

Staff Briefing Papers

Meeting Date July 24, 2025

Agenda Item 1**

Company Minnesota Valley Cooperative Light and Power Association

Docket No. E123/C-25-219

In the Matter of a Formal Complaint by the Upper Sioux Community Against Minnesota Valley Cooperative Light & Power Assn

Issues Should the Commission investigate the Formal Complaint by the Upper Sioux Community Against Minnesota Valley Cooperative Light and Power Association?

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✓ **Relevant Documents**

Date

Initial Filing and Notice of Comment

Initial Filing and Notice of Appearance, Upper Sioux Community	May 1, 2025
Compliance Filing, Notice of Appearance, Initial Filing, Upper Sioux Community	May 6, 2025
Ex Parte Communication, Upper Sioux and MN Public Utilities Commission	May 14, 2025

Initial Comments

Department of Commerce—Division of Energy Resources	June 6, 2025
Public Comment, Bruno Zagar	June 6, 2025
Wolf River Electric	June 9, 2025
Tribal Energy Alternatives	June 9, 2025
White Earth Tribal Utility Commission	June 9, 2025
Alliance for Tribal Clean Energy	June 10, 2025

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

**Relevant Documents**

Midwest Tribal Energy Resources Association, Inc.

Date

June 10, 2025

Minnesota Valley Cooperative Light & Power Association

June 18, 2025

Reply Comments

CURE

June 18, 2025

Minnesota Solar Energy Industries Association

June 25, 2025

Tribal Energy Alternatives

June 25, 2025

Fond Du Lac Tribal Utility Corporation

June 25, 2025

Ex Parte, PUC and Upper Sioux Community

July 10, 2025

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ISSUES

1. Does the Commission have jurisdiction over the subject matter of the complaint?
2. Are there reasonable grounds for the Commission to investigate these allegations?
3. Is it in the public interest for the Commission to investigate these allegations?
4. If the Commission chooses to investigate the complaint, what procedures should be used to do so?

PARTIES

- Alliance for Tribal Clean Energy
- Bruno Zagar (Public Comment)
- CURE
- Department of Commerce – Division of Energy Resources (“the Department”)
- Fond Du Lac Tribal Utility Corporation
- Midwest Tribal Energy Resources Association, Inc. (“MTERA”)
- Minnesota Solar Energy Industries Association (“MnSEIA”)
- Minnesota Valley Cooperative Light & Power Association (“MN Valley” or “the Cooperative”)
- Tribal Energy Alternatives
- Upper Sioux Community (“Community” or “Tribe”)
- White Earth Tribal Utility Commission (“White Earth TUC”)
- Wolf River Electric

BACKGROUND

On May 1, 2025, the Upper Sioux Community (the “Community” or “Tribe”) filed a formal complaint against Minnesota Valley Cooperative Light & Power Association (“MN Valley” or “the Cooperative”). The Community is a federally recognized Indian Nation and is a distinct, independent political entity that retains sovereign authority. The complaint concerns the Community’s attempt to construct and operate a 2.5-megawatt solar generation facility to partially power its casino and other activities within the Community’s reservation. The complaint states that Minnesota Valley alleged construction of the solar generation facility is prohibited by the federal Public Utility Regulatory Policies Act (“PURPA”),¹ Minnesota’s Cogeneration and Small Power Production law (Minn Stat. § 216B.164),² and the Cooperative board’s policy, as the solar generation facility has a capacity of more than 40 kilowatts. The Community disagreed with this interpretation, arguing that its status as a sovereign nation, and the facility’s system design as a behind-the-meter facility (rather than a distributed generation facility, which would have the opportunity to sell power to other customers, and would be covered by PURPA or Minn Stat. § 216B.164), made the construction allowable.

¹ <https://www.ferc.gov/qf>

² <https://www.revisor.mn.gov/statutes/cite/216B.164>

After alleging that the Community had proceeded with further preparation and/or construction of the solar facility before completing an Interconnection Study and executing an Interconnection Agreement, Minnesota Valley sent a cease-and-desist order to the Community, stating that “Upper Sioux risks being disconnected from electric power service from MN Valley for violating Minnesota and Federal Law, and MN Valley Board Policies.”³ After pursuing formal mediation in accordance with Minn. Stat. § 216B.164, the Community then lodged a formal complaint with the Public Utilities Commission under Minn. Stat. § 216B.17 seeking a determination from the PUC that Minnesota Valley’s threat to turn off power to the Community’s casino is unlawful and discriminatory against the Tribe compared to the Cooperative’s other customers, and is prohibited by the state laws applicable to the Cooperative.⁴ The Community’s position is that, as a sovereign Indian nation, neither interconnection approval nor a determination on interconnection by the Commission is warranted.

DISCUSSION

I. Commission Jurisdiction (Decision Options 1-2)

All parties except the Cooperative agreed that the Commission does have jurisdiction over this matter (**Decision Option 1**).⁵ Many commenters pointed to Minn. Stat. § 216B.17, which allows the Commission to investigate a utility when a “practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory.”⁶ They noted that subd. 6a specifically allows the Commission to consider complaints against cooperative electric associations when those complaints involve service

³ Complaint, Exhibit D, Page 3

⁴ Complaint, p. 9 and p. 12; Exhibit F, p. 1

⁵ Wolf River Electric Initial Comments, p. 2; Department of Commerce Initial Comments p. 1; Alliance for Tribal Clean Energy Initial Comments, p. 2; CURE Reply Comments pp. 2-3; MnSEIA Reply Comments, pp. 7-8; Bruno Zagar Initial Comments; Fond du Lac Tribal Utility Corporation Reply Comments.

⁶ <https://www.revisor.mn.gov/statutes/cite/216B.17>

Minn. Stat. § 216B.17 COMPLAINT INVESTIGATION AND HEARING:

“§Subdivision 1. Investigation. On the commission's own motion or upon a complaint made against any public utility by the governing body of any political subdivision, by another public utility, by the department, by any 50 consumers of a particular utility, or by a complainant under section [216B.172](#) that any of the rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting or relating to the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or cannot be obtained, the commission shall proceed, with notice, to make such investigation as it may deem necessary. The commission may dismiss any complaint without a hearing if in its opinion a hearing is not in the public interest.”

standards and practices. “For the purposes of this section [216B.17] public utility shall include cooperative electric associations with respect to service standards and practices only.”) Subd. 6a provides that the complaint process does not apply to complaints about “rates, tolls, tariffs, charges, or schedules or any joint rate or any regulation, measurement” which may be brought against public utilities as defined in Minn. Stat. § 216B.02, subd. 4, and which excludes cooperative electric associations. Those parties agreed that the substance of the complaint in this matter is about the Cooperative’s service standards and practices, not its rates.

MN Valley disagreed, arguing the Commission does not have jurisdiction under Minnesota statutes and that it should dismiss the complaint (**Decision Option 2**). MN Valley first argued that 216B.17 does not extend to cooperatives, pointing to the definition of “Public Utility” under Minn. Stat. Ch. 308A,⁷ without referencing the subd.6a noted by other parties and discussed above. MN Valley also argued that the Complaint was not brought under the other statute that governs complaints before the Commission – Minn. Stat. § 216B.172 – which focuses on consumer disputes through the PUC’s Consumer Affairs Office. Even if the complaint was brought under Minn. Stat. § 216B.172, MN Valley argued that it would not be applicable.

Many parties noted the Community’s tribal sovereignty in comments to argue that the Community is not subject to the laws and bylaws that the Cooperative used to support its position. However, the question currently before the Commission is not about tribal sovereignty, it is whether the Commission has jurisdiction over the subject matter of the Complaint in order for the Commission to hear and decide on the Complaint. To determine whether the Commission has jurisdiction, the Commission must look to the Minnesota statutes and rules that apply to the Commission.

Staff Analysis

Staff agrees that Minn. Stat. § 216B.17 establishes the Commission’s jurisdiction over this complaint (**Decision Option 1**), because subd. 6a defines a cooperative electric utility’s “services and practices” as within Commission jurisdiction and the subject matter of the Complaint is about MN Valley’s services and practices, not its rates. Staff notes that the Commission has previously investigated a complaint by Tribal Nation members against an electric cooperative. In Docket No. E-103/M-02-105, the Energy Cents Coalition filed a complaint on behalf of the Red Lake Reservation Community Action Program (“Red Lake CAP”) and the low-income Red Lake residents that it assisted, claiming that Beltrami Electric Cooperative, Inc. had unreasonable practices around disconnection of service, reconnection fees, and the Cold Weather Rule, among other issues.⁸ The Commission found that the complaint met the statutory jurisdictional requirements of Minn. Stat. § 216B.17 and, after consultation with parties, ordered the Department to conduct an investigation into the

⁷ Minn. Stat. Ch. 308A governs cooperative associations generally in Minnesota.

⁸ Docket No. E-103/M-02-105, *In the Matter of Energy Cents Coalition Complaint Against Beltrami Electric Cooperative*

practices, and to make recommended findings.⁹ After the Department investigated and made recommendations, the Cooperative was ordered to update its practices¹⁰ and filed compliance filings over several years in that docket.

If the Commission agrees that it has jurisdiction under Minn. Stat. § 216B.17, it would select **Decision Option 1**. If it does not agree that it has jurisdiction, it would select **Decision Option 2**.

II. Whether To Investigate (Decision Options 3-4)

All parties except the Cooperative agreed in initial comments that it would be in the public interest for the Commission to investigate this complaint (**Decision Option 3**).

The Alliance for Tribal Energy stated that “[a]ccess to safe, reliable electricity is not only a matter of convenience but one of public health, safety, and economic stability, especially for Tribal Nations who often face chronic infrastructure and service disparities.”¹¹ Tribal Energy Alternatives argued that the Cooperative’s threat to disconnect power “is a serious threat to the welfare of the Community” and that a Commission investigation “could potentially impact other Tribes as other similar projects fully behind the meter are developed in the near future.”¹² The Alliance for Tribal Clean Energy stated that “as more Tribes invest in behind-the-meter solar and battery storage systems, it is critical that they be protected from utility retaliation and regulatory overreach.”¹³ And CURE argued that MN Valley prevailing would set “a dangerous precedent that would see utilities dictate to every business and home whether they can install energy efficient lighting, weatherization, or any thousands of important new technologies that make lives better while conserving energy.”¹⁴

The Department of Commerce contended that it is in the public interest “to clarify what rights and obligations apply when a utility customer builds and operates a behind-the-meter, not for export renewable energy production facility.”¹⁵ CURE concurred, stating that the Commission could, by pursuing this complaint, “clarify how large customers (including existing refineries and mines, and new entities such as hyperscalers) can best help to co-create the carbon-free energy future” within Minnesota’s renewable energy objectives.¹⁶ The Department argued that, given that the Community and the cooperative were unable to reach a conclusion through mediation

⁹ Order (April 25, 2002), Order Point 2

¹⁰ Order (March 4, 2004)

¹¹ Alliance for Tribal Energy Initial Comments, p. 2

¹² Tribal Energy Alternatives Initial Comments, p. 2

¹³ Alliance for Tribal Clean Energy Comments, p. 3

¹⁴ CURE Reply Comments, p. 2

¹⁵ DOC Initial Comments, p. 3

¹⁶ CURE Reply Comments, p. 2

or other means, the parties will not likely be able to resolve this issue without intervention.

MN Valley vehemently rejected these arguments and argued that there were no grounds for investigation (**Decision Option 4**). The Cooperative stated that the Upper Sioux's location within MN Valley's service territory makes it subject to all of the Cooperative's Board Policies, which "are intended to provide guidelines for interconnection with and purchase of electricity from small power generation and alternate energy Qualifying Facilities," which it views as only allowable under 40kW.¹⁷ The Cooperative argued that these policies are in place to "provide safeguards from electric shock and other hazards that protect the generating system owner, the general public and the Cooperative's line personnel." MN Valley argued that, given its status as a cooperative electric association under Minn. Stat. § 216B.164, subd. 3, it is only mandated to purchase power from facilities under 40kW. MN Valley also argued that Upper Sioux's signed agreements make it is bound to the Cooperatives Bylaws, Rules, regulations and Policies."¹⁸

MnSEIA disagreed that Minn. Stat. § 216B.164 prevents the Cooperative from interconnecting a facility over 40kW. Rather, MnSEIA argued that the statute only guarantees compensation at a certain rate, should the facility generate power that is sold back to the utility, which MnSEIA agreed that Upper Sioux's facility was not designed to do.¹⁹

MN Valley also argued that its All-Requirements Contract with Basic Electric Power Cooperative makes it impossible to purchase power from a facility with a more than 40kW capacity, unless the Community negotiated with Basin Electric Power to allow that, and also completed and paid for an interconnection study.²⁰

MnSEIA rebuffed this argument, stating that, if the Community plans for a non-export system and is not selling electricity back to the Cooperative, "that surely could not be a violation of Minnesota Valley's contract with Basin Electric, because it would be no different than the Community simply reducing its electricity demand by improving its energy efficiency or otherwise reducing its operations."²¹ MnSEIA offered detailed arguments about its view on the definition of capacity in this circumstance, which may become relevant should the Commission decide to pursue an investigation but was not addressed by any other party.

Finally, MN Valley alleged a different potential discrimination: it stated that many of its members had requested to build facilities larger than 40kW in the past and had been denied on the same grounds that it had objected to Upper Sioux, and therefore if it allowed Upper Sioux

¹⁷ MN Valley Initial Comments, p. 3

¹⁸ MN Valley Initial Comments, p. 5.

¹⁹ MnSEIA Reply Comments, p. 9

²⁰ MN Valley Initial Comments, p. 4

²¹ MnSEIA Reply Comments, p. 21

to proceed, it would be discriminatory against other customers.

Wolf River professed doubt that this was the case, and urged the Commission, through its investigation, to “order the Cooperative to produce all policies, board decisions, and legal interpretations relied upon in issuing the cease-and-desist order, disclose any other members with systems over 40 kW or similar projects, and identify whether past exceptions or favorable treatment have been granted to non-tribal members.”²²

Staff Analysis

Minn. Stat. 216B.17 subd. 1 states the bases for investigating a complaint include disputes that alleged actions by covered utilities are “in any respect unreasonable, insufficient, or unjustly discriminatory, or that service is inadequate or cannot be obtained.” As discussed above, Minn. Stat. 216B.17 subd. 6a applies subd. 1 to cooperative electric associations with respect to service standards and practices only. Staff believes that the existence of disputed facts provide reasonable grounds for this investigation on two topics related to service standards and practices.

I. Discrimination

There is dispute over whether or not the Cooperative’s threat to disconnect service to the Upper Sioux was discriminatory. The Upper Sioux Community alleges that it was treated in a different and discriminatory manner by the Cooperative. The Cooperative alleges that it treated the Community in the same manner as other members and that it would be discriminatory to other members to allow the Community to install a solar generating facility over 40kW. Staff agrees that additional information on communications between parties about possible disconnection and on the treatment of any other members of the Cooperative that may have proposed similar facilities would help the Commission determine whether discrimination existed in a threat to disconnect power. If the Commission agrees, it would choose **Decision Option 3**.

II. Interconnection

Another disputed fact is whether or not the construction and operation of the solar array is subject to interconnection policies of the Cooperative. There appears to be fundamentally different understandings between parties about how the solar generating facility will or will not interact with the rest of the MN Valley’s electric distribution system. Staff notes that cooperatives, municipal utilities, and rate regulated utilities file annual reports every year with the Commission listing solar systems that have been interconnected (Docket E999/PR-25-10), and at least one other cooperative reports the installation of solar systems above 40 kW, suggesting that it may not be commonly understood for 216B.164 to be a prohibition on building a facility over 40kW.²³ Staff believes that the Commission would benefit from

²² Wolf River Electric, p. 11

²³ Connexus Energy Distributed Generation Interconnections Annual Report (February 28, 2025)

additional record-building in order to make a determination in the Complaint. If the Commission agrees that these arguments are reasonable grounds for investigation of this Complaint, it would choose **Decision Option 3**.

If the Commission did not agree that there were reasonable grounds to investigate, it would choose **Decision Option 4**.

III. Procedures to Investigate (Decision Options 5-6)

Should the Commission agree that it has grounds to investigate the Complaint, it has multiple potential pathways to do so.

Relevant Statutes – Contested Case Hearing vs. Expedited or Informal Proceeding

Minn. Rules 7829.1700-1900²⁴ govern how the Commission handles a complaint once it is filed with the Commission. If the Commission determines it has jurisdiction over this matter (**Decision Option 1**), and that there are reasonable grounds to investigate the allegation (**Decision Option 3**), the Commission may refer the matter to the Office of Administrative Hearings (OAH) for a contested case (**Decision Option 5**) or initiate an expedited or informal proceeding (**Decision Option 6**).

The criteria for choosing a contested case hearing are listed in Minn. R. 7829.1000. The Commission must refer a matter for a contested case proceeding if there are significant issues that have not been resolved to the satisfaction of the Commission, unless parties waive their rights to a contested case and instead request informal or expedited proceedings and the Commission finds informal or expedited proceedings would be in the public interest, or if a different treatment is required by statute. Parties have not waived their rights to a contested case hearing, although some parties have requested informal or expedited proceedings as described below. There are no statutes that require a different treatment.

If the Commission chose to refer the matter to the Office of Administrative Hearings (OAH) for a contested case process (**Decision Option 5**), the OAH would proceed with fact-finding, hearings, and deliver a report to parties and the Commission outlining findings and recommendations. The Commission would then make a determination based on that record.²⁵

The criteria for choosing an expedited or informal proceeding (**Decision Option 6**) are listed in Minn. R. 7829.1200. The Commission may use an informal or expedited proceeding when contested case proceedings are not required; when there are no material facts in dispute; when the parties and the Commission have agreed to informal or expedited proceedings; or when informal or expedited proceedings are authorized or required by statute."²⁶

²⁴ <https://www.revisor.mn.gov/rules/7829/>

²⁵ Minn. R. 7829.2700

²⁶ Minn. R. 7829.1200, subp.1

The material facts in dispute are discussed above. There are no statutes that require informal or expedited proceedings.

The following sections discuss several types of proceedings recommended by parties and commenters.

i. Contested Case (Decision Option 5)

The Department recommended that the Commission refer the matter of the Office of Administrative Hearings for contested case proceedings. **(Decision Option 5)** The Department argued that this would allow for further record development on items that remain unclear, such as “whether the design of the solar generation and battery energy storage facility adequately ensures it is a behind-the-meter, not for export system.”²⁷

ii. Expedited Proceeding (Decision Option 6)

The Upper Sioux Community stated that it preferred an expedited proceeding, given its desire to resolve this item quickly.²⁸

Wolf River Electric supported an expedited proceeding under the rules summarized above, saying that, given the “imminent danger” of a disconnection threat, any delayed review “would effectively deny relief.”²⁹ CURE and other parties³⁰ ultimately deferred to the Tribe’s preference, with CURE stating that, while it believed a contested case referral could be justified by the statute, the unique nature of the parties as a Tribe and a Cooperative suggested additional consultation on party preferences before making a decision.³¹

If the Commission selected **Decision Option 6**, it would issue a Notice of Comment and build a record to make a determination on the merits of the Complaint.

Wolf River Electric also recommended that the Commission issue an order of “immediate injunctive relief under its equitable authority, restraining the Cooperative from terminating or

²⁷ Department Initial Comments, pp. 3-4

²⁸ PUC and Upper Sioux Community Ex Parte, July 10, 2025

²⁹ Wolf River Electric, p. 11

³⁰ Alliance for Tribal Clean Energy Initial Comments, p. 3; Fond du Lac Tribal Utility Corporation Reply Comments, p. 1

³¹ CURE Reply Comments, p. 2

suspending electric service to the Upper Sioux Community.”³²

Staff Analysis

As stated above, Staff believes there are material facts in dispute (see previous section’s Staff Analysis on page 6). Therefore, while Staff recognizes the desire for an expedient resolution, this case does not appear to be suitable for an informal or expedited proceeding.

While Staff recognizes the potential threat that disconnection could pose to the well-being of the Tribe, there is no specific statute giving the Commission authority to issue an injunction as a remedy, as suggested by Wolf River Electric.

Additional Procedures Suggested – Rulemaking and Tribal Engagement

i. Rulemaking (Minn. Stat. Ch. 14)

Wolf River Electric also recommended that the Commission consider “issuing guidance or initiating a broader rulemaking docket addressing interconnection policy enforcement among cooperatives, particularly where sovereign tribal governments are involved.”³³ **(Decision Option 7)** If the Commission chose Decision Option 7, it would first need to make available for public review a statement of the need for and reasonableness of the rule, and follow other steps outlined in the Minnesota Administrative Procedures Act. (Minn. Stat. Ch. 14)

Staff Analysis

Staff believes that ordering a rulemaking process in this instant proceeding will delay a decision on the matter. A rulemaking is a policy decision by the Commission that applies generally and has future affect. The matter before the Commission is a complaint on specific facts where there is some urgency in resolving the matter. However, should the Commission choose to investigate the complaint **(Decision Option 3)**, it may, as it gathers more facts, determine that a rulemaking process is needed, and choose to revisit this under a separate process.

ii. Tribal Engagement

Several parties emphasized the need for tribal engagement in this process. Wolf River Electric urged the Commission to “structure its procedures in a manner that acknowledges the government-to-government nature of the dispute, allows for meaningful tribal participation in scheduling and process, and considers whether a tribal nation’s solar system should be considered a de facto Qualifying Facility under state and federal law.”³⁴

The White Earth Tribal Utilities Commission expressed its “expectation that the Commission

³² Wolf River Electric Initial Comments, p. 12

³³ *Id.*

³⁴ *Id.*

exercise the same protocols as they would in any other tribally focused issue.”³⁵

The Alliance for Tribal Clean Energy urged “the Commission to consult with the Tribe on preferred next steps, and initiate an investigation. The Commission should affirm that fully behind-the-meter renewable energy projects located on Tribal lands are not subject to cooperative utility regulation or interference.”³⁶

The Fond du Lac Tribal Utility Corporation agreed, stating that “Tribal consultation should be the first avenue of approach” before an administrative hearing was pursued, and offered that the Tribal Advocacy Council on Energy (TACE) was available for support.³⁷

MTERA stated its willingness to provide technical assistance for a “solutions-based process for Upper Sioux to achieve their clean energy project goals, resolve any interconnection issues and provide energy reliability for the Upper Sioux Community.”³⁸

Tribal Energy Alternatives called for formal Tribal consultation, to explore “whether a non-Indian utility can require the Tribe to comply with utility policies for a service territory that includes a Tribe’s reservation.”³⁹ Tribal Energy Alternatives argued that a more robust Tribal consultation, which could “focus on alternative processes and the regulatory framework associated with the engagement of Tribes with their rural electric cooperatives... would likely result in the chances of cooperation between Tribes and their utility providers, avoid future litigation, document energy impacts within reservations, and prevent further infringement on a Tribe’s inherent sovereignty.”

Staff Analysis

Staff notes that as a party, the Upper Sioux Community will be involved and engaged in scheduling and fact-finding and will have the opportunity to advocate for its position in any process chosen. Many of the fact-based issues highlighted by commenters recommending tribal engagement will be considered as they relate to the current matter in a contested case hearing or an expedited process. The Commission may, outside of the current complaint, choose to undertake a broader Tribal engagement or consultation on the issues raised by the commenters **(Decision Option 8)**.

³⁵ White Earth TUC Initial Comments, p. 2

³⁶ Alliance for Tribal Clean Energy Initial Comments, p. 3

³⁷ Fond du Lac Tribal Utility Corporation Reply Comments, p. 1

³⁸ MTERA Initial Comments, p. 2

³⁹ Tribal Energy Alternatives Reply Comments, pp. 1-2

DECISION OPTIONS

Jurisdiction

1. Determine that the Commission has jurisdiction over the issues raised in the complaint filed by the Upper Sioux Community. (*Upper Sioux Community, Alliance for Tribal Clean Energy, Department, MTERA, Tribal Energy Alternatives, White Earth TUC, Wolf River Electric, CURE, Fond du Lac Tribal Utility Corporation, Bruno Zagar*)

OR

2. Determine that the Commission does not have jurisdiction over the issues raised in the complaint and dismiss the complaint. (*MN Valley*)

Whether to Investigate

3. Determine that there are reasonable grounds and that it is in the public interest to investigate the complaint and proceed with an investigation under Minn. R. 7829.1900. (*Upper Sioux Community, Alliance for Tribal Clean Energy, Department, MTERA, Tribal Energy Alternatives, White Earth TUC, Wolf River Electric, CURE, Fond du Lac Tribal Utility Corporation, Bruno Zagar*)

OR

4. Determine that there are not reasonable grounds and that it is not in the public interest to investigate the complaint and dismiss the complaint. (*MN Valley*)

Procedures to Investigate

Choose 5 or 6 if the Commission finds it has jurisdiction (Decision Option 1) and finds there are reasonable grounds and it is in the public interest to investigate (Decision Option 3).

5. Refer the matter to the Office of Administrative Hearings for a contested case proceeding to develop the record and provide a report with recommendations, according to the procedures set forth in Minn. R. 7829.1000. (*Department*)

OR

6. Initiate an expedited investigation into the complaint according to the procedures set forth in Minn. R. 7829.1200 and .1900. (*Upper Sioux Community, Wolf River Electric*)

Additional Procedures

The Commission may also consider either or both of the following regardless of whether or not it decides it has jurisdiction or whether it decides to investigate.

7. Delegate authority to the Executive Secretary to open a rulemaking proceeding to address service standards and practices related to interconnection policy enforcement among

cooperatives, particularly where sovereign tribal governments are involved. (*Wolf River Electric*)

8. Direct the Commission's Tribal Liaison to coordinate government-to-government consultation with Tribal Nations on issues related to distributed energy resources, alternative processes, and the regulatory framework associated with the engagement of Tribes with their rural electric cooperatives. (*Wolf River Electric, Tribal Energy Alternatives*)