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September 30, 2025

Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

Re: Upper Sioux Community's Request to Reassign Prairie's Edge Casino Resort's Service Territory under Minn. Stat. §§ 216B.39, subd. 3; 216B.42

Minnesota Public Utilities Commission,

I represent the Upper Sioux Community ("Community") in its ongoing dispute with Minnesota Valley Cooperative Light & Power Association ("MN Valley") over the construction and operation of a 2.5 megawatt behind the meter solar array within the exterior boundaries of the Community's reservation. Due to persistent and costly conflicts with MN Valley, the Community hereby formally requests that the Minnesota Public Utilities Commission ("Commission") reassign the service territory surrounding the Prairie's Edge Casino Resort ("Prairie's Edge") from MN Valley to Xcel Energy ("Xcel") pursuant to the Commission's authority under Minn. Stat. §§ 216B.39, subd. 3; 216B.42.

Although this request is related to the Commission's ongoing investigation into MN Valley's service standards and practices (Docket No. E-123/C-25-219), and the Parties' significant disagreement surrounding that investigation, the authority to change service territories under Minn. Stat. §§ 216B.39 and 216B.42 is distinct from the Commission's investigative powers. We understand that Xcel's existing proximity to Prairie's Edge makes the transition feasible with minimal adjustments to transmission and distribution systems, avoiding unnecessary investment in duplicative infrastructure. Granting this request will promote reliable and efficient service to Prairie's Edge, enable the Community to advance its clean energy initiatives, and enable the Community to reap the benefits of its solar array investment.

Prior to any public hearing, the Community respectfully requests that the Commission hold a tribal consultation to discuss the process and timing of the requested service change.

I. General Authority under Minn. Stat. § 216B.39, subd. 3

Section 216B.39, subdivision 3, authorizes the Commission, either on its own initiative or at the request of an electric utility, to alter assigned service area boundaries after appropriate notice and hearing, as outlined in sections 216B.17 and 216B.18. As Commissioner Tuma noted during the July 24, 2025, hearing in Docket No. E-123/C-25-219, the Commission possesses the authority to grant this service territory change outside of the investigative proceeding. Hearing Tr. 100-101.

II. Specific Authority under Minn. Stat. § 216B.42

Section 216B.42 provides additional authority for the Commission to reassign service territories for customers located outside municipalities and requiring electric service with a connected load of 2,000 kilowatts (2 MW) or more, after considering six statutory factors:

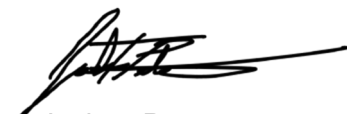
1. Electric service requirements of the load to be served;
2. Availability of an adequate power supply;
3. Development or improvement of the electric system of the utility seeking to provide service, including economic factors;
4. Proximity of adequate facilities for delivery of required service;
5. Preference of the customer;
6. Any other pertinent factors affecting the ability of the utility to meet customer requirements.

Prairie's Edge meets the statutory criteria of 216B.42. Prairie's Edge is situated within the Community's reservation on federal trust lands and is located outside a municipality as envisioned by the statute. See Minn. Stat. 216B.38, subd. 7 (defining municipality as "any city, however organized."). Prairie's Edge also has a connected load in excess of 2,000 kilowatts—meaning that all electrical devices or equipment connected to a power source in Prairie's Edge, when operating simultaneously, would draw a total power in excess of 2,000 kilowatts (2 MW).

Each statutory factor weighs in favor of reassigning the service territory. First, the Community consumes a significant amount of power, roughly 18 megawatts on average per day, to operate Prairie's Edge. Second, the Community understands that Xcel has an adequate power supply to support Prairie's Edge—which will be offset by the operation of the Community's solar array. Third, there will not be significant or duplicative infrastructure investment, due to the proximity of Xcel's existing service territory, facilities, and powerlines. Fourth, Xcel already serves other facilities and customers on the reservation, and the Community understands that Xcel can readily extend service to Prairie's Edge with little additional cost to deliver service to the casino. Fifth, the Community's preference is to switch to Xcel. Finally, MN Valley has expressly refused to provide service should the Community operate its behind-the-meter solar array, thereby jeopardizing the Community's access to adequate, reliable power. Without adequate and reliable power, the Community's ability to fund its essential government functions will be at risk. MN Valley has also been very contentious with the Community. The Community has lost trust in the cooperative and is now being forced to incur significant fees and costs just to try to operate a behind-the-meter solar array. The Community should not be forced to continue to deal with MN Valley, particularly here where there is an easy solution: switching the Community's power source.

In light of the above, and pursuant to Sections 216B.39 and 216B.42, the Community respectfully requests the Commission to initiate the required notice and hearing procedures and approve the reassignment of the service territory surrounding Prairie's Edge from MN Valley to Xcel.

Sincerely,



Joshua Peterson