STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION

Katie Sieben	Chair
Joseph Sullivan	Vice-Chair
Valerie Means	Commissioner
Matt Schuerger	Commissioner
John Tuma	Commissioner

In the Matter of CenterPoint Energy's Petition for Review of Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic

DOCKET NO. G-008/M-20-889

COMMENTS OF THE OFFICE OF THE ATTORNEY GENERAL

INTRODUCTION

The Office of the Attorney General—Residential Utilities Division ("OAG") respectfully submits the following Comments in response to the petition of CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas ("CenterPoint" or "Company") for review of proposed investments that may assist in Minnesota's economic recovery from the COVID-19 pandemic ("stimulus projects").

CenterPoint states that, but for the Commission's invitation to identify potential stimulus projects, the Company would not be proposing these projects at this time. The Commission should therefore view the need for the projects with skepticism and should not approve them unless CenterPoint can establish that they are a prudent and cost-effective way to serve ratepayers.

The Commission should also keep in mind that CenterPoint's ratepayers are already facing a potential $500 million rate increase from the February 2021 spike in wholesale gas prices, which will compound the rate impact of any ratepayer-funded stimulus. This price spike was not anticipated when the Commission sought input on ways that utilities could assist with the economic recovery from the COVID-19 pandemic.

Finally, if the Commission approves any stimulus projects, it should reject the Company's request for deferred accounting because the projects do not meet the Commission's high standard for granting that extraordinary ratemaking remedy.

BACKGROUND

On May 20, 2020, the Commission opened an investigation into utility investments that may assist in Minnesota's recovery from the COVID-19 pandemic. The Commission asked utilities to identify "ongoing, planned, or possible investments" that meet the following conditions:

- Provide significant utility system benefits;
- Are consistent with approved resource plans, approved natural gas distribution infrastructure or pipeline safety plans, triennial conservation plans, and existing Commission orders;
- Reduce carbon or other pollutant emissions in the power sector or across economic sectors;
- Increase access to conservation and clean energy resources for Minnesotans;
- Create jobs or otherwise assist in economic recovery for Minnesotans; and
- Use woman, veteran, or minority owned businesses as much as possible and provide documentation of these efforts.[1]

On December 18, 2020, CenterPoint filed a petition seeking Commission review of seven stimulus projects. The Company estimates that the stimulus projects would require incremental expenditures totaling $55.3 million, as follows:

Figure 1: CenterPoint's Proposed Ratepayer-Funded Stimulus

	Capital Investment	O&M Expenses
Accelerated Pipe Replacement	$31.8 million	
Renewable Hydrogen Projects	$5.5 million	
High-Technology Demonstration Kitchen	$6 million	
Workforce Training and Development		$2.5 million

[1] Docket No. E,G-999/CI-20-492, Notice of Reporting Required by Utilities (May 20, 2020).

Figure 1: CenterPoint's Proposed Ratepayer-Funded Stimulus

	Capital Investment	O&M Expenses
Damage-Prevention Campaign	$5 million	$1 million
Translation Project		$2 million
Advanced Meter Project	$1.5 million	
	$49.8 million	$5.5 million

If the Commission approves the full $55.3 million stimulus investment, the average residential customer would experience an annual bill impact of $2.14 in 2022, rising to $6.35 in 2023.[2] This impact would be incremental to any other base-rate increases that the Company receives. For example, the Commission recently granted CenterPoint a $38.5 million base-rate increase that will result in a $33 annual bill impact for residents.[3] The Company has also indicated that it intends to seek another base-rate increase in November 2021.[4] And these rate impacts are likely to be compounded by the recent wholesale gas price spike, which CenterPoint estimates will cost the average residential customer $300 to $400 (assuming that the Company justifies rate recovery of the full amount).[5]

CenterPoint states that it will not implement the stimulus projects unless the Commission authorizes deferred accounting of the "incremental O&M expense incurred for these projects and actual depreciation expense and return on capital investments undertaken and placed into

[2] Docket No. E,G-999/CI-20-492, CenterPoint Petition at 27 (Dec. 18, 2020) (hereinafter "CPE Petition").

[3] *See* Docket No. G-008/GR-19-524, Order Accepting and Adopting Agreement Setting Rates and Initiating Development of Conservation Programs for Renters at 13 (Mar. 1, 2021); Offer of Settlement at 19 (Sept. 17, 2020) (showing residential rate increase of $26.2 million); CPE Reply Br. at 11 n.35 (Oct. 23, 2020) (stating that CenterPoint has approximately 800,000 residential customers). $26.2 million / 800,000 customers = $32.75 per customer.

[4] *See* Docket No. G-008/GR-19-524, CPE Letter at 1 (Mar. 27, 2020) (noting Company's "need to file for additional rate relief" in November 2021).

[5] The OAG anticipates that the Commission will consider mechanisms to mitigate the harm of this price spike, such as spreading the costs over a longer timeframe than the typical one-year period. It is not possible, however, to avoid significant rate increases if the full cost of the price spike is paid by ratepayers.

service."[6] The Company further requests that the Commission approve carrying charges on the tracker balance equal to its full cost of capital, or 6.86 percent.[7]

ANALYSIS

The utility regulatory process is a foundational component for promoting Minnesota's continued economic success. The purpose of utility regulation is "to provide the retail consumers of natural gas and electric service . . . with adequate and reliable services at reasonable rates, . . . to avoid unnecessary duplication of facilities which increase the cost of service to the consumer and to minimize disputes between public utilities which may result in inconvenience or diminish efficiency in service to the consumers."[8] Thus, while prudent utility investments benefit the broader economy, the Commission's primary economic role is to ensure that utilities do not overspend on unnecessary or duplicative facilities, or operate inefficiently, at ratepayers' expense. The first question in analyzing ratepayer-funded stimulus must therefore be whether a project is *needed* to serve ratepayers. If a project is not needed and prudent, then it should not be approved.

At least two of CenterPoint's stimulus projects—accelerated pipe replacements and a foodservice-learning kitchen—should not be approved because the Company has not demonstrated that they are needed and prudent. In addition, CenterPoint's workforce-development proposal, while potentially reasonable, is designed to support the Company's conservation-improvement program and should therefore be reviewed by the Minnesota Department of Commerce ("Department"). Finally, if the Commission approves any stimulus projects, it should reject CenterPoint's request for deferred accounting because the projects do not meet the demanding "good cause" standard that the Commission has articulated for deferred accounting. If, however,

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[6] CPE Petition at 26.
[7] *Id.*
[8] Minn. Stat. § 216B.01.

the Commission does approve deferred accounting for any projects, it should reject the Company's request to impose carrying charges, which would require ratepayers to pay unreasonable interest for investments that are not intended to serve the needs of ratepayers.

I. THE COMMISSION SHOULD DECLINE TO APPROVE $32 MILLION IN ACCELERATED PIPE REPLACEMENTS BECAUSE CENTERPOINT HAS NOT SHOWN THAT ACCELERATION IS NEEDED OR A PRUDENT USE OF RATEPAYER FUNDS.

CenterPoint regularly assesses and replaces aging gas pipes under the oversight of pipeline-safety regulators.[9] Prior to the pandemic and the Commission's invitation to propose stimulus projects, CenterPoint had planned to spend approximately $200 million on pipe replacement from 2021 to 2025.[10] This amount was presumably sufficient to ensure that CenterPoint's distribution network would continue to operate safely and reliably. The Company now proposes to increase its 2021 pipe-replacement investments by $32 million as a stimulus measure. But CenterPoint has provided no analysis showing that any benefits of accelerating pipe replacements would outweigh the costs. The Commission should therefore decline to approve this project at this time.

There are benefits and costs associated with replacing distribution pipe. The primary benefits would be the theoretical increases in the system's safety and reliability. The costs include materials, labor, and capital expenses. Generally speaking, increasing the pipe-replacement rate will increase the theoretical safety and reliability benefits, but it will also increase the costs. The Commission should never require a utility to compromise the safety and reliability of its system, and it should make sure that utilities are always investing the amount necessary to ensure that their systems remain safe and reliable. If CenterPoint can show that its existing replacement plans will not maintain a safe and reliable system, the Commission should act to fix this. But CenterPoint's preexisting plan to invest $200 million in pipe replacement by 2025 is presumably consistent with

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[9] *See generally* Docket No. G-008/GR-19-524, Testimony of William A. Kuchar III (Oct. 28, 2019).
[10] CPE Petition at 6.

the applicable safety regulations and will maintain a safe and reliable system. Unless CenterPoint can show that its existing replacement plans will not maintain a safe or reliable system, the Commission should maintain this existing schedule and not unnecessarily increase costs by accelerating these plans.

CenterPoint has not provided any analysis showing that its existing replacement plans will not maintain a safe or reliable utility system. The Commission should decline to approve early replacement of pipe assets until such time as the Company demonstrates that doing so would be a prudent use of ratepayer funds.

II. THE COMMISSION SHOULD DECLINE TO APPROVE CONSTRUCTION OF A $6 MILLION DEMONSTRATION KITCHEN BECAUSE CENTERPOINT HAS NOT SHOWN THAT THE FACILITY IS NEEDED OR COST-EFFECTIVE.

CenterPoint proposes to build a $6 million "high tech" demonstration kitchen that would promote the use of efficient natural gas appliances in the foodservice industry. The Company already has a foodservice learning program to promote high-efficiency natural gas appliances but suggests that this new kitchen would augment its program by helping more customers to adopt efficient equipment. CenterPoint has not shown, however, that this $6 million capital expenditure for a new kitchen is needed to increase energy conservation, or that the project would be cost-effective compared to alternative ways of increasing conservation. The Commission should therefore reject this proposal.

CenterPoint operates a Commercial Foodservice Learning Center that it uses to demonstrate high-efficiency natural gas technologies.[11] The Company is "one of the few utilities across the country" with such a facility.[12] In conjunction with this facility, CenterPoint offers conservation-improvement program ("CIP") rebates to its commercial foodservice customers for

[11] Docket No. G-008/CIP-20-478, CPE 2021–2023 CIP Proposal at 132 (July 1, 2020).
[12] *Id.*

the purchase of efficient appliances.[13] CenterPoint's proposal here would spend $6 million to build a larger demonstration kitchen. While a larger kitchen would likely be nice, the Company has failed to establish that a new kitchen is needed to increase its CIP outreach—or that the cost of the project justifies the potential benefits.

Most fundamentally, CenterPoint has not explained why an expensive new capital project is needed when the Company already has a nation-leading demonstration facility. As described in CenterPoint's most recent CIP filing, the existing facility "is used to demonstrate higher efficiency natural gas technologies" through "strong partnership with local manufacturers and their representatives."[14] As described in the Company's current petition, the new kitchen would be used to "partner with manufacturers to bring in and rotate the newest state-of-the-art natural gas technology on consignment in order to demonstrate the most up-to-date technology in the market."[15] There appears to be no meaningful difference between these facilities. And while CenterPoint describes the existing facility as "small," there is no evidence that a larger facility is needed to increase CIP outreach or would do anything different from the current facility.

CenterPoint also has not shown that the specific project it has proposed would be a prudent investment. Establishing prudence requires comprehensively cataloguing the costs and benefits of a project and comparing them to the costs and benefits of alternatives. CenterPoint's petition includes no alternatives analysis and, moreover, makes any such comparison impossible by failing to quantify all the relevant costs of its proposal. The petition identifies only one specific cost—the $6 million capital investment—which alone would nearly double the annual revenue

[13] *See id.* at 98–103 (describing commercial foodservice rebate program).
[14] *Id.* at 132.
[15] CPE Petition at 11.

requirement of CenterPoint's current foodservice program.[16] But the petition omits other relevant costs. For example, it omits the cost of the additional rebates that would be required to increase program participation from 500 customers, as contemplated by its current CIP,[17] to 800 customers, as contemplated by its stimulus proposal.[18] It also mentions, but fails to quantify, the cost of hiring three full-time employees to run the new kitchen.[19] Without this information, a benefit-to-cost ratio cannot be calculated for the project or compared with alternatives, such as simply increasing CIP outreach and making more rebates available.

CenterPoint has not established that a new demonstration kitchen is needed to augment its nation-leading foodservice-learning facility, nor has the Company shown that the kitchen would be a cost-effective way to supplement its existing program. Accordingly, the Commission should reject the Company's proposal to build a $6 million kitchen.

III. The Proposed Energy-Efficiency Workforce Training Project Should Be Implemented Through CIP.

CenterPoint proposes to spend $2.5 million in 2021 to address an alleged shortage of air-sealing and insulation professionals in its service territory. This project would provide energy-efficiency workforce training and development through scholarships, internships with local nonprofits, training for new businesses, and certifications.[20] CenterPoint's workforce-development proposal is very similar to a proposal that Xcel Energy submitted to the Department of Commerce as an addition to Xcel's 2021–2023 CIP.[21] CenterPoint's proposal would support

[16] *Compare* CPE Petition ex. B, sheet 6 ("High-Tech Kitchen") (showing approximately $600,000 in annual depreciation and return) *with* Docket No. G-008/CIP-20-478, Department Decision at 90 tbl. 29 (Nov. 25, 2020) (showing total annual foodservice budget of approximately $700,000).
[17] *See* Docket No. G-008/CIP-20-478, Department Decision at 90 tbl. 29 (Nov. 25, 2020) (approved program budget).
[18] *See* CPE Petition at 10 (listing a proposed increase to 800 customers) and ex. A at 3 (listing only two "forecasted incremental costs": $6 million capital investment and "ongoing costs for permanent FTEs").
[19] *See id.*
[20] *Id.* at 14.
[21] *See* Docket No. E,G-002/CIP-20-473, Request to Add New Programs attach. C (Dec. 23, 2020) (describing proposed workforce-development program).

the Company's CIP efforts, and, like Xcel's, should be submitted to the Department for review and potential inclusion in the Company's 2021–2023 CIP.

The CIP statute, Minn. Stat. § 216B.241, tasks the Department with overseeing utilities' conservation-improvement programs. A workforce-development program is a type of "indirect" CIP measure; it does not directly save energy but instead is designed to support other CIP programs by increasing the availability of skilled labor to install energy conservation improvements. The Department evaluates indirect CIP measures by assessing factors such as

- Whether the program can clearly demonstrate an impact;
- Whether the program tests an innovative approach that could advance CIP programs more generally;
- Whether the proposer has the capabilities to deliver the program; and
- Whether there is an evaluation plan in place that will ensure the program continues to provide the best value for Minnesota ratepayers.[22]

Both CenterPoint's and Xcel's workforce-development proposals would establish new indirect CIP programs offering energy-efficiency recruitment, training, and scholarship opportunities. Likewise, both proposals should be evaluated by the Department to ensure that they are consistent with the standards it uses to assess indirect CIP programs and fit within each utility's broader suite of CIP measures. For these reasons, the Commission should decline to approve CenterPoint's workforce-development proposal. If CenterPoint wishes to pursue the project further, the Company should refile it with the Department so that the agency can evaluate it as a modification to CenterPoint's 2021–2023 CIP.

[22] *See* Docket No. G-008/CIP-20-478, Department Decision at 48–49 (Nov. 25, 2020).

IV. CenterPoint's Stimulus Projects Do Not Meet the High Standard for Deferred Accounting.

CenterPoint asks the Commission to grant deferred accounting of its proposed stimulus project costs. Deferred accounting is an exception to the uniform system of accounts. The Commission may not grant an exception to the uniform system of accounts absent a showing of good cause.[23] The Commission generally finds good cause for deferred accounting when a utility incurs costs that are unforeseen, unusual, and large enough to have a significant impact on the utility's financial condition. It has also allowed deferred accounting when utilities have incurred sizeable expenses to meet important public policy mandates.[24] The Commission authorizes deferred accounting "sparingly" because "[c]onsidering one expense in isolation, without considering where costs may have declined" increases the risk the utility will over-recover its costs.[25]

For the reasons explained below, CenterPoint's stimulus projects to do not meet the Commission's good-cause standard, and the Commission should therefore decline to grant deferred accounting for their out-of-test-year costs.

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[23] Minn. R. 7825.0300, subp. 4.

[24] *In the Matter of Otter Tail Power Company's Request for Approval of Electric Vehicle Charging and Infrastructure Programs*, Docket No. E-017/M-20-181, Order Approving Pilot Program, Granting Deferred Accounting, and Setting Additional Requirements at 8 (Oct. 27, 2020).

[25] *In the Matter of Minnesota Power's Petition for Approval of Deferred Accounting Related to Pension Plan Contributions and Expenses*, Docket No. E-015/M-11-1264, Order Denying Petition at 2 (Mar. 11, 2013).

A. Deferred Accounting Is Not a Tool for Approving Discretionary Expenditures.

Deferred accounting is a tool to make utilities whole when unforeseen events like natural disasters,[26] environmental cleanup,[27] or new regulations[28] oblige them to incur substantial costs to serve customers. It has not traditionally been used for items like ratepayer-funded stimulus that are not needed to deliver safe and reliable utility service. The COVID-19 pandemic is certainly an unusual and unexpected event. But the Commission has already authorized utilities to defer pandemic-related costs that were incurred to maintain utility service.[29] Using deferred accounting for discretionary stimulus projects, as the Company proposes here, would represent a substantial departure from how the Commission has used this tool in the past and should not be done without careful consideration of the risk to ratepayers.

CenterPoint argues that the Commission should grant deferred accounting because the stimulus projects "advance important policy objectives."[30] But "advancing important policy objectives" is not a standard that the Commission has used for deferred accounting. What the Commission *has* done is to allow deferred accounting of costs incurred to comply with public

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[26] *See In the Matter of Interstate Power and Light Company's Petition for Deferred Accounting Treatment of Costs Related to the 2008 Flood*, Docket No. E,G-001/M-08-728, Order Authorizing Deferred Accounting Treatment Subject to Conditions (Apr. 23, 2009).

[27] *See In the Matter of the Application of Northern States Power Company Gas Utility for Approval of Deferred Accounting for Certain Manufactured Gas Plant Site Cleanup Costs*, Docket No. G-002/M-94-104, Order Granting Request for Deferred Accounting (Sept. 6, 1994).

[28] *See, e.g.*, *In the Matter of the Petition of Northern States Power Company for Approval of Deferred Accounting Treatment of Emission Allowance Transactions under the Clean Air Act Amendments of 1990*, Docket No. E-002/M-94-13, Order Allowing Request for Deferred Accounting (May 12, 1994); *In the Matter of the Petition of Northern States Power Company for Approval of Deferred Accounting for Costs to Comply with Gas Pipeline Safety Programs*, Docket No. G-002/M-12-248, Order Granting Deferred-Accounting Request (Jan. 28, 2013).

[29] *See In the Matter of the Petition of the Minnesota Rate Regulated Electric and Gas Utilities for Authorization to Track Expenses Resulting from the Effects of the COVID-19 and Record and Defer Such Expenses into a Regulatory Asset*, Docket No. E,G-999/M-20-427, Order Approving Accounting Request and Taking Other Action Related to COVID-19 Pandemic (May 22, 2020).

[30] CPE Petition at 28.

policy *mandates*.[31] This is an important distinction, since virtually any utility spending could be viewed as advancing "important policy objectives." CenterPoint's standard would, therefore, allow utilities to pursue deferred accounting for almost any spending that the Commission approves.

The Commission has occasionally allowed deferred accounting for utility initiatives that serve an important policy goal if that goal was explicitly defined by the legislature and the Commission was given authority to further that goal. For example, in its order approving Otter Tail Power Company's proposal for an electric-vehicle pilot program, the Commission granted the utility's request for deferred accounting of pilot costs, finding that the pilot "advances the important legislative policy goal of engaging utilities in transportation electrification" embodied in Minn. Stat. § 216B.1614.[32] Requiring that deferred-accounting requests be supported by a policy mandate, or at least by a specific legislative goal, protects ratepayers by ensuring that any exceptions to the uniform system of accounts are necessary, rare, and supported by good cause.

In this case, CenterPoint can point to no legislative policy goal in favor of ratepayer-funded stimulus, much less a mandate for it. And while there may be policy reasons to explore ratepayer-funded stimulus, there are also reasons for caution.[33] Utility-driven economic stimulus is uncharted territory for the Commission. Moving too far, too fast carries a risk of unintended consequences, such as suppressing economic growth by increasing the price of an essential service. Moreover, using private utility companies as "middlemen" to conduct public stimulus would

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[31] *See, e.g.*, *In the Matter of the Petition of Northern States Power Company for Deferred Accounting Treatment of Costs Relating to Identifying and Eliminating Sewer/Natural Gas Line Conflicts*, Docket No. G-002/M-10-422, Order Granting Deferred Accounting Treatment Subject to Conditions and Reporting Requirements at 1 (Jan. 12, 2011) (finding that costs of implementing inspection and remediation plan submitted to Minnesota Office of Pipeline Safety in response to that office's notice of probable violation were incurred to meet important public policy mandate).
[32] Docket No. E-017/M-20-181, Order Approving Pilot Program, Granting Deferred Accounting, and Setting Additional Requirements at 9 (Oct. 27, 2020).
[33] *See* Docket No. E,G-999/CI-20-492, OAG Comments at 5–10 (Oct. 16, 2020).

introduce unnecessary costs because of these companies' profit motive and need to secure a return on investment for their shareholders. Finally, utilities' high cost of capital—6.86 percent for CenterPoint—is expensive as compared to federal and state bond rates, which are available for Congress and the legislature to fund stimulus plans.

In light of these concerns, and the lack of legislative guidance regarding ratepayer-funded stimulus, the Commission should not allow deferred accounting in this case. Broadening the use of deferred accounting to include ratepayer-funded stimulus would invite further deferred-accounting requests based on "public policies" that are untethered to any legislative guidance. It would make deferred accounting less of a sparingly granted exception to normal ratemaking practice and more the rule. And it would place increasing demands on Commission and stakeholder resources to ensure that deferred costs are truly incremental and that ratepayers are not paying more than necessary for adequate utility service.

Finally, CenterPoint argues that the Commission has granted deferred accounting for safety-related investments in the past.[34] The Company cites three prior cases—involving farm-tap replacements, excess-flow-valve installations, and federally mandated pipeline-safety programs.[35] But those cases, which involved investments that were required to meet the safety needs of the system, are not comparable to the present case. While some of CenterPoint's stimulus projects have theoretical safety benefits, those benefits are ancillary to the projects' primary purpose: providing economic stimulus to the broader economy. And there is no showing that CenterPoint's system will not be safe without these investments. CenterPoint admits that, "[a]bsent the current economic circumstances and the Commission's request for accelerated utility investment proposals, the Company would not undertake the additional and accelerated projects proposed in

[34] CPE Petition at 28.
[35] *Id.* at 28 n.40.

this filing at this time."[36] Thus, by CenterPoint's own admission, its proposed projects are not necessary to provide safe, adequate, and reliable service to ratepayers. The Commission has never found good cause for deferred accounting under these circumstances, and it would be particularly inappropriate to do so for investments that are not needed to meet a need of the utility system or, consequently, of ratepayers.

B. The Project Costs Are Not Large Enough to Have a Significant Impact on CenterPoint's Financial Condition.

Even if the Commission believes that discretionary projects are appropriate for deferral, it should find good cause lacking in this case because the projects are not large enough, individually or in the aggregate, to have a significant impact on CenterPoint's financial condition.

In normal ratemaking, the Commission examines all of a utility's costs and revenues in a representative "test year" and sets rates to address the overall revenue deficiency or surplus. Of course, a utility's actual costs and revenues will always deviate from the levels assumed in rates. But the rates are nonetheless presumed to reflect a reasonable overall level of revenue, and the utility is expected to prudently manage its costs within that level. Unlike normal ratemaking, deferred accounting addresses only specific costs, without considering potential offsetting revenue increases or cost decreases in other areas of the utility's operations. For this reason, the significance of the costs proposed to be deferred has been an important factor in the Commission's good-cause analysis. The Commission requires a utility seeking deferred-accounting treatment to distinguish the cost at issue from ordinary fluctuations by showing that it is large enough to have a significant impact on the utility's financial condition.

While the circumstances that gave rise to CenterPoint's petition are unusual, the costs at issue are not large enough to have a significant impact on the Company's financial condition.

[36] *Id.* at 27.

There is no hard-and-fast rule for what constitutes a "significant" impact, but the Commission has compared proposed deferred costs to metrics like a utility's annual operation and maintenance ("O&M") expenses to determine if the deferred costs are significant. In one recent case, the Commission found that manufactured-gas-plant cleanup costs amounting to 3.39 percent of a utility's annual O&M expenses—and only 0.67 percent using a five-year amortization period—were not significant in amount and should not be deferred.[37]

In this case, CenterPoint's total proposed O&M spending is $5.5 million.[38] This amount represents only 2.1 percent of the Company's O&M costs for 2020, or 0.41 percent when amortized over five years—if *all* of its proposals are approved.[39] CenterPoint's total proposed capital investment is $49.8 million.[40] This amount represents only 3.1 percent of the Company's net plant in service.[41] And the near-term revenue-requirement impact of the proposed investments is much smaller: in 2021, the annual depreciation expense and return for all investments would total only $232,358,[42] or 0.26 percent of the Company's 2020 revenue requirement.[43] Even in 2024, with projects fully in service, the annual depreciation expense and return for all proposed investments would total only $4.1 million, or 4.6 percent of the Company's 2020 revenue

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[37] *In the Matter of the Petition of Northern States Power Company for Approval of Deferred Accounting for Manufactured-Gas-Plant Cleanup Costs*, Docket No. G-002/M-17-894, Order Denying Petition for Deferred-Accounting Treatment at 4 (Oct. 17, 2018).
[38] *See* CPE Petition ex. A (detailing project costs).
[39] The nongas O&M expenses allowed in the Company's most recent rate case were $267.5 million. *See* Docket No. G-008/GR-19-524, Offer of Settlement attach. 1 at 4 (Sept. 17, 2020) (operating-income summary, line 24 less line 12). $5.5 million / $267.5 million = 0.0206. $1.1 million / $267.5 million = 0.0041.
[40] *See* CPE Petition ex. A (detailing project costs).
[41] The net plant in service allowed in the Company's most recent rate case was $1,613.0 million. *See* Docket No. G-008/GR-19-524, Offer of Settlement attach. 1 at 2 (Sept. 17, 2020) (rate-base summary). $49.8 million / $1,613.0 million = 0.0309.
[42] CPE Petition ex. B, sheet 2 ("Summary_Detail") (showing stimulus-project revenue requirements).
[43] The revenue requirement allowed in the Company's most recent rate case was $89,682,000. *See* Docket No. G-008/GR-19-524, Offer of Settlement attach. 1 at 1 (Sept. 17, 2020) (revenue-requirements summary). $232,000 / $89,682,000 = 0.0026.

requirement. And CenterPoint has indicated that it will likely file a rate case well before 2024, meaning that at least some of these costs may soon be part of its base rates.

Figure 2 summarizes the foregoing amounts, which illustrate that the stimulus projects as a whole are not large enough to have a significant impact on CenterPoint's financial condition:

Figure 2: Financial Impacts of CenterPoint's Proposed Stimulus Projects

Stimulus O&M Expense		Stimulus Capital Investment	
Total	5-Year Amort.	Total	2021 Deprec. & Return
$5.5 million	$1.1 million	$49.8 million	$0.2 million
↓	↓	↓	↓
2.1% of 2020 Total O&M	0.41% of 2020 Total O&M	3.1% of 2020 Net Plant	0.26% of 2020 Total Rev. Req.

CenterPoint contends that the stimulus investments will have a significant impact on its financial condition because the Company is already planning "robust" capital investments. But this argument does not establish that the stimulus investments themselves are significant; in fact, it tends to prove the opposite.

According to CenterPoint, its average annual capital expenditures since 2016 have been more than triple the annual average in 2002–2011.[44] With regard to pipeline replacements, the Company states that it was already planning to spend $200 million in 2021–2025 before the pandemic happened.[45] CenterPoint asserts that, when combined with these robust ongoing investments, the stimulus investments are significant.[46] But this conclusion is beside the point: The relevant question is not whether proposed deferred costs are significant when *combined with*

[44] CPE Petition at 28.
[45] *Id.* at 6.
[46] *Id.* at 28.

baseline spending. The question is whether they are significant *compared to* baseline levels. While CenterPoint emphasizes that its baseline levels of capital spending are already very high, this high level of existing spending actually diminishes the relative significance of the proposed stimulus investments.

For all these reasons, CenterPoint has failed to establish that its proposed stimulus projects are supported by a public-policy mandate or that their costs—even as a whole—are large enough to have a significant impact on its financial condition. The Commission should therefore find that the Company has failed to establish good cause to track these out-of-test-year costs and should reject the Company's request for deferred accounting.

V. IF THE COMMISSION GRANTS DEFERRED ACCOUNTING FOR ANY RATEPAYER-FUNDED STIMULUS, IT SHOULD NOT PERMIT CARRYING CHARGES.

For the reasons discussed in the previous sections, the Commission should deny CenterPoint's request for deferred accounting of its proposed stimulus projects. If, however, the Commission grants deferred accounting for any stimulus projects, it should reject the Company's request for carrying charges because such charges would not be in the public interest.

CenterPoint frames deferred accounting as a "tool to mitigate the rate impacts" of its proposed stimulus projects and "protect customers."[47] But because of the Company's carrying-charge proposal, deferred accounting would actually serve to *increase* the total cost of the stimulus projects, not mitigate them. CenterPoint proposes not only to earn its full cost of capital—6.86 percent—on stimulus investments, but also to charge ratepayers 6.86 percent interest on the uncollected deferred balance as carrying charges.[48] Thus, if the Company's proposal is approved, ratepayers would effectively be paying interest *on interest* for stimulus projects. It would be

[47] CPE Petition at 29.
[48] *See id.* at 26, 30.

manifestly unreasonable for ratepayers to pay exorbitant interest on investments that are not needed to serve them, and if the Commission allows deferred accounting of stimulus investments, it should prohibit CenterPoint from collecting carrying charges.

CenterPoint argues that "the Commission has recognized that in cases where the circumstances leading to the request for carrying costs are highly unusual, and the proposal mitigates rate impacts by spreading cost recovery over a longer period of time, authorization of carrying charges is warranted."[49] Contrary to CenterPoint's suggestion, "unusual circumstances" do not provide carte blanche to collect carrying charges—instead, it is the specifics of those circumstances that matters. In the case CenterPoint cites, the Commission allowed Otter Tail Power Company to collect carrying charges on a transmission-cost-rider tracker balance that accrued because of a Commission decision that was later reversed on appeal.[50] Although the Commission did characterize these circumstances as unusual, "unusualness" was not the basis for its decision. Instead, it was the specific facts of the case that justified a carrying charge: The tracker balance was substantial, had accrued over a long period, and had accrued despite Otter Tail's objection.[51]

The facts in this case are certainly unusual, but unlike the Otter Tail case, they weigh against allowing carrying charges. For one thing, the deferred balance in the Otter Tail case accrued over that utility's objection, but in this case CenterPoint is affirmatively seeking to defer costs. More importantly, ratepayer-funded stimulus is not intended primarily to benefit ratepayers. If ratepayers are to be recruited to shoulder the burden of stimulating the economy at large,

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[49] *Id.* at 30.
[50] *See In the Matter of the Application of Otter Tail Power Company for Authority to Increase Rates for Electric Service in Minnesota*, Docket No. E-017/GR-15-1033, Order Authorizing Cost Recovery, Annual Rate Adjustment, Carrying Charges, and Requiring Compliance Filing at 6 (Nov. 10, 2020).
[51] *Id.* The Commission also limited carrying charges to Otter Tail's cost of short-term debt rather than its full cost of capital.

therefore, it would not be reasonable to require them to pay CenterPoint *both* a 6.86 percent rate of return on stimulus investments *and* 6.86 percent carrying charges on the deferred balance. For these reasons, the Commission should prohibit carrying charges on any stimulus projects whose costs are deferred for later recovery.

CONCLUSION

The Commission's desire to assist in Minnesota's economic recovery is understandable. Yet the Commission's core contribution to the state's economic success rests in its important duty to ensure that ratepayers pay no more than necessary for adequate and reliable service. Actions that would tend to drive up the cost of an essential service should be done only after careful consideration, especially considering the recent natural gas price spike for which ratepayers could be left holding the bag. For these and all the foregoing reasons, the Commission should take the following actions with respect to CenterPoint's proposed ratepayer-funded stimulus:

1. Decline to approve accelerated pipeline replacements unless CenterPoint can show that its current rate of replacement will not maintain a safe or reliable system;
2. Decline to approve construction of a $6 million high-tech demonstration kitchen;
3. Decline to approve the proposed workforce-development program outside of CIP;
4. Deny deferred accounting for CenterPoint's stimulus projects; and

5. If the Commission does grant deferred accounting for any projects, reject the Company's request to impose carrying charges.

Dated: March 17, 2021

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

/s/ **Peter G. Scholtz**

PETER G. SCHOLTZ
Assistant Attorney General
Atty. Reg. No. 0389936

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1473 (Voice)
(651) 296-9663 (Fax)
peter.scholtz@ag.state.mn.us

ATTORNEYS FOR OFFICE OF
THE ATTORNEY GENERAL—
RESIDENTIAL UTILITIES DIVISION

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Minnesota Attorney General Keith Ellison
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March 17, 2021

Mr. Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

Re: ***In the Matter of CenterPoint Energy's Petition for Review of Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic***
MPUC Docket No. G-008/M-20-889

Dear Mr. Seuffert:

Enclosed and e-filed in the above-referenced matter please find Comments of the Minnesota Office of the Attorney General—Residential Utilities Division.

By copy of this letter all parties have been served. A Certificate of Service is also enclosed.

Sincerely,

/s/ **Peter G. Scholtz**
PETER G. SCHOLTZ
Assistant Attorney General

(651) 757-1473 (Voice)
(651) 296-9663 (Fax)
peter.scholtz@ag.state.mn.us

Enclosure

CERTIFICATE OF SERVICE

Re: ***In the Matter of CenterPoint Energy's Petition for Review of Investments that May Assist in Minnesota's Economic Recovery from the COVID-19 Pandemic***
MPUC Docket No. G-008/M-20-889

I, JUDY SIGAL, hereby certify that on the 17th day of March, 2021, I e-filed with eDockets ***Comments of the Minnesota Office of the Attorney General—Residential Utilities Division*** and served a true and correct copy of the same upon all parties listed on the attached service list by e-mail, electronic submission, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

/s/ Judy Sigal
JUDY SIGAL

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Tamie A.	Aberle	tamie.aberle@mdu.com	Great Plains Natural Gas Co.	400 North Fourth Street Bismarck, ND 585014092	Electronic Service	No	OFF_SL_20-889_M-20-889
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_20-889_M-20-889
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_20-889_M-20-889
Alison C	Archer	aarcher@misoenergy.org	MISO	2985 Ames Crossing Rd Eagan, MN 55121	Electronic Service	No	OFF_SL_20-889_M-20-889
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Brenda A.	Bjorklund	brenda.bjorklund@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-889_M-20-889
Cody	Chilson	cchilson@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-889_M-20-889
Ray	Choquette	rchoquette@agp.com	Ag Processing Inc.	12700 West Dodge Road PO Box 2047 Omaha, NE 68103-2047	Electronic Service	No	OFF_SL_20-889_M-20-889
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_20-889_M-20-889
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_20-889_M-20-889
Hillary	Creurer	hcreurer@allete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_20-889_M-20-889
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_20-889_M-20-889
Seth	DeMerritt	Seth.DeMerritt@centerpointenergy.com	CenterPoint Energy Minnesota Gas	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Bridget	Dockter	Bridget.Dockter@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-889_M-20-889
Marie	Doyle	marie.doyle@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall P O Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_20-889_M-20-889
Michelle	Dreier	mdreier@electricalassociation.com		N/A	Electronic Service	No	OFF_SL_20-889_M-20-889
Ron	Elwood	relwood@mnlsap.org	Mid-Minnesota Legal Aid	2324 University Ave Ste 101 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
James C.	Erickson	jericksonkbc@gmail.com	Kelly Bay Consulting	17 Quechee St Superior, WI 54880-4421	Electronic Service	No	OFF_SL_20-889_M-20-889
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	2720 E. 22nd St Institute for Local Self-Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_20-889_M-20-889
Eric	Fehlhaber	efehlhaber@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-889_M-20-889
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_20-889_M-20-889
Lucas	Franco	lfranco@liunagroc.com	LIUNA	81 Little Canada Rd E Little Canada, MN 55117	Electronic Service	No	OFF_SL_20-889_M-20-889
Daryll	Fuentes	dfuentes@usg.com	USG Corporation	550 W Adams St Chicago, IL 60661	Electronic Service	No	OFF_SL_20-889_M-20-889
Brian	Gardow	bgardow@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-889_M-20-889
James	Garness	james.r.garness@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-889_M-20-889
Edward	Garvey	edward.garvey@AESLconsulting.com	AESL Consulting	32 Lawton St Saint Paul, MN 55102-2617	Electronic Service	No	OFF_SL_20-889_M-20-889
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Bruce	Gerhardson	bgerhardson@otpco.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_20-889_M-20-889
Anita	Grace	anita@gracemulticultural.com	GRACE Multicltural	12959 196th LN NW Elk River, MN 55330	Electronic Service	No	OFF_SL_20-889_M-20-889
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_20-889_M-20-889
Todd J.	Guerrero	todd.guerrero@kutakrock.com	Kutak Rock LLP	Suite 1750 220 Sou h Sixth Street Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_20-889_M-20-889
Robert	Harding	robert.harding@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-889_M-20-889
Annete	Henkel	mui@mnutilityinvestors.org	Minnesota Utility Investors	413 Wacouta Street #230 St.Paul, MN 55101	Electronic Service	No	OFF_SL_20-889_M-20-889
Shane	Henriksen	shane.henriksen@enbridge.com	Enbridge Energy Company, Inc.	1409 Hammond Ave FL 2 Superior, WI 54880	Electronic Service	No	OFF_SL_20-889_M-20-889
Corey	Hintz	chintz@dakotaelectric.com	Dakota Electric Association	4300 220th Street Farmington, MN 550249583	Electronic Service	No	OFF_SL_20-889_M-20-889
Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.	445 Etna Street Ste. 61 St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-889_M-20-889
MJ	Horner	mj.horner@xcelenergy.com		N/A	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lori	Hoyum	lhoyum@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-889_M-20-889
Travis	Jacobson	travis.jacobson@mdu.com	Great Plains Natural Gas Company	400 N 4 h St Bismarck, ND 58501	Electronic Service	No	OFF_SL_20-889_M-20-889
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_20-889_M-20-889
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Sarah	Johnson Phillips	sarah.phillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Mark J.	Kaufman	mkaufman@ibewlocal949.org	IBEW Local Union 949	12908 Nicollet Avenue South Burnsville, MN 55337	Electronic Service	No	OFF_SL_20-889_M-20-889
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_20-889_M-20-889
Michael	Krikava	mkrikava@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Nicolle	Kupser	nkupser@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-889_M-20-889
Erica	Larson	erica.larson@centerpointenergy.com	CenterPoint Energy	505 Nicollet Avenue P.O. Box 59038 Minneapolis, Minnesota 55459-0038	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_20-889_M-20-889
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_20-889_M-20-889
James D.	Larson	james.larson@avantenergy.com	Avant Energy Services	220 S 6th St Ste 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Amber	Lee	Amber.Lee@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_20-889_M-20-889
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_20-889_M-20-889
Ryan	Long	ryan.j.long@xcelenergy.com	Xcel Energy	414 Nicollet Mall 401 8th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_20-889_M-20-889
Susan	Ludwig	sludwig@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-889_M-20-889
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_20-889_M-20-889
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7 h St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_20-889_M-20-889
Brian	Meloy	brian.meloy@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_20-889_M-20-889
Stacy	Miller	stacy.miller@minneapolismn.gov	City of Minneapolis	350 S. 5th Street Room M 301 Minneapolis, MN 55415	Electronic Service	No	OFF_SL_20-889_M-20-889
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-889_M-20-889
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Samantha	Norris	saman hanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_20-889_M-20-889
Matthew	Olsen	molsen@otpco.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-889_M-20-889
Carol A.	Overland	overland@legalectric.org	Legalectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_20-889_M-20-889
John	Pacheco	johnpachecojr@gmail.com		N/A	Electronic Service	No	OFF_SL_20-889_M-20-889
Greg	Palmer	gpalmer@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ben	Passer	Passer@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_20-889_M-20-889
Jose	Perez	jose@hispanicsinenergy.com		1017 L Street #719 Sacramento, CA 95814	Electronic Service	No	OFF_SL_20-889_M-20-889
Jennifer	Peterson	jjpeterson@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_20-889_M-20-889
Catherine	Phillips	Catherine.Phillips@wecenergygroup.com	Minnesota Energy Resources	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-889_M-20-889
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_20-889_M-20-889
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_20-889_M-20-889
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_20-889_M-20-889
Susan	Romans	sromans@allete.com	Minnesota Power	30 West Superior Street Legal Dept Duulth, MN 55802	Electronic Service	No	OFF_SL_20-889_M-20-889
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Larry L.	Schedin	Larry@LLSResources.com	LLS Resources, LLC	332 Minnesota St, Ste W1390 St. Paul, MN 55101	Electronic Service	No	OFF_SL_20-889_M-20-889
Elizabeth	Schmiesing	eschmiesing@winthrop.com	Winthrop & Weinstine, P.A.	225 South Sixth Street Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Will	Seuffert	Will.Seuffert@state mn.us	Public Utilities Commission	121 7 h Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_20-889_M-20-889
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_20-889_M-20-889
Colleen	Sipiorski	Colleen.Sipiorski@wecenergygroup.com	Minnesota Energy Resources Corporation	700 North Adams St Green Bay, WI 54307	Electronic Service	No	OFF_SL_20-889_M-20-889
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-889_M-20-889
Peggy	Sorum	peggy.sorum@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Jamez	Staples	jstaples@renewablenrgpartners.com	Renewable Energy Partners	3033 Excelsior Blvd S Minneapolis, MN 55416	Electronic Service	No	OFF_SL_20-889_M-20-889
Byron E.	Starns	byron.starns@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Richard	Stasik	richard.stasik@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St - P321 Milwaukee, WI 53203	Electronic Service	No	OFF_SL_20-889_M-20-889
Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 South 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Cary	Stephenson	cStephenson@otpco.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-889_M-20-889
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_20-889_M-20-889
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_20-889_M-20-889
Stuart	Tommerdahl	stommerdahl@otpco.com	Otter Tail Power Company	215 S Cascade St PO Box 496 Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_20-889_M-20-889
Thomas	Tynes	jjazynka@energyfreedomcoalition.com	Energy Freedom Coalition of America	101 Constitution Ave NW Ste 525 East Washington, DC 20001	Electronic Service	No	OFF_SL_20-889_M-20-889
Ana	Vang	avang@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_20-889_M-20-889

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lisa	Veith	lisa.veith@ci.stpaul mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_20-889_M-20-889
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_20-889_M-20-889
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889
Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_20-889_M-20-889