

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 an Inquiry into Actions by
Electric and Natural Gas Utilities in Light of
the COVID-19 Pandemic Emergency

ISSUE DATE: May 26, 2021

DOCKET NO. E, G-999/CI-20-375

ORDER ADOPTING BROAD
TRANSITION PLAN PROPOSAL,
SUSPENDING NEGATIVE
REPORTING, AND ESTABLISHING
NOTICE AND COMMUNICATION
REQUIREMENTS

PROCEDURAL HISTORY

On March 25, 2020, the Commission initiated this docket (the COVID-19 inquiry) by issuing a joint letter with the Department of Commerce (the Department) requesting that utilities take voluntary and immediate actions to protect residential customers for the duration of the COVID-19 peacetime emergency.¹

As part of its efforts to protect consumers during the peacetime emergency resulting from the COVID-19 pandemic utilities were directed to suspend disconnections and negative credit reporting; waive reconnection fees, late fees, interest, and other penalties; and file a transition plan prior to resuming these activities.

On April 14, 2020, the Commission issued a Notice of Reporting, Comment Period, and Procedure with initial reporting requirements for rate-regulated gas and electric utilities and requested further comments on additional data that may be useful to the COVID-19 inquiry.

On June 18, 2020, the Commission updated the monthly reporting requirements for rate-regulated utilities. Beginning with data from January 2020, the eight rate-regulated electric and gas utilities (the utilities) began filing monthly compliance reports.²

¹ On March 13, 2020, Governor Walz issued Emergency Executive Order 20-01, declaring a peacetime emergency to protect Minnesotans from the novel coronavirus disease 2019 (COVID-19) outbreak in the United States that has spread to the State of Minnesota.

² The eight rate-regulated electric and gas utilities are: CenterPoint Energy, Dakota Electric Association, Greater Minnesota Gas, Great Plains Natural Gas Company, Minnesota Energy Resources Corporation, Minnesota Power, Otter Tail Power Company, and Xcel Energy.

On June 23, 2020, the Commission issued a Notice of Reporting Requirements that summarized the updated monthly reporting requirements. A corrected notice was filed on June 26, 2020.

On August 13, 2020, the Commission issued an Order Establishing Peacetime Emergency Requirements and Modifying Reporting Requirements, which directed the utilities to file monthly compliance reports and transition plans.

On August 26, 2020, the Commission issued a Notice of Comment Period asking parties to consider the utilities' July and August reports and whether additional residential customer protections or actions are necessary during the COVID-19 pandemic.

On October 2, 2020, the Commission issued a Notice Requiring Compliance Filing directing the utilities to demonstrate compliance with ordering paragraph 8 of the Commission's August 23 order.³

On February 4, 2021, the Commission met to consider the impact of the pandemic on customers and utilities and temporary measures that would assist in reducing problems related to past due balances or disconnection. The Commission also contemplated how utilities would return to normal collection activities and service disconnection policies. The Commission directed its Executive Secretary to establish a comment period seeking comments on the Transition Plan template proposed by the Consumer Advocates.⁴

On February 12, 2021, a Revised Notice of Comment period was issued. The Commission requested comment on the following:

- Comments on the proposed Transition Plan criteria as follows:
 - notice and outreach to customers in arrears regarding assistance programs, collection activities, payment requirements, and service disconnection;
 - timing of disconnection notices;
 - imposition of service deposits, reconnection fees, down payment requirements, interest charged, penalties and other fees and charges;
 - payment plan terms and duration;
 - arrearage forgiveness plans; and
 - any proposed changes to current affordability and low-income efficiency programs.
- What additional topics or information should be included in utilities' transition plans?

³ Utilities were directed to translate existing COVID-19 materials, including directions on how to enroll in a payment plan, to Spanish and preferably other languages prominent within their service regions, and to post them to their COVID-19 response webpages within 30 days from the date of the Commission's oral decision.

⁴ The Consumer Advocates consist of the Energy CENTS Coalition, Citizens Utility Board of Minnesota, Legal Service Advocacy Project, and Minnesota Community Action Partnership

- Should the Commission set minimum or maximum parameters for aspects of utilities' transition plans, like the duration of payment plans? If so, please recommend parameters the Commission should consider.
- At what time, in relation to the end of the peacetime emergency, should utilities inform customers of their transition plan and by which means of communication?
- Are there other issues or concerns related to this matter?

By March 1, 2021, the Commission received comments on the Commission's February 12 notice from the following:

- the Department of Commerce, Division of Energy Resources (the Department)⁵
- the Office of the Attorney General—Residential Utilities Division (the OAG)
- the Consumer Advocates
- CenterPoint Energy
- Greater Minnesota Gas
- Xcel Energy
- Minnesota Energy Resources Corporation (MERC)
- Minnesota Power
- Otter Tail Power Company
- Dakota Electric Association

On March 8, 2021, the Commission issued an Order Accepting Reports and Requiring Filings, which accepted the utilities' compliance reports in response to the Commission's August 13 order and the Commission's October 2 notice.

By March 15, 2021, the Commission received comments on the Commission's February 12 notice from the following:

- CenterPoint Energy
- Great Plains Natural Gas Company
- Greater Minnesota Gas
- Minnesota Energy Resources Corporation
- Dakota Electric Association
- Xcel Energy
- Minnesota Power
- Otter Tail Power Company

⁵ On March 25, 2021, the Department filed additional comments on disconnection practices.

On March 25, 2021, the Commission issued a Notice of Issue and Procedure which identified the following outstanding issues:

- Timeline to resume disconnections, including who is eligible for disconnections
- Arrearage forgiveness programs
- Payment plan duration
- Resumption of service fee collection
- When does tariff language go back into effect for each of the above four issues?
- For plans not found complete by the Executive Secretary, should the Commission remove the 90-day peacetime emergency that would allow disconnections to resume?

On April 1, 2021, the Commission received transition plans from the following:

- CenterPoint Energy
- Great Plains Natural Gas Company
- Xcel Energy
- Greater Minnesota Gas
- MERC
- Minnesota Power
- Dakota Electric Association
- Otter Tail Power Company

By April 12, 2021, the Commission received comments on the Commission March 25 notice from the following:

- the OAG
- the Consumer Advocates
- CenterPoint Energy
- Great Plains Natural Gas Company
- Greater Minnesota Gas
- Xcel Energy
- MERC
- Minnesota Power
- Otter Tail Power Company
- Dakota Electric Association

On April 15, 2021, the Commission met to consider the matter.

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

The Commission will approve the Consumer Advocates' Transition Plan proposal regarding rate-regulated gas and electric utilities' plans to resume service disconnections and to charge fees to certain customers with overdue balances. The Transition Plan includes a timeline for the resumption of disconnections and fees as well as communication and notices to consumers. The plan also provides for continued waiver for certain fees, charges, and credit reporting until April 30, 2022 for those residential consumers who make and keep payment agreements. Additionally, no fees or other charges shall be imposed on customers who are disconnected and reconnected after defaulting on one payment agreement and who agree to re-establish that agreement. Finally, the plan directs utilities to advise consumers of energy assistance available to help them pay for their utility service.

The Commission will also approve of a measure that will end the practice of negative credit reporting for residential customers.

II. The Consumer Advocates' Proposed Transition Plan Criteria and Timeline

The Consumer Advocates recommended that the Commission adopt a Transition Plan template that includes the following criteria (the six criteria):

- notice and outreach to customers in arrears regarding assistance programs, collection activities, payment requirements, and service disconnection;
- timing of disconnection notices;
- imposition of service deposits, reconnection fees, down payment requirements, interest charged, penalties and other fees and charges;
- payment plan terms and duration;
- arrearage forgiveness plans; and
- any proposed changes to current affordability and low-income efficiency programs.

The Consumer Advocates also recommended that the Commission require utilities to provide a short narrative explaining the following information within their transition plans:

- a description of outreach activities to customers in arrears;
- arrearage forgiveness plans; and
- any proposed changes to current affordability and low-income efficiency programs.

The Consumer Advocates' proposal also included a timeline for transition plan intervals and the resumption of collection activities. The Consumer Advocates proposed to separate the connection between the utility collection and reporting requirements from the Governor's

peacetime emergency. Specifically, the Consumer Advocates recommended that the disconnection suspension end on August 1, 2021.⁶

With regard to the monthly compliance reports required by the August 13, 2020 order, the Consumer Advocates recommended that the Commission require utilities to report on the following additional items through April 30, 2022:

- service deposit charged;
- reconnection fee charged;
- down payment required;
- interest/penalties/fees required;
- number of customers with current payment arrangements;
- average payment arrangement amount requested; and
- average duration of payment arrangement.

The Consumers Advocates explained that these additional, standardized reporting items represent the most important criteria for evaluating utility collection practices and would allow the Commission and stakeholders to track the impact of collection activity resumption on residential customers.

A. Party Comments

The utilities and the Department supported filing transition plans in accordance with the plan criteria, timeline, and reporting information proposed by the Consumer Advocates. The parties also largely concurred on notices, and in particular, on the Department's recommendation that utilities be required to notify customers of all energy assistance programs that may be available to them and how to apply for assistance, including, but not limited to the Low-Income Home Energy Assistance Program (LIHEAP).

While there was consensus on most of the issues raised on the utilities' transition plans, there were some differences over certain aspects of the plans, including disconnection practices and payment plan terms.

B. Commission Action

The Commission has reviewed the Consumer Advocates' proposal and the comments of the parties and finds that the Consumer Advocates' Transition Plan provides for a reasonable and carefully considered path forward for utilities to resume collection activities and service disconnections.

The Commission also recognizes the utilities' need for flexibility and believes each utility should be provided the opportunity to file a transition plan that best recognizes and fits the needs of their customers' individual circumstances.

⁶ August 1, 2021 falls on a Sunday, the parties agreed to a modified date of August 2, 2021.

In approving the Consumer Advocates' proposal, the Commission will require the utilities to file individual plans that include the six criteria set forth in ordering paragraph 1 below.

The Commission will adopt the Consumer Advocates' proposed timeline as follows:

- April 1, 2021, transition plans filing
- May 3, 2021, transition plans completeness findings
- May 3, 2021, initial outreach to customers
- June 1, 2021, utilities resume sending disconnection notices
- August 2, 2021, utilities resume service disconnections

III. Service Fees

The Consumer Advocates and utilities supported the disallowance of service fees for customers who enter into, or are complying with, a payment agreement. The parties further agreed that fees and other charges shall not be imposed on customers who are disconnected and reconnected after defaulting on one payment agreement and who agree to re-establish that agreement.

The Commission agrees that the Consumer Advocates' proposal appropriately balances the need to provide customers who have been impacted by the economic downturn with an opportunity to become current on their utility bills with the need to ensure that customers make reasonable payments in circumstances where they are able to do so.

Further, the Commission will disallow the imposition of any service deposits, down payments, interest, late payment charges, or (business hour) reconnection fees through April 30, 2022 for customers who enter, or are complying with, a payment agreement. No fees or other charges shall be imposed on customers who are disconnected and reconnected after defaulting on one payment agreement and who agree to re-establish that agreement.

IV. Negative Credit Reporting

The Consumer Advocates recommended that the Commission suspend negative reporting to credit agencies for residential customers through April 30, 2022. The utilities noted that they either did not file negative credit reports or only did so in limited circumstances. The parties unanimously supported disallowing negative reporting to credit agencies for residential customers.

The Commission concurs with the parties and will require utilities to disallow negative reporting to credit agencies for residential customers.

V. Disconnections

The Department recommended that the Commission prohibit disconnections for customers with past due balances *who have applied* or have been deemed eligible for assistance from LIHEAP/Energy Assistance Program (EAP). At the Commission meeting, the parties agreed to limit disconnection of customers who either have a pending application (rather than having simply applied) or have been deemed eligible for LIHEAP/EAP.

The Commission concurs with the parties and will prohibit disconnections of customers with past due balances who have a pending application or have been deemed eligible for LIHEAP/EAP assistance through April 30, 2022.

In CenterPoint Energy’s transition plan, the company proposed threshold amounts for service disconnections, as shown in the table below.

Residential Customer Disconnection Thresholds				
Phase	Month	\$ Threshold	Number of Accounts to Be Processed for Disconnections	Remaining Number of Accounts to Be Processed
1	August	>\$500	11,228	54,238
2	September	>\$275	11,831	42,407
3	October	>\$175	11,071	31,336
4	November	>\$125	10,573	20,763
5	December	>\$90	9,949	10,814
6	January	>\$50	10,814	-

The Commission agrees with the Consumer Advocate’s position that CenterPoint Energy’s proposed service disconnection thresholds are unreasonable. The Commission will require CenterPoint Energy to maintain its service disconnection threshold of \$500 through August 2021. The Commission will also require CenterPoint Energy to increase the service disconnection threshold to \$350 in September 2021, and to increase the service disconnection threshold to \$200 for the months October 2021 through April 2022. These thresholds will better balance the goal of protecting ratepayers from disconnection with CenterPoint Energy’s need to recover its costs.

VI. Payment Plans

The Department and the OAG recommend that utilities be required to offer payment plans that are at least 12 months in duration, or at a minimum, offer customers the option of entering into a payment plan that is at least 12 months in duration. They asserted that longer payment plans would better protect customers from disconnection and establish predictability for customers with large past due balances.

The utilities supported the Consumer Advocates’ recommendation that the Commission not establish explicit parameters for payment plans. The Consumer Advocates explained that payment arrangements are made based on individual customer circumstances and that companies willingly modify those plans if customer circumstances change.

The Commission agrees with the Consumer Advocates and the utilities that payment arrangements should be specific and responsive to individual customer situations and that there is no need for setting specific parameters in a transition plan.

VII. Notice and Communication

The utilities supported the Department's recommendation that the Commission direct utilities to notify customers of all energy assistance programs that may be available to them and how to apply for assistance, and that the Commission direct utilities to translate notices into other languages predominant in their communities such as Spanish, Somali, or Hmong.

The Commission will issue a press release in consultation with the Department aimed at informing customers of the transition plans, resumption of collection activities, and the availability of energy assistance and low-income programs.

VIII. Completeness

To facilitate a smooth transition between the utilities and their customers and to allow the utilities to provide notice to their customers as soon as possible, the Commission finds the utilities' transition plans complete, subject to additional information and review by Commission staff as set forth below. This will help ensure clear, timely, and effective communication between the utilities and their customers as the utilities return to collection activities and service disconnections.

ORDER

1. The Commission adopts as modified the Consumer Advocates' Transition Plan proposal, which includes the following:
 - a. Require utilities to file a transition plan including the following six criteria:
 - i. notice and outreach to customers in arrears regarding assistance programs, collection activities, payment requirements, and service disconnection;
 - ii. timing of disconnection notices;
 - iii. imposition of service deposits, reconnection fees, down payment requirements, interest charged, penalties and other fees and charges;
 - iv. payment plan terms and duration;
 - v. arrearage forgiveness plans; and
 - vi. any proposed changes to current affordability and low-income efficiency programs.
 - b. Require utilities to add a "Tab 5" to the current monthly Residential Customer Status Reports for the duration of the transition period (April 30, 2022). Require the following information in the following format in monthly transition plan reports:

- i. Service Deposit Charged Y/Amount N
 - ii. Reconnection Fee Charged Y/Amount N
 - iii. Down Payment Required Y/Amount N
 - iv. Interest/penalties/fees required Y/Amount N
 - v. Number of customers with current payment arrangements
 - vi. Average payment arrangement amount \$ amount requested
 - vii. Average duration of payment arrangement (months)
 - c. Require utility companies, on a one-time basis, and in narrative form, to provide the following additional information in their transition plans:
 - i. a description of outreach activities to customers in arrears;
 - ii. arrearage forgiveness plans; and
 - iii. any proposed changes to current affordability and low-income efficiency programs.
2. The Commission disallows the imposition of any service deposits, down payments, interest, late payment charges, or (business hour) reconnection fees through April 30, 2022, for customers who enter, or are complying with, a payment agreement. No fees or other charges shall be imposed on customers who are disconnected and reconnected after defaulting on one payment agreement and who agree to re-establish that agreement.
 3. Utilities must suspend negative reporting to credit agencies for residential customers.
 4. The Commission adopts the Consumer Advocates' proposed transition timeline:
 - a) April 1, 2021 transition plans filing date
 - b) May 3, 2021 transition plans completeness findings
 - c) May 3, 2021 initial outreach to customers
 - d) June 1, 2021 Companies resume sending disconnection notices
 - e) August 2, 2021 Companies resume service disconnections.
 5. The Commission prohibits disconnections of customers with past due balances who have a pending application or have been deemed eligible for LIHEAP/EAP assistance for the duration of the transition period (April 30, 2022).
 6. The utilities should provide their Notices translated into other languages predominant in their communities such as Spanish, Somali, or Hmong.
 7. Utilities shall notify customers of available energy assistance programs and how to apply for assistance, including, but not limited to the Low-Income Home Energy Assistance Program (LIHEAP).
 8. The Commission modifies ordering paragraph 6 of its March 8, 2021 order as follows:

Utilities that have filed a transition plan may resume collection activity and service disconnections upon an Executive Secretary finding of transition plan completeness.
 9. The Commission delegates authority to the Executive Secretary to issue notices setting schedules for any follow up filings required as a part of this order.

10. The Commission determines that, in the absence of notification by Commission staff of issues with a utility's transition plan on or before April 23, 2021, the transition plans of Dakota Electric Association, Greater Minnesota Gas, Great Plains Natural Gas Company, Minnesota Power, Otter Tail Power Company, and Xcel Energy are deemed complete on April 23, 2021. CenterPoint Energy and Minnesota Energy Resources Corporation shall file amended transition plans, consistent with the Commission's April 15, 2021 decisions, by April 23, 2021, and will be deemed complete upon review by the Executive Secretary.
11. CenterPoint Energy must maintain the service disconnection threshold of \$500 for August 2021, increase the service disconnection threshold to \$350 in September 2021, and increase the service disconnection threshold to \$200 for the months October 2021 through the duration of the transition period (April 30, 2022).
12. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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CERTIFICATE OF SERVICE

I, Chrishna Beard, 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 ADOPTING BROAD TRANSITION PLAN PROPOSAL, SUSPENDING
NEGATIVE REPORTING, AND ESTABLISHING NOTICE AND
COMMUNICATION REQUIREMENTS**

Docket Number **E, G-999/CI-20-375**

Dated this 26th day of May, 2021

/s/ Chrishna Beard

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kristine	Anderson	kanderson@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Lane PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-375_Official Service List
Gabriel	Chan	gabechan@umn.edu	University of Minnesota	130 Hubert H. Humphrey Center 301 19th Ave S Minneapolis, Minnesota 55455	Electronic Service	No	OFF_SL_20-375_Official Service List
Christopher	Clark	Christopher.B.Clark@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
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_20-375_Official Service List
Hillary	Creurer	hcreurer@allete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_20-375_Official Service List
Bridget	Dockter	Bridget.Dockter@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-375_Official Service List
Theodore T.	Eidukas	Theodore.Eidukas@wecenergygroup.com	MERC	N/A	Electronic Service	No	OFF_SL_20-375_Official Service List
Ron	Elwood	relwood@mnlisap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_20-375_Official Service List
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_20-375_Official Service List
Bill	Grant	billgrant@minncap.org	Minnesota Community Action Partnership	MCIT Building 100 Empire Dr Ste 202 St. Paul, MN 55103	Electronic Service	No	OFF_SL_20-375_Official Service List
Carly	Haiby	chaiby@otpc.com	Otter Tail Power Company	215 S Cascade St Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-375_Official Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Meghan K	Hassett	mhassett@ucsusa.org	Union of Concerned Scientists	1 N Lasalle Ave CHICAGO, IL 60602	Electronic Service	No	OFF_SL_20-375_Official Service List
Travis	Jacobson	travis.jacobson@mdu.com	Great Plains Natural Gas Company	400 N 4th St Bismarck, ND 58501	Electronic Service	No	OFF_SL_20-375_Official Service List
Jack	Kegel	jkegel@mmua.org	MMUA	3025 Harbor Lane N Suite 400 Plymouth, MN 55447-5142	Electronic Service	No	OFF_SL_20-375_Official Service List
Collin	Kremeier	ckremeier@otpc.com	Otter Tail Power Company	PO Box 496 Fergus Falls, MN 56538-0496	Electronic Service	No	OFF_SL_20-375_Official Service List
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-375_Official Service List
Amber	Lee	Amber.Lee@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-375_Official Service List
Annie	Levenson Falk	annielf@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-375_Official Service List
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-375_Official Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Maria	McCoy	maria@ilsr.org	Institute for Local Self-Reliance	2720 E 22nd St. Minneapolis, MN 55406	Electronic Service	No	OFF_SL_20-375_Official Service List
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_20-375_Official Service List
Gregory C.	Miller	gmiller@dakotaelectric.com	Dakota Electric Association	4300 220th Street West Farmington, MN 55024	Electronic Service	No	OFF_SL_20-375_Official Service List
Darrick	Moe	darrick@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_20-375_Official Service List
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-375_Official Service List
Audrey	Partridge	apartridge@mncee.org	Center for Energy and Environment	212 3rd Ave. N. Suite 560 Minneapolis, Minnesota 55401	Electronic Service	No	OFF_SL_20-375_Official Service List
Ben	Passer	Passer@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_20-375_Official Service List
Joyce	Peppin	joyce@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_20-375_Official Service List
Jennifer	Peterson	jjpeterson@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-375_Official Service List
Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND	81 E Little Canada Road St. Paul, Minnesota 55117	Electronic Service	No	OFF_SL_20-375_Official Service List

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_20-375_Official Service List
Delaney	Russell	mdelaneyrussell@gmail.com	Just Solar Coalition	4407 E Lake Street Minneapolis, MN 55407	Electronic Service	No	OFF_SL_20-375_Official Service List
Garret	Senger	garret.senger@mdu.com	Great Plains Natural Gas Company	705 West Fir Ave PO Box 176 Fergus Falls, MN 56538-0176	Electronic Service	No	OFF_SL_20-375_Official Service List
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_20-375_Official Service List
Richard	Stasik	richard.stasik@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St - P321 Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-375_Official Service List
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-375_Official Service List
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-375_Official Service List
Laurie	Williams	laurie.williams@sierraclub.org	Sierra Club	Environmental Law Program 1536 Wynkoop St Ste 200 Denver, CO 80202	Electronic Service	No	OFF_SL_20-375_Official Service List