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September 3, 2024



Mr. Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East  
Suite 350  
St. Paul, MN 55101-2147

**RE: In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities  
Docket No. E017/CI-24-200  
Initial Comments**

Dear Mr. Seuffert:

Otter Tail Power Company (Otter Tail) hereby submits to the Minnesota Public Utilities Commission (Commission) its Initial Comments in the above-referenced matter.

We have electronically filed this document with the Commission and copies have been served on all parties on the attached service list. A Certificate of Service is also enclosed.

Please contact me at 218-739-8227 or [canderson@otpc.com](mailto:canderson@otpc.com) if you have any questions regarding this filing.

Sincerely,

*/s/ CODY ANDERSON*  
Cody Anderson  
Transmission & Distribution Studies Engineer

lcd  
Enclosures  
By electronic filing  
c: Service List

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of Impacts of the  
“Capacity” Definition in Minn.  
Stat. § 216B.164 and Associated  
Rules on Net Metering Eligibility  
for Rate-Regulated Utilities**

**Docket No. E017/CI-24-200**

**INITIAL COMMENTS**

**I. INTRODUCTION**

Otter Tail Power Company (Otter Tail) respectfully submits these comments and note that we are in full support of the Dakota Electric Association’s (DEA) position in the above-entitled matters related to determining the capacity of a facility as it relates to net metered rate eligibility.

Otter Tail appreciates the opportunity to respond to the Commission’s Notice of Comment Period issued June 4, 2024 in this matter. Otter Tail notes that while preparing these comments, we participated in an *ad hoc* workgroup made up of Xcel Energy, Minnesota Power, DEA, Minnesota Rural Electric Association (MREA), Minnesota Solar Energy Industries Association (MnSEIA), and various distributed energy installers in an effort to better understand the issue and present the Commission with the most complete record possible to reach an informed policy decision. During the group discussions, MnSEIA became focused on battery energy storage system (BESS) exports and at one point there appeared to be consensus over treatment of non-exporting BESS and their relationship to capacity as it pertains to net metering compensation.

While the group attempted to come to a consensus, Otter Tail would like to make it clear to the Commission that batteries, or BESS, and their exports have not been a part of this Docket previously and are not topical to this Commission Notice. Should the Commission wish to take up the BESS issue, Otter Tail suggests there should be a separate group discussion, perhaps at the Distributed Generation Work Group (DGWG), regarding BESS as they relate to qualifying for certain rate eligibility – including net metering qualifications.

In the initial meetings, the *ad hoc* workgroup also appeared to find some mutual agreement on inverter configuration settings for limiting active power output to a lower value than the distributed energy resource(s) (DER) nameplate rating. Despite having a number of productive discussions early on, ultimately the renewable developers and utility engineers were unable to reach full agreement.

It is Otter Tail’s position that the Point of DER Connection (PoC) / Point of DER Interconnection (POI) should be used as the point where DER system capacity is measured for the purposes of rate designation rather than the Point of Common Coupling (PCC).

## II. OTTER TAIL RESPONSES

Otter Tail believes it is pertinent that the MN rate-regulated utilities are in alignment and there is consensus on where and how to apply “capacity” as it relates to qualifications for certain rates or financial incentives both to protect the safety and reliability of the grid, and to also protect the customers that we serve.

Otter Tail wishes to respond to the Commission’s first two questions, together, as listed below:

1. *What should the Commission consider regarding the definition of “capacity” as it relates to reliability and net metering rate eligibility?*
2. *How should the Commission consider the “capacity” definition in Minnesota Statute 216B.164 and associated rules on net metering eligibility for rate-regulated utilities?*

There was significant discussion and argument in the original dispute proceeding<sup>1</sup> regarding the appropriate point to measure capacity for the purpose of determining net metering eligibility. These arguments centered largely on two locations, the point of common coupling (PCC) and the point of DER connection (PoC) (also frequently referred to as the point of DER interconnection (POI) but for simplicity’s sake we refer to this as the PoC/POI throughout).<sup>2</sup> As such, it is relevant to establish a firm understanding of the difference between the PoC/POI and the PCC and how they are seen in the interconnection process and in the determination of net metering eligibility. Both of the terms are defined in the Minnesota Technical Interconnection and Interoperability Requirements (MN TIIR):

**Point of DER Connection (PoC)** – When identified as the Reference Point of Applicability, the point where an individual DER is electrically connected in a Local EPS and meets the requirements of this standard exclusive of any load present in the respective part of the Local EPS (e.g. terminals

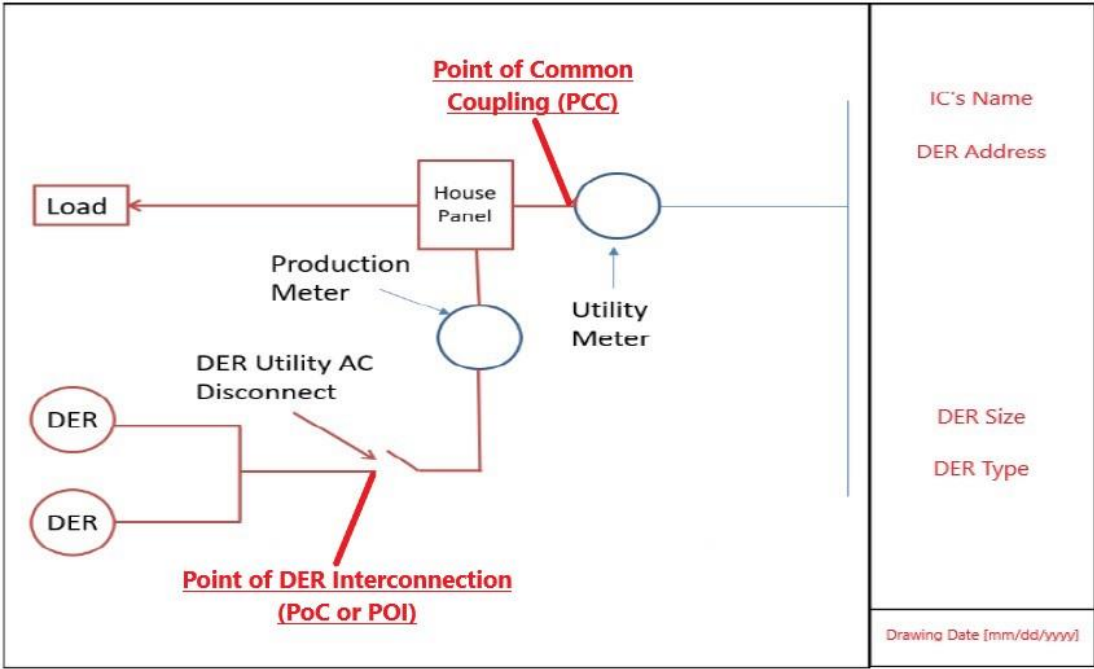
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<sup>1</sup> Docket Nos. E-999/CI-01-1023 and E-999/CI-16-521.

<sup>2</sup> It is also be important to note that Point of DER Interconnection (POI) and Point of DER Connection (PoC) have widely been accepted for many years across the engineering field to be synonymous and interchangeable terms which are pointing to the same location directly after the inverter(s) on the Alternating Current (AC) side.

of the inverter when no supplemental DER device is required.) For DER Unit(s) that are not self-sufficient to meet the requirements without (a) supplemental DER device(s), the point of DER connection is the point where the requirements of this standard are met by DER in conjunction with (a) supplemental DER device(s) exclusive of any load present in the respective part of the Local EPS.

**Point of Common Coupling (PCC)** – The point where the Interconnection Facilities connect with the Area EPS Operator’s Distribution System. See figure 1. Equivalent, in most cases, to “service point” as specified by the Area EPS Operator and described in the National Electrical Code and the National Electrical Safety Code.<sup>3</sup> In simple terms, the PoC/POI is the location where the DER is *physically* interconnected with the local wiring of a customer’s electrical system. At this point, the capacity of the system is exclusive of (does not include) any load. The PCC is the location where the local electrical system *meets* the utility’s electrical power system (inclusive of load). A sample one-line diagram from Otter Tail’s Technical Specifications Manual (TSM) has been labeled with the locations of the PoC/POI and PCC for reference.



<sup>3</sup> MN Technical Interconnection & Interoperability Requirements (MN TIIR) page 17 – Definitions.

Another crucial term in the proper interoperability of a DER is the Reference Point of Applicability (RPA). It is defined in the MN-DIP as:

**Reference Point of Applicability** – The location, either the Point of Common Coupling or the Point of DER Connection, where the interconnection and interoperability performance requirements specified in IEEE 1547 apply. With mutual agreement, the Area EPS Operator and Customer may determine a point between the Point of Common Coupling and Point of DER Connection. See Minnesota DER Technical Interconnection and Interoperability Requirements for more information.<sup>4</sup>

In simple terms, the RPA is the location where the performance and operation requirements for a DER shall apply and are tested. Given the importance of this point, IEEE provides additional clarification and a technical explanation on whether the PoC/POI or the PCC shall be used as the location for the RPA. The IEEE 1547 standard directs in section 4.2 that when the aggregate DER nameplate rating is equal to **or less than 500kVA**, or where there is an annual average load that is greater than 10 percent of the DER's aggregate nameplate rating, *the RPA shall be determined as the Point of DER Connection (PoC/POI)*. The small-scale DER interconnections, below 40kW capacity, likely at issue in this investigation will fall below the 500kVA requirement, meaning that the PoC/POI shall be used as the location at which the DER shall meet the interoperability requirements. MnSEIA's export capacity interpretation is also irrelevant when looking at the local load provision because it would not make financial sense for a customer to install a 500kVA or greater nameplate DER system with the intent to limit export to 40kW for the purpose of achieving net metering compensation at the average retail utility rate.

The fundamental question presented in this proceeding is simple and straight forward, namely: What is the capacity of a distributed generation (DG) facility when applied to determine eligibility for net metered compensation at the average retail utility rate? The answer to that question is equally simple and straight forward: It is the facility's **production capability**, alternating current (AC), at the Point of DER Interconnection (PoC or POI). The AC production capability for inverter-based DER is, and has always been, determined by the nameplate rating of the facility's inverter(s), the devices used to convert the Direct Current (DC) input into usable 60 Hz Alternating Current (AC) output – hence the term “nameplate capacity.”

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<sup>4</sup> MN DER Interconnection Process (MN DIP) page 5 – Glossary of Terms.

The Commission indicated that nameplate capacity was the appropriate metric to use when determining the capacity of DER in its August 13, 2018 Order establishing updated guidelines for the *Minnesota Distributed Energy Resources Interconnection Process* (MN-DIP). In that Order, the Commission stated:

The MN DIP defines capacity consistent with the federal small Generator Interconnection Procedures. Generally, a DER's capacity is ***equivalent to its "nameplate rating."*** However, the ***nameplate capacity may, with the utility's agreement, be limited "through use of a control system,*** power relay(s), or other similar device settings or adjustments." In such situations, a DER's capacity is the maximum AC capacity that the DER is "capable of injecting into the Area EPS Operator's [utility's] electric system over a sustained time which may be limited."<sup>5</sup>

Clearly, the Commission has already tied the determination of a DER's capacity to the facility's nameplate rating, not the export to the grid as suggested by MnSEIA. The Commission's 2018 Order left room to consider a DER's export based on the use of control systems, but only "with the utility's agreement." Therefore, MnSEIA's interpretation conflicts with Commission precedent and is not an appropriate basis for defining capacity as applied to net metering, or any other purpose for that matter, absent a change in statute.

It is also important that the Commission examine the definition of "capacity" as applied to the net metering eligibility provision in Minn. Stat. § 216B.164, subd. 3(d) in the context of the overall statute. This contextual analysis includes the statutory definition of capacity and provisions for net metering eligibility; the Commission's rules implementing Minn. Stat. § 216B.164 in Minnesota Rules Chapter 7835, including the definitions of capacity and point of common coupling (PCC) adopted by the Commission in 2015 following a 23-month formal rulemaking proceeding; and the Commission's prior proceedings and understanding of capacity in the context of net metering. When the relevant Statutes, Rules, and the Commission's rulemaking proceeding are reviewed in their entire context, these considerations all support OTP's position. Thus, the Commission should reject MnSEIA's suggested definition of capacity, for purposes of net metering eligibility. Instead, this analysis supports evaluating capacity based on the nameplate capacity of generation.

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<sup>5</sup> *Order Establishing Updated Interconnection Process and Standard Interconnection Agreement*, Docket Nos. E-999/CI-01-1023 and E-999/CI-16-521 (August 13, 2018), p. 7. (Emphasis added).

Minn. Stat. § 216B.164, subd. 2a(c) defines “capacity” as:

[T]he number of megawatts alternating current (AC) at the point of interconnection between a distributed generation facility and a utility’s electric system.<sup>6</sup>

A plain reading of this definition supports the interpretation that a facility’s “capacity,” for purposes of net metering, is the facility’s AC output, **not its export to the grid**. While “point of interconnection” is not specifically defined in the statute, that term is commonly understood in the industry, as discussed earlier in these comments, to be the output of the generating device(s), equivalent to the Point of DER Connection (PoC), and is **exclusive** of any offset from customer load. That understanding comports with the remainder of the statutory definition of capacity, which refers to interconnection between the utility’s system and “distributed generation,” which is defined as the facility that generates electricity. The Statute is clear that it is the facility’s output where connected, not its export to the grid, that determines its capacity for net metering. Importantly, Minn. Stat. §216B.164 does not refer to the amount “exported” to the grid as the capacity of the facility nor does it use the term “point of common coupling (PCC)” in order to define “capacity.”

This interpretation is also supported by the context of Minn. Stat. §216B.164 subd. 3(d), which makes the net metering rate (*i.e.*, retail rate) available to the net input into the utility system by a qualifying facility having less than 40-kilowatt capacity. The Statute contemplates net metered compensation for net input, but only if that net input comes from a facility having less than 40-kilowatt capacity. This provision clearly is not intended to define capacity as the “net export” to the grid.

As discussed above, the industry and industry standards, apart from specific and discreet circumstances, have always recognized the capacity of a DER system at the DER system’s output, prior to the incorporation of electrical load, in accordance with section 4.2 in the IEEE 1547 standard.<sup>7</sup> IEEE 1547 is the technical standard Minnesota has adopted for the safe and reliable interconnection of DER systems. MnSEIA has not offered any basis to reconcile its interpretation of capacity as net export with the definition of point of common coupling contained in Minn. R. 7835.0100, subp. 17a or the standards set forth in IEEE 1547. Instead, MnSEIA references its own definition of

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<sup>6</sup> Minn. Stat. §216B.164, subd. 2a(c).

<sup>7</sup> IEEE Standard for Interconnection and Interoperability of Distributed Energy Resources with Associated Electric Power Systems Interfaces, IEEE Std 1547-2018.

point of common coupling as “the point the main/bi-directional meter is located,”<sup>8</sup> without reference to the duly promulgated rule or associated Commission decisions that incorporate energy production.

It is not clear how MnSEIA’s interpretation of capacity (as export capacity could be reasonably applied, as the capacity of a facility would vary over time with changes in customer load. With the uncertainty of load, there is no meaningful measure, or standard, for whether the facility meets the requirement of having less than 40-kW capacity. One can imagine that on a large enough scale, the unknown factor of all customer load could cause reliability issues for the Area Electric Power System (Area EPS) due to the unreliable nature of all customer onsite load, since load can be added or taken away in a moment without any requirement to inform the Utility. The legislature intends the entire statute to be effective and certain. MnSEIA’s proposed interpretation, however, would insert substantial uncertainty in determining whether a particular facility is entitled to the average retail utility rate and what the implications are if the facility’s actual exports are in excess of the 40 kWac limit.

If the Commission determines that DER capacity for purposes of net metering should be established based on export at the point the main/bidirectional meter is located, Otter Tail notes that this opens a significant number of practical administrative considerations. First, as discussed earlier in this section, how will a utility reliably be able to administer a system when the export capacity could be greater than 40kW? Historically, using the nameplate value gives the utility, and DER operator a **fixed** value that physically cannot be exceeded. From a compensation and tariff rate perspective, there is no question that the compensation and economics will remain fixed (apart from yearly adjustments to the average retail rate); namely, there is no risk that the facility will see a significant change in rate compensation. Second, the Commission would need to establish a process to deal with a DER system that goes above the export limit of 40kW because this would appear to be a breach of the Uniform Statewide Contract and net metering capacity of 40kW. Specifically, the Commission would need to set thresholds for what would be considered “significant excess export” and whether this means removal from net metering rate eligibility is permanent, temporary, or something else.

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<sup>8</sup> *In the Matter of Updating the Generic Standards for Interconnection and Operation of Distributed Generation Facilities Established Under Minn. Stat. §216B.1611*, Docket Nos. E-111/M-18-711, E-999/CI-16-521, MnSEIA Initial Comments at 2 (Jan. 12, 2024). Instead of relying in the applicable definition contained in Minn. R. 7835.0100, subp. 17a, MnSEIA references to the definition in the Minnesota Technical Interconnection and Interoperability Requirements (TIIR). Notably, TIIR does not adopt the same definition of “point of common coupling” as Minnesota Rules Chapter 7835, which implement Minn. Stat. §216B.164.



### III. CONCLUSION

MNSEIA's position is wrong: a solar facility's eligibility for retail rate compensation is not based on the amount of energy exported to the grid. Rather, the nameplate rating of the facility's inverters is the only appropriate measure. MnSEIA's position conflicts with (1) the plain language of the applicable statute; (2) the purpose of the statute; and (3) both long-standing industry practice and Commission precedent.

Consistent with the Commission's MN-DIP Order described above, all of Minnesota's utilities use nameplate capacity as the metric for determining the capacity of DER resources. Nameplate rating is the well-established metric for determining a distribution facility's capacity in Minnesota and elsewhere.<sup>9</sup> Changing this metric at this time would insert significant uncertainty and make reliability planning exceptionally difficult. Therefore, adopting MnSEIA's position would conflict with both Commission precedent and long-standing, widespread industry practice.

Dated: September 3, 2024

Respectfully submitted,

**OTTER TAIL POWER COMPANY**

By: /s/ CODY ANDERSON

Cody Anderson

Transmission & Distribution Studies Engineer

Otter Tail Power Company

215 S. Cascade Street

Fergus Falls, MN 56537

(218) 739-8227

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<sup>9</sup> Attachment 1 includes an Affidavit of Cody Anderson that supports this statement.

**STATE OF MINNESOTA  
BEFORE THE  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of Impacts of the “Capacity”  
Definition in Minn. Stat. § 216B.164  
and Associated Rules on Net Metering  
Eligibility for Rate-Regulated Utilities**

**Docket No. E017/CI-24-200**

**Affidavit of Cody Anderson**

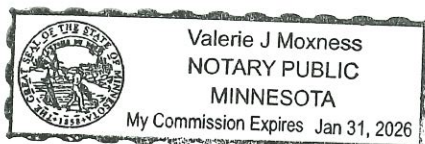
I, the undersigned, being first duly sworn, on oath depose and say the following:

1. I am the Transmission & Distribution Studies Engineer for Otter Tail Power Company (OTP or the Company), the applicant herein;
2. I have read the Company’s Initial Comments, and I believe all the statements therein to be true and correct;
3. I have been duly authorized by OTP to submit Initial Comments on behalf of the Company.
4. Otter Tail, for inverter-based DER systems, has always used the inverter(s) nameplate rating to determine the “capacity” of the DER system. This is equivalent to the Point of DER Connection / Interconnection (PoC or POI) outlined in our Initial Comment filing. The inverter(s) nameplate rating comports with industry standards that define solar DG capacity based on Production or Production Capability, **not** Export to the grid. Export is not a recognized or appropriate basis for determining DG solar facilities capacity due to the intermittency (e.g., weekday, weekend, summer, winter) & variability (e.g., adding customer equipment or taking away from customer load) of customer load.

  
\_\_\_\_\_  
Cody Anderson

Subscribed and sworn before me, this 3<sup>rd</sup> day of September 2024.

  
\_\_\_\_\_  
Notary Public



## CERTIFICATE OF SERVICE

**RE: In the Matter of Impacts of the “Capacity” Definition in Minn. Stat. § 216B.164 and Associated Rules on Net Metering Eligibility for Rate-Regulated Utilities  
Docket No. E017/CI-24-200**

I, Laura Dewey, hereby certify that I have this day served a copy of the following, or a summary thereof, on Will Seuffert and Sharon Ferguson by e-filing, and to all other persons on the attached service list by electronic service or by First Class Mail.

**Otter Tail Power Company  
Initial Comments**

Dated this **3<sup>rd</sup>** day of **September, 2024**.

/s/ LAURA DEWEY  
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Christine	Fox	cfox@itasca-mantrap.com	Itasca-Mantrap Coop. Electric Assn.	PO Box 192  Park Rapids, MN 56470	Electronic Service	No	OFF_SL_24-200_Official
Kornbaum	Frank	fkornbaum@mnpower.com		N/A	Electronic Service	No	OFF_SL_24-200_Official
Nathan	Franzen	nathan@nationalgridrenewables.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd  Ste 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_24-200_Official
David	Freestate	dfreestate@epri.com	EPRI	942 Corridor Park Blvd  Knoxville, TN 37932	Electronic Service	No	OFF_SL_24-200_Official
Katelyn	Frye	kfrye@mnpower.com	Minnesota Power	30 W Superior St  Duluth, MN 558022093	Electronic Service	No	OFF_SL_24-200_Official
Hal	Galvin	halgalvin@comcast.net	Provectus Energy Development llc	1936 Kenwood Parkway  Minneapolis, MN 55405	Electronic Service	No	OFF_SL_24-200_Official
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St  Saint Paul, MN 55102	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Cody	Gustafson	cgustafson@mnpower.com		N/A	Electronic Service	No	OFF_SL_24-200_Official
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Natalie	Haberman	townsend@fresh- energy.org	Fresh Energy	408 St Peter St # 350 St. Paul, MN 55102	Electronic Service	No	OFF_SL_24-200_Official
James	Haler	jhaler@southcentralelectric .com	South Central Electric Association	71176 Tiell Dr P. O. Box 150 St. James, MN 56081	Electronic Service	No	OFF_SL_24-200_Official
Donald	Hanson	dfhanson@ieee.org	Solar Photovoltaic Systems	P. O. Box 44579 Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_24-200_Official
John	Harlander	john.c.harlander@xcelener gy.com	Xcel Energy	N/A	Electronic Service	No	OFF_SL_24-200_Official
Adam	Heinen	aheinen@dakotaelectric.co m	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Alex	Nelson	ANelson@dakotaelectric.com	Dakota Electric Association	4300 220nd St  Farmington, MN 55024	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Timothy	O'Leary	toleary@llec.coop	Lyon-Lincoln Electric Cooperative, Inc	P.O. Box 639  Tyler, MN 561780639	Electronic Service	No	OFF_SL_24-200_Official
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Russell	Olson	rolson@hcpd.com	Heartland Consumers Power District	PO Box 248  Madison, SD 570420248	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Crystal	Pomerleau	crystal.r.pomerleau@xcelenergy.com	Xcel	N/A	Electronic Service	No	OFF_SL_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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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_24-200_Official
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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