicholas	Korn	njkorn@gmail.com			27445 County Road 23 Albany MN, 56307 United States	Electronic Service		No	22- 132Official CC Service List
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18	Dawn S	Marsh	dawn_marsh@fws.gov	U.S. Fish & Wildlife Service		Minnesota- Wisconsin Field Offices 4101 American Blvd E Bloomington MN, 55425 United States	Electronic Service		No	22- 132Official CC Service List
19	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing MN, 55066 United States	Electronic Service		No	22- 132Official CC Service List
20	Stephen	Rakow	stephen.rakow@state.mn.us		Department of Commerce	Suite 280 85 Seventh Place East St. Paul MN, 55101-2198 United States	Electronic Service		No	22- 132Official CC Service List
21	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	22- 132Official CC Service List
22	Stephan	Roos	stephan.roos@state.mn.us		Minnesota Department of Agriculture	625 Robert St N Saint Paul MN, 55155- 2538 United States	Electronic Service		No	22- 132Official CC Service List
23	Christine	Schwartz	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall FL 7 Minneapolis MN, 55401- 1993 United States	Electronic Service		No	22- 132Official CC Service List
24	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	22- 132Official CC Service List
25	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	22- 132Official CC Service List
26	Bria	Shea	bria.e.shea@xcelenergy.com	Xcel Energy		414 Nicollet Mall Minneapolis	Electronic Service		No	22- 132Official CC

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
						MN, 55401 United States				Service List
27	Suzanne	Todnem	suzanne.todnem@state.mn.us		Office of Administrative Hearings	600 Robert Street North PO Box 64620 St. Paul MN, 55164 United States	Electronic Service		Yes	22-132Official CC Service List
28	Jayne	Trusty	execdir@swrdc.org	SWRDC		2401 Broadway Ave #1 Slayton MN, 56172 United States	Electronic Service		No	22-132Official CC Service List
29	Jen	Tyler	tyler.jennifer@epa.gov	US Environmental Protection Agency		Environmental Planning & Evaluation Unit 77 W Jackson Blvd. Mailstop B-19J Chicago IL, 60604-3590 United States	Electronic Service		No	22-132Official CC Service List
30	Garrick	Valverde	garrick.valverde@apexcleanenergy.com	Apex Clean Energy		8665 Hudson Boulevard North Suite 200 Lake Elmo MN, 55042 United States	Electronic Service		No	22-132Official CC Service List
31	Haley	Waller Pitts	hwallerpitts@fredlaw.com	Fredrikson & Byron, P.A.		60 S Sixth St Ste 1500 Minneapolis MN, 55402-4400 United States	Electronic Service		No	22-132Official CC Service List
32	Cynthia	Warzecha	cynthia.warzecha@state.mn.us	Minnesota Department of Natural Resources		500 Lafayette Road Box 25 St. Paul MN, 55155-4040 United States	Electronic Service		No	22-132Official CC Service List
33	Alan	Whipple	sa.property@state.mn.us		Minnesota Department Of Revenue	Property Tax Division 600 N. Robert Street St. Paul MN, 55146-3340 United States	Electronic Service		No	22-132Official CC Service List
34	Jonathan	Wolfgram	jonathan.wolfgram@state.mn.us		Office of Pipeline Safety	445 Minnesota St Ste 147 Woodbury MN, 55125 United States	Electronic Service		No	22-132Official CC Service List