

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben  
Hwikwon Ham  
Valerie Means  
Joseph K. Sullivan  
John A. Tuma

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

ISSUE DATE: December 19, 2024

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Solar Energy Generating System for the Benton Solar Project in Benton County, Minnesota

DOCKET NO. IP-7115/GS-23-423

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Battery Energy Storage System for the Benton Solar Project in Benton County, Minnesota

DOCKET NO. IP-7115/ESS-24-283

In the Matter of the Application of Benton Solar, LLC for a Route Permit for a 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota

DOCKET NO. IP-7115/TL-23-425

ORDER ACCEPTING APPLICATIONS  
AS COMPLETE, ESTABLISHING  
PROCEDURAL REQUIREMENTS, AND  
NOTICE OF AND ORDER FOR  
HEARING

**PROCEDURAL HISTORY**

On September 24, 2024, Benton Solar, LLC (Benton Solar or Applicant)<sup>1</sup> filed a joint site permit and route permit application.

On October 16, 2024, the Department of Commerce, Energy Environmental Review and Analysis (EERA) unit filed comments.

On October 18, 2024, LIUNA Minnesota and North Dakota (LIUNA) filed comments.

On October 18, 2024, the International Union of Operating Engineers Local 49 (Local 49) and the North Central States Regional Council of Carpenters (Carpenters) filed joint comments in Docket No. IP-7115/GS-23-423.

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<sup>1</sup> Benton Solar is a wholly owned, indirect subsidiary of NextEra Energy Resources, LLC.

On October 25, 2024, Benton Solar filed reply comments.

On October 31, 2024, LIUNA filed supplemental comments.

On November 6, 2024, LIUNA filed a petition to intervene.

On November 19, 2024, Benton Solar filed a letter.

On December 2, 2024, Local 49 and the Carpenters filed a joint petition to intervene in Docket No. IP-7115/GS-23-423.

On December 3, 2024, this matter came before the Commission.

## **FINDINGS AND CONCLUSIONS**

### **I. The Project**

In its joint site permit application, Benton Solar requested two site permits for a proposed solar project in Minden Township, Benton County. The project involves building a 100-megawatt (MW) solar energy conversion facility and a 100-MW battery energy storage system (BESS). Additionally, Benton Solar requested a route permit to build a 115-kilovolt (kV), 0.5-mile-long high-voltage transmission line (HVTL) to deliver energy from the solar facility and the BESS to the electrical grid.

The project would be built on 631.9 acres of land located 4.0 miles east of St. Cloud. Benton Solar expects the project would produce, on average, approximately 201,480 MW hours of solar energy annually, enough to power 21,500 homes. Benton Solar stated that the project would meet growing customer demand for renewable energy resources and support Minnesota's goal of 100% carbon-free energy by 2040. The project would also benefit the local economy, increase tax revenues for Benton County and Minden Township, and the BESS would support grid reliability and reduce impacts associated with the variability of solar energy generation.

### **II. Application Completeness and Review Procedures**

Benton Solar seeks alternative review of its site and route permit applications pursuant to Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.<sup>2</sup> In its comments, EERA stated that Benton Solar's proposed projects—including the solar energy conversion facility, the BESS, and the HVTL—all qualify for alternative review, and EERA recommended that the Commission accept Benton Solar's joint site permit and route permit application as substantially complete.

LIUNA, Local 49, and the Carpenters noted the socioeconomic benefits the project could provide to local workers and communities, but LIUNA expressed concerns about whether Benton Solar would

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<sup>2</sup> Projects eligible for alternative review are listed under Minn. Stat. § 216E.04, subd. 2.

adequately utilize local labor for the project.<sup>3</sup> LIUNA was primarily concerned with the scope of discovery, particularly information related to the Applicant's labor practices in other states, and LIUNA argued that the Commission should require the Applicant to produce that information during discovery, if requested.

After a thorough review of the record, the Commission agrees with EERA that Benton Solar's joint site permit and route permit applications are substantially complete and should be accepted and reviewed under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.

The Commission also agrees with LIUNA regarding the scope of discovery and finds that the Applicant's labor practices in other states are relevant to the statutory criteria to be applied in this matter.

### **III. Joint Proceedings**

As the three applications are related and essentially comprise one project, review of the applications should proceed jointly to make the most efficient use of resources. Accordingly, the Commission will approve joint public meetings, joint public hearings, and combined environmental review of the route and site permit applications to the extent practical.

### **IV. Jurisdiction and Referral for Contested Case Proceedings**

The Commission's decision accepting the applications as complete is as to form only and implies no judgment on the merits of the applications. To fully develop the record in this matter, the Commission will refer the matter to the Office of Administrative Hearings (OAH) for contested case proceedings.

The Administrative Law Judge assigned to this matter will conduct hearings as described in this Notice and submit a Report to the Commission. Following receipt of the Administrative Law Judge's Report, the Commission will proceed to make its final decision in accordance with Minn. Stat. Ch. 14, 216B, and 216E.

### **V. Issues to be Addressed**

The Commission expects that in the course of this case the parties will develop a full record addressing issues raised that are relevant to the Commission's site and route permit decisions. As discussed above, the Commission finds that the Applicant's labor practices in other states are relevant to the statutory criteria to be applied in this matter and requests the Administrative Law Judge develop the record accordingly.

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<sup>3</sup> Minn. Stat. § 216E.04, subd. 7(b)(15) provides, in part, that "[t]he Commission must consider a facility's local employment and economic impacts, and may reject or place conditions on a site or route permit based on the local employment and economic impacts."

## **VI. Procedural Outline**

### **A. Administrative Law Judge**

The Administrative Law Judge assigned to this case is Megan McKenzie. Her address is as follows: Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101. Her mailing address is P.O. Box 64620, St. Paul, Minnesota 55164-0620. She can be reached through her legal assistant, Nichole Sletten, at 651-361-7857.

### **B. Hearing Procedure**

- *Controlling Statutes and Rules*

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, Minn. Stat. §§ 14.57-14.62; Minn. R. 1400.5010-8400; and to the extent they are not superseded by those rules, the Commission's rules of Practice and Procedure, Minn. R. 7829.0100 to 7829.4000. Hearings may be recessed and reset by the Administrative Law Judge pursuant to Minn. R. 1405.1400 to .2300.

Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 660 Olive Street, St. Paul, Minnesota 55155; (651) 297-3000. These rules and statutes also appear on the State of Minnesota's website at [www.revisor.mn.gov/pubs](http://www.revisor.mn.gov/pubs).

The OAH conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota State Bar Association.

- *Right to Counsel and to Present Evidence*

In these proceedings, parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under Minn. R. 1405.1300, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions.

- *Discovery and Informal Disposition*

Any questions regarding discovery under Minn. R. 1400.6700 to 1400.6800 or informal disposition under Minn. R. 1400.5900 should be directed to Cezar Panait, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota, 55101-2147.

- *Protecting Not-Public Data*

State agencies are required by law to keep some data not public. Parties must advise the Administrative Law Judge if not-public data is offered into the record. They should take note that

any not-public data admitted into evidence may become public unless a party objects and requests relief under Minn. Stat. § 14.60, subd. 2.

- *Accommodations for Disabilities; Interpreter Services*

At the request of any individual, this agency will make accommodations to ensure that the hearing in this case is accessible. The agency will appoint a qualified neutral interpreter if necessary. Persons must promptly notify the Administrative Law Judge if an interpreter is needed.

- *Scheduling Issues*

The times, dates, and places of evidentiary hearings in this matter will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

- *Notice of Appearance*

Any party intending to appear at the hearing must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing.

- *Sanctions for Non-Compliance*

Failure to appear at a prehearing conference, a settlement conference, or the hearing, or failure to comply with any order of the Administrative Law Judge, may result in facts or issues being resolved against the party who fails to appear or comply.

### **C. Parties and Intervention**

Benton Solar does not oppose LIUNA's, Local 49's, and the Carpenters' petitions to intervene. These stakeholders have a unique interest in these proceedings, and their involvement will help create a more robust record for the Commission to use in deciding whether to ultimately approve or deny the permits at issue. The Commission will therefore grant LIUNA's, Local 49's, and the Carpenters' petitions to intervene as parties in these dockets.<sup>4</sup>

The current parties to this case are Benton Solar, the Department, LIUNA, Local 49, and the Carpenters. Other persons wishing to become formal parties must do so pursuant to Minn. R. 1405.0900. Subpart 1 of that rule prescribes the timing and contents of a petition to intervene. Subpart 2 prescribes the timing and content of any objection to the petition, and subpart 3 sets forth the standards for granting, denying, or requiring consolidation of similar petitions.

The hearing process established under Rule Chapter 1405 is designed to facilitate public participation, and persons need not intervene as parties to participate. All public participants have significant procedural rights, including but not limited to, the right to be present throughout the

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<sup>4</sup> Minn. R. 7829.0800, subp. 5 provides that "[i]f there is no objection to intervention and a petition to intervene is not denied or suspended within 15 days of filing, the petition to intervene must be considered granted, unless the matter is referred to the Office of Administrative Hearings for contested case proceedings before the expiration of the 15-day period." LIUNA filed its petition to intervene on November 6, 2024, and the petition was not denied, suspended, or objected to in the subsequent 15 days.

proceeding, to offer direct testimony in oral or written form, to question all persons who testify, and to submit comments to the Administrative Law Judge and the Commission.

Persons who intervene and are granted party status have additional rights and responsibilities, including, but not limited to, the right to object to another's petition for intervention, the right to submit direct testimony and conduct cross-examination of other parties' witnesses, and the duty to submit prefiled testimony, comply with discovery requests, produce witnesses, file briefs, and serve all documents on all other parties.

The description of rights in this section is summary in nature, as required by Minn. R. 1405.0500, subpart 1(I), and is not intended to be comprehensive. Interested parties are encouraged to review Chapter 1405 to identify the scope of rights and authority to act given to "persons" or restricted to "parties" under the various provisions of that chapter.

#### **D. Prehearing Conference**

A prehearing conference will be held on January 9, 2025 at 9:30 AM, via Microsoft Teams. The Microsoft Teams meeting info is as follows:

##### **[Meeting Link](#)**

Meeting ID: 299 791 540 401

Passcode: yB9V5oF9

Persons participating in the prehearing conference should be prepared to discuss time frames, scheduling, discovery procedures, and similar issues. Potential parties are invited to attend the prehearing conference and to file their petitions to intervene as soon as possible.

#### **VII. Ex Parte Communications**

Restrictions on ex parte communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth in Minn. R. 7845.7300 – 7845.7400, which all parties are urged to consult.

#### **VIII. Delegation of Authority**

Minn. Stat. § 138.665 requires consultation with the State Historic Preservation Office (SHPO) before carrying out any undertaking that will affect certain designated or listed properties. To ensure proper development of the record, the Commission will delegate administrative authority to the Executive Secretary to authorize the Applicant to initiate consultation with SHPO to determine appropriate treatments and to seek ways to avoid and mitigate any adverse effects on designated or listed properties.

To facilitate the review process, the Commission will take further action as detailed in the ordering paragraphs below and will delegate authority to the Executive Secretary to modify timelines and procedures throughout this proceeding.

## **ORDER**

1. The Commission accepts the joint site permit application as substantially complete and authorizes review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.
2. The Commission accepts the route permit application as substantially complete and authorizes review under the alternative permitting process defined in Minn. Stat. § 216E.04 and Minn. R. 7850.2800 to 7850.3900.
3. The Commission approves joint public meetings, joint public hearings, and combined environmental review of the route and site permit applications to the extent practical.
4. The Commission refers these matters to the Office of Administrative Hearings for a contested case hearing.
5. The Commission will take no action on an advisory task force at this time.
6. The Commission requests the Administrative Law Judge develop the record in accordance with the Commission's finding that the Applicant's labor practices in other states are relevant to the statutory criteria to be applied in this matter.
7. LIUNA's, Local 49's, and the Carpenters' petitions to intervene as parties in these dockets are granted.
8. The Commission delegates authority to the Executive Secretary to issue an authorization to the Applicant to initiate consultation with the Minnesota State Historic Preservation Office.
9. The Commission delegates authority to the Executive Secretary to modify timelines and procedures throughout this proceeding.
10. The Commission identifies Jacques Harvieux as the Commission's Public Advisor who will facilitate citizen participation in the process.
11. The Commission requests that EERA continue to study the issues and indicate during the hearing process through testimony or comment its position on the reasonableness of granting site and route permits.
12. The Applicant must facilitate in every reasonable way the continued examination of the issues requested by intervenors, EERA, and Commission staff.
13. The Applicant must place a copy of the route and site permit applications in the government center or public library located closest to the proposed project site.
14. The Applicant must work with Commission staff and EERA staff to arrange for publication of the notices related to public information meetings and public hearings in

newspapers of general circulation under the timelines prescribed in rule and statute, that such notice be in the form of visible display ads, and that proof of publication be obtained and provided to Commission staff.

15. Commission staff is authorized to file sample site and route permits to the dockets of this case.
16. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert  
Executive Secretary



This document can be made available in alternative formats (e.g., large print or audio) by calling 651.296.0406 (voice). Persons with hearing or speech impairment may call using their preferred Telecommunications Relay Service or email [consumer.puc@state.mn.us](mailto:consumer.puc@state.mn.us) for assistance.



**ATTACHMENT A**

PUC Docket Numbers IP-7115/GS-23-423; IP-7115/ESS-24-283; IP-7115/TL-23-425

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Solar Energy Generating System for the Benton Solar Project in Benton County, Minnesota

**NOTICE OF APPEARANCE**

In the Matter of the Application of Benton Solar, LLC for a Site Permit for the 100 MW Battery Energy Storage System for the Benton Solar Project in Benton County, Minnesota

In the Matter of the Application of Benton Solar, LLC for a Route Permit for a 115 kV High-Voltage Transmission Line Associated with the Benton Solar Project in Benton County, Minnesota

TO: Administrative Law Judge Megan McKenzie, 600 North Robert Street, PO Box 64620, St. Paul, MN 55164

**PLEASE TAKE NOTICE that:**

1. The party named below will appear at the prehearing conference and subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the party named below hereby acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into electronic notice from the Office of Administrative Hearings with respect to this matter.

**Note: Provision of an email address DOES NOT constitute the party's consent to electronic service from the opposing party/ies in this proceeding.**

3. The party named below agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel and to advise the Office of Administrative Hearings of any change in all parties' email address(es).

**Party's/Agency's Name:** \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Party's/Agency's Attorney:** \_\_\_\_\_

Firm Name: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Respondent's/Opposing Party's Name:** \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Dated: \_\_\_\_\_

## **CERTIFICATE OF SERVICE**

I, Mai Choua Xiong, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission**

**ORDER ACCEPTING APPLICATIONS AS COMPLETE, ESTABLISHING  
PROCEDURAL REQUIREMENTS, AND NOTICE OF AND ORDER FOR  
HEARING**

Docket Number **IP-7115/GS-23-423; IP-7115/ESS-24-283; IP-7115/TL-23-425**

Dated this 19<sup>th</sup> day of December, 2024

/s/ Mai Choua Xiong

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Generic	Commerce Attorneys	commerce.attorneys@ag.state.mn.us		Office of the Attorney General - Department of Commerce	445 Minnesota Street Suite 1400 St. Paul MN, 55101 United States	Electronic Service		Yes	23-423Official
2	Sharon	Ferguson	sharon.ferguson@state.mn.us		Department of Commerce	85 7th Place E Ste 280 Saint Paul MN, 55101-2198 United States	Electronic Service		No	23-423Official
3	Anthony	Garcia	anthony.garcia@edovo.com	Legacy Long Distance International Inc. dba Edovo		10833 Valley View St Ste 150 CYPRESS CA, 90630 United States	Electronic Service		No	23-423Official
4	Logan	Hicks	logan.m.hicks@state.mn.us		Department of Commerce	85 7th Place East Suite 280 Saint Paul MN, 55101 United States	Electronic Service		No	23-423Official
5	Mark R.	Johnson	mark.r.johnson@nexteraenergy.com	NextEra Energy Resources		700 Universe Blvd Juno Beach FL, 33408 United States	Electronic Service		No	23-423Official
6	Richard	Kolodziejski	rkolodziejski@ncsrcc.org	North Central States Regional Council of Carpenters		700 Olive St St. Paul MN, 55130 United States	Electronic Service		No	23-423Official
7	Megan	McKenzie	megan.mckenzie@state.mn.us		Office of Administrative Hearings	PO Box 64620 St Paul MN, 55164 United States	Electronic Service		No	23-423Official
8	Kevin	Pranis	kpranis@liunagroc.com	Laborers' District Council of MN and ND		81 E Little Canada Road St. Paul MN, 55117 United States	Electronic Service		No	23-423Official
9	Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	1400 BRM Tower 445 Minnesota St St. Paul MN, 55101-2131 United States	Electronic Service		Yes	23-423Official
10	Micah	Revell	micah.revell@stinson.com	Stinson LLP		50 South Sixth St Ste 2600 Minneapolis MN, 55402 United States	Electronic Service		No	23-423Official
11	Will	Seuffert	will.seuffert@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 Saint Paul MN, 55101 United States	Electronic Service		Yes	23-423Official

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3	Adam	Gracia	adam.gracia@nexteraenergy.com	NextEra Energy Resources		700 Universe Blvd Juno Beach FL, 33408 United States	Electronic Service		No	23-425Official
4	Logan	Hicks	logan.m.hicks@state.mn.us		Department of Commerce	85 7th Place East Suite 280 Saint Paul MN, 55101 United States	Electronic Service		No	23-425Official
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6	Megan	McKenzie	megan.mckenzie@state.mn.us		Office of Administrative Hearings	PO Box 64620 St Paul MN, 55164 United States	Electronic Service		No	23-425Official
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