

October 25, 2023

Will Seuffert
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce, Division of Energy Resources
Docket Nos. E002/M-10-854 and E002/M-04-1956

Dear Mr. Seuffert:

Attached are the comments of the Division of Energy Resources of the Minnesota Department of Commerce (Department) in the following matter:

Petition of Northern States Power Company d/b/a Xcel Energy (Xcel) for Approval of a Modification to its Low-Income Discount Program.

Bridget N. Dockter, Xcel's Policy and Outreach Manager, filed the petition on September 1, 2023.

The Department requests that Xcel provide additional information in reply comments. The Department will provide a recommendation to the Minnesota Public Utilities Commission (Commission) after reviewing the additional information provided. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ Louise Miltich
Assistant Commissioner of Regulatory Analysis

/s/ Felicia Cullen
Financial Analyst

/s/ Stephen Collins
Financial Analyst

LM/FC/SC/ad
Attachment



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket Nos. E002/M-10-854 and E002/M-04-1956

I. INTRODUCTION

On September 1, 2023, Northern States Power Company, doing business as Xcel Energy (Xcel or the Company), filed a petition requesting approval to transfer \$5.6 million from the Medical Affordability Program (MAP) to the PowerOn Program (PowerOn).

On September 13, 2023, the Minnesota Public Utilities Commission (Commission) issued a notice of comment period with the following topics open for comment:

- Should the Commission approve Xcel's request to transfer \$5.6 million in funds from MAP to PowerOn?
- Will a \$5.6 million transfer in funds leave enough funding in the MAP budget to accommodate current and potential future participants?
- Are there other issues or concerns related to this matter?

On September 28, 2023, Xcel, Energy CENTS Coalition (ECC), and the Citizens Utility Board of Minnesota (CUB) filed a joint request to extend the initial comment deadline to October 25, 2023 and reply comment deadline to November 8, 2023. The three parties stated their reasons for the extension request as follows:

This [\$5.6 million] transfer of funds is important to the near-term viability of the PowerOn Program. However, longer-term solutions are needed to maintain the PowerOn Program budget at a level sufficient to accommodate current and growing program participation levels. The Joint Parties have engaged in initial discussions about how best to sustain program funding, but need additional time to continue our collaborative efforts so Xcel Energy can provide a detailed proposal for the Commission's consideration.

On September 29, 2023, the Commission approved the parties' extension request.

The Minnesota Department of Commerce, Division of Energy Resources (Department) reviews Xcel Energy's request for approval to transfer \$5.6 million from the MAP to PowerOn below.

II. DEPARTMENT ANALYSIS

The Department provides core background information on Xcel's petition and then reviews the Commission's topics open for comment. Given the lengthy and complicated history of Xcel's electric low-income programs, the Department provides additional background information as an appendix to these comments.

A. BACKGROUND

1. Overview

Xcel has three electric low-income programs: a general low-income program called PowerOn, a low-income program for seniors and those with disabilities called the Discount Program, and a low-income program for customers with severe or chronic medical conditions called MAP. Each program is part of Xcel’s Low Income Energy Discount Rider (Rider) established pursuant to Minn. Stat. § 216B.16, subd. 14 (Low-Income Electric Rate Discount Statute). Each program has its own budget and is funded by a monthly per-customer surcharge. Xcel files annual reports on the programs in the instant dockets. The Department summarizes the programs in Table 1 below, based on the Rider’s tariff language,¹ prior dockets,² and Xcel’s most recent annual report filed on December 1, 2022. The Department provides a more comprehensive history of Xcel’s electric low-income programs in the Appendix to these comments.

**Table 1:
 Summary of Xcel’s Electric Low-Income Programs**

	Combined	PowerOn (All LIHEAP)	Discount (LIHEAP Seniors & Disabled)	MAP (Low-Income with Medical Conditions)
Beginning Year	1995, 2005, 2018	1995, 2005	1995	2018
Enabling Dockets	94-925, 04-1956, 17-629	94-925, 04-1956	94-925, 04-1956	15-826, 17-629
Customer Eligibility	varies by program	• LIHEAP recipient	• LIHEAP recipient • 62+ years old and/or disabled	• Income ≤60% state median • Certified medical circumstances
Additional Requirements	varies by program	• Comply with payment plan	• none	• Comply with payment plan
Discount Level	varies by program	Affordability credit: limits bill to 3% of household income Arrearage Credit: Eliminate arrears over up to 24 months*	\$15/month	Affordability credit: limits bill to 3% of household income Arrearage Credit: Eliminate arrears over 12-24 months with customer copayment ≤ 3% household income
Customer Enrollment Process	varies by program	Auto-enrolled if also Xcel gas customer; otherwise must apply	Automatically enrolled	Customer must apply
Administration	Xcel + ECC or Xcel only	Xcel + ECC	Xcel	Xcel + ECC
Budget Restrictions	varies by program		none	First-come/first-served until the budget is exhausted.
Annual Admin. Costs	~\$500,000	not reported	not reported	not reported
Program Surcharge:*		(unchanged since 2013)	(unchanged since 2018)	(unchanged since 2018)
Residential	\$0.98	\$0.21	\$0.58	\$0.19
C&I Non-Demand	\$1.27	\$0.26	\$0.78	\$0.23
C&I Demand	\$3.60	\$0.66	\$2.34	\$0.60

* LIHEAP recipients and Lighting customers are exempt from paying the surcharge.

In addition, the Department also provides Table 2 below showing participation and funding statistics for the programs since 2018.

¹ Xcel’s Minnesota Electric Rate Book, Section No. 5, 10th Revised Sheet No. 95. The tariff was most recently updated through a 9/11/2023 compliance filing in Docket Nos. E002/M-13-867 & E002/M-21-695.

² See Docket Nos. E002/M-94-925, E002/M-04-1956, and E002/M-10-854.

**Table 2:
 Xcel Electric Low-Income Program Statistics**

	Combined	PowerOn (All LIHEAP)	Discount (LIHEAP Seniors & Disabled)	MAP (Low-Income with Medical Conditions)
# Customers Enrolled				
2018	43,648	12,587	31,061	1,472 ^a
2019	52,622	17,828	32,756	2,038
2020	50,772	18,561	30,607	1,604
2021	50,982	18,550	31,290	1,142
2022	59,614	19,600	38,941	1,073
2023	n/a	22,000 ^b	n/a	n/a
Annual Budget				
2018	see each program	\$5,425,201	none - all eligible customers enrolled	\$3,000,000
2019		\$5,772,000		\$3,000,000
2020		\$8-9 million		\$3,000,000
2021		\$9-10 million		\$3,000,000
2022		\$9-10 million		\$3,000,000
Cost (Disbursements + Administration) - 10-month				
2018	\$6,214,390	\$5,605,932	\$4,837,123	\$1,377,267
2019	\$13,544,032	\$7,650,204	\$5,193,525	\$2,744,575
2020	\$14,144,564	\$7,849,734	\$4,921,563	\$1,373,267
2021	\$15,035,219	\$8,882,229	\$5,330,005	\$822,985
2022	\$14,766,758	\$8,306,407	\$5,364,559	\$1,095,792
2023	n/a	~+\$10 million ^c	n/a	n/a
Revenue - 10-month				
2018	\$13,795,073	\$4,540,597	\$7,190,814	\$2,063,662
2019	\$15,079,622	\$4,475,931	\$8,065,063	\$2,538,628
2020	\$15,155,199	\$4,489,860	\$8,113,894	\$2,551,445
2021	\$18,689,279	\$7,552,484	\$8,469,327	\$2,667,468
2022	\$14,167,804	\$2,968,156	\$8,517,294	\$2,682,354
Tracker Balance				
2018	\$2,225,501	\$0	\$1,238,722	\$986,779
2019	\$3,320,606	\$0	\$2,324,227	\$996,379
2020	\$4,913,669	\$0 ^d	\$2,659,333	\$2,254,336
2021	\$9,874,531	\$0 ^e	\$5,390,838	\$4,483,693
2022	\$10,639,364	\$0	\$3,980,012	\$6,659,352
7/30/2023 ^f	\$10,700,000	\$0	\$2,100,000	\$8,600,000

Notes

Xcel's annual reports only report total costs and revenues on a 10-month basis.

PowerOn budgets are as provided in Xcel's annual reports, Att. B

To the Department's understanding, PowerOn revenue cited above (from Xcel's annual reports, Att. B) does not include \$2 million allocated in the 12/5/18 Order issued in Docket No. E,G999/CI-17-895

^a 2018 is a partial year result as MAP began in February 2018

^b Instant petition, page 4

^c Instant petition, page 4, states that PowerOn Program spending has increased to over \$1 million per month over the last three months as of 9/1/23. \$10 million+ is a 10-month run-rate of this amount.

^d Xcel's 2020 and 2021 annual reports, Att. B, cite different figures for 2020.

^e Xcel's 2021 and 2022 annual reports, Att. B, cite different figures for 2021.

^f Instant petition, page 3

As shown above, PowerOn participation has increased from 12,587 customers in the 2017-18 program year to 19,600 customers in 2021-22. Correspondingly, disbursements have increased from \$5.6 million in 2018 to \$8.9 million in 2021. Beginning this year, Xcel has begun automatically enrolling joint gas/electric customers into PowerOn, instead of requiring customers to apply.³ Due to this change, Xcel expects PowerOn participation to approximately double.⁴ Xcel reports PowerOn participants are 22,000 as of September 1, 2023 and spending is over \$1 million per month. Xcel expects these numbers to increase due to auto-enrollment, which began in July of 2023.⁵

In contrast, despite Xcel's outreach strategies,⁶ as seen in the table above, MAP participation levels decreased sharply after 2019 and in the 2021-22 program year hit an all-time low of 1,073 customers. Correspondingly, MAP disbursements in 2021 (full calendar year) also hit an all-time low of \$908,647, a significant decrease from the \$3.1 million of MAP disbursements in 2019 and \$1.5 million of disbursements in 2020.⁷ Xcel's 2020 and 2021 annual reports attributed the decrease in 2020 onwards to the suppression of credit activity and notices being sent to households due to the pandemic.

As a result of these diverging trends, Xcel is requesting to transfer \$5.6 million from MAP to PowerOn.

2. *PowerOn Budget & Funding*

On September 3, 2013, the Commission issued its Findings of Fact, Conclusions, and Order in Docket No. E002/GR-12-961. The September 3, 2013 Order approved a \$3,200,000 annual budget for PowerOn, requiring Xcel to fund the program by revising its monthly surcharge. The Company was required to track the additional \$3,200,000 increase in funding separately from the other money it collects through the low-income affordability surcharge, and use it solely for the PowerOn program. The Commission stated Xcel was responsible for any spending over the \$3,200,000/year budget.

In compliance with the September 3, 2013 Order, Xcel maintained the existing "base" monthly surcharge (designed to recover the costs of the Discount Program) surcharges of \$0.50, \$0.67, and \$2.02 per residential customer, C&I non-demand customer, and C&I demand customer, respectively. Xcel then added PowerOn monthly surcharges of \$0.21, \$0.26, and \$0.66, respectively.⁸ Xcel stated the new programs (PowerOn and the Discount Program for senior-aged and disabled customers) would be funded through one combined surcharge (the sum of the base and PowerOn surcharges), but tracked separately.⁹ The PowerOn surcharges have continued at the same level ever since, but the base

³ On January 18, 2023, the Commission issued an Order in Docket No. G002/M-22-257, *et al.*, approving Xcel's proposal to auto enroll LIHEAP recipients into the Gas Affordability Program (GAP). Though GAP is a natural gas program, customers who use a combination of gas and electric through Xcel are automatically enrolled into the PowerOn program as well. See the instant petition, page 2.

⁴ Instant petition, page 5.

⁵ Instant petition, page 4.

⁶ Instant petition, page 3.

⁷ Xcel 2022 Annual Report filed 12/1/22 in E002/M-04-1956 and E002/M-10-854, page 9, Table 4.

⁸ September 19, 2013 Xcel compliance filing in Docket No. E002/GR-12-961. See attachment to the filing, Schedule 4 and the updated tariff in Xcel Minnesota Electric Rate Book, Section No. 5, 6th Revised Sheet No. 96.

⁹ September 19, 2013 Xcel compliance filing in Docket No. E002/M-10-854.

surcharges have increased due to the requirement in Minn. Stat. § 216B.16, subd. 14 that the base (established in 2014) annual funding level of \$8 million shall increase in the calendar years subsequent to each Commission approval of a rate increase for the public utility's residential customers by the same percentage as the approved residential rate increase.

Prior to the 2013 change approved in Docket No. E002/GR-12-961, Xcel tracked PowerOn and Discount Program costs and revenues together.¹⁰ Following the change, Xcel tracked their costs and revenues separately, but funded both programs out of the combined Base + PowerOn surcharge.¹¹ However, Xcel continues to effectively track both separately, but fund PowerOn and the Discount Program together.¹² The instant petition refers multiple times to a combined PowerOn/Discount tracker balance and specifically states that Xcel commits to providing an update to the Commission if/when Xcel believes the combined PowerOn/Discount tracker balance will fall below \$2 million.¹³

On March 30, 2018, ECC and the Center for Energy and Environment (CEE) submitted comments in Docket No. E,G999/CI-17-895 recommending the Commission allocate a portion of the financial benefits resulting from the Tax Cuts and Jobs Act to a \$2 million annual increase in the PowerOn budget. ECC and CEE cited inadequate PowerOn funding as a key driver behind their recommendation, stating:

Even as funding for POWER On has increased in recent years, funding levels have remained inadequate to enroll all of the customers who need assistance. Over the last eight years, inadequate funding levels have caused the program to close four different times for periods ranging from six months to over two years. The current POWER On program closed to new participants in September 2017 and remains closed today.

On December 5, 2018, the Commission issued an Order in Docket No. E,G999/CI-17-895 approving the \$2 million of additional funding, ordering that Xcel return to ratepayers the savings resulting from the federal Tax Cut and Jobs Act, allocate \$2 million of the savings to its PowerOn program, and reduce its base rates, consistent with its current rate design, to reflect \$80,246,667, less the \$2 million allocated to its PowerOn program plus accumulated deferred income tax adjustments. According to Xcel's 2020, 2021, and 2022 annual reports, Xcel began including the \$2 million in the PowerOn tracker effective September 2018. In addition, the 2021 and 2022 annual reports state that in May of 2021, the PowerOn program was allocated an additional \$2.9 million from a Department of Energy settlement, which was a one-time allocation.

¹⁰ Xcel's 2013 Annual Report filed on November 26, 2013 in Docket Nos. E002/M-04-1956 & E002/M-10-854.

¹¹ Xcel's 2014 Annual Report filed on December 1, 2014 in Docket Nos. E002/M-04-1956 & E002/M-10-854.

¹² Instant petition, page 3, stating that PowerOn and the Discount Program "effectively combine annual budgets to ensure the needs of each program is met. However, the MAP requires its own program funding per Commission Order."

¹³ Instant petition, pages 3-5.

B. TOPICS OPEN FOR COMMENT

- 1. Should the Commission approve Xcel's request to transfer \$5.6 million in funds from MAP to PowerOn? Will a \$5.6 million transfer in funds leave enough funding in the MAP budget to accommodate current and potential future participants?*

To fully assess these issues, the Department needs to obtain a clearer picture of PowerOn funding historically. According to the data reported in Attachment B of Xcel's annual reports, PowerOn had a tracker balance of \$0 since at least 2018. As shown in Table 2 above, this is a result of the PowerOn surcharge not changing and PowerOn costs increasing. PowerOn has thus been funded by the Base surcharge which is designed to recover the \$8,000,000 of base funding established in the 2014 modification to Minn. Stat. § 216B.16, subd. 4, adjusted for increases in residential base rates.

In addition, the budget reported in Attachment B of Xcel's annual reports has been increasing substantially in recent years, and is much higher than the \$3.2 million budget originally established in 2013.

Also, it is not clear to the Department whether Xcel's budgeting includes the \$2 million allocated in the 2017 tax docket.

Finally, the Department notes that the overall program surcharges (for PowerOn, the Discount Program, and MAP combined) have not increased since 2018.

The Department also needs to obtain a clearer picture of future PowerOn and MAP funding needs. While the discount program's costs have been relatively stable, MAP program costs have fluctuated, and PowerOn costs have increased substantially and will potentially increase more with auto-enrollment of joint electric/gas customers.

While at this time the Department does not have any final recommendations regarding these two issues, the Department notes that PowerOn and Discount are already effectively funded on an aggregate basis. Further, there is no strict requirement for \$3 million to be set aside annually for MAP, especially since MAP's participation levels only require a fraction of that. One solution is to combine all three budgets into one, which is already the case with PowerOn and Discount. Then, the overall recovery amount can be adjusted to meet the needs of each program. The remaining concern is then balancing the economic welfare of other customers with the policy goals of funding the expansion of PowerOn.

Finally, the Department notes a negative tracker balance is not necessarily a problem since the tracker appears to have a carrying charge. If the combined PowerOn and Discount tracker balance were to go negative for a time, Xcel would still be made whole, just as ratepayers are eventually made whole despite large positive tracker balances existing over recent years. Indeed, as shown in Table 2, there remained, as of July 30, 2023, a \$10.7 million tracker balance in Xcel's favor. The Department does not see why PowerOn cannot continue without interruption even if the combined PowerOn and Discount tracker were to be depleted, unless there is a positive-tracker balance requirement embedded in the program that the Department is not aware of.

2. *Are there other issues related to this matter?*

The most apparent concern is the long-term funding of the PowerOn program at current participation and funding levels. If the Company's request were approved, it would represent a temporary fix. The Department notes the Company and its community partner, ECC, acknowledged this issue in their joint extension request filed on September 28, 2023 in this docket, and are working on a longer-term solution. At this time, the Department believes a long-term solution is to combine all of Xcel's electric low-income budgets (and still continue to track program costs separately); and, if necessary, increase or decrease budgets as warranted, while balancing program needs and the welfare of all ratepayers.

III. REQUEST FOR ADDITIONAL INFORMATION

The Department requests Xcel provide the following information in reply comments:

- (a) A full year-by-year breakdown of the PowerOn and Discount tracker balances since 2013;
- (b) A full explanation, with supporting calculations and/or references, of how Xcel has determined the PowerOn budget each year as reported in Attachment B of its annual reports;
- (c) An explanation of how the \$2 million approved in Docket No. E,G999/CI-17-892 is accounted for;
- (d) The annual per-customer class for each customer class (residential, C&I non-demand, and C&I demand) under the existing funding structure, including the surcharges and the \$2 million if applicable;
- (e) A forecast of how much total money will be needed to fund each program for PowerOn, the Discount Program, and MAP in 2024 and 2025;
- (f) A forecast of how much Low-Income Discount revenue (funding) will be generated under the existing surcharges and any base rate funding to the extent applicable; and
- (g) Based on the responses to (e) and (f), and Xcel's forecasted aggregate tracker balances (for PowerOn, Discount, and MAP combined), Xcel's forecast of a funding shortfall/surplus at the end of 2023, 2024, and 2025.

The Department will provide a recommendation to the Commission after reviewing Xcel's reply comments.

APPENDIX: ADDITIONAL BACKGROUND INFORMATION

A. *DOCKET NO. E002/M-94-925 & 1994 ENACTMENT OF DISCOUNT STATUTE*

In 1994, the Minnesota Legislature enacted Minn. Stat. § 216B.16, subd. 14 (Low-Income Electric Rate Discount Statute), directing public utilities with more than 200,000 residential electric customers (i.e., Xcel) to provide a 50% electric rate discount on the first 300 kilowatt-hours (kWh) consumed in a billing period for low-income residential customers of the utility (defined as those receiving assistance from the federal low-income home energy assistance program, LIHEAP).¹⁴

After filing a petition to implement the statute, Xcel implemented a new Low-Income Energy Discount rider in 1995.¹⁵ As required by the Low-Income Electric Rate Discount Statute, the rider provided LIHEAP recipients with a 50% energy charge discount for average daily use up to the first 10 kWh. The discount was to be funded by a per-customer surcharge.

In addition, the Commission required Xcel to provide annual reporting on the low-income electric discount.¹⁶ Xcel filed its first annual report on September 30, 1996 in Docket No. E002/M-94-925.¹⁷

B. *DOCKET NO. E002/M-04-1956 & 2004 STATUTE MODIFICATION*

In 2004, the Minnesota Legislature modified Minn. Stat. § 216B.16, subd. 14 as follows:¹⁸

A public utility shall **provide fund an affordability program for low-income customers in an amount based on** a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period for a low-income residential ~~customer~~ **customers of the utility**. For the purposes of this subdivision, "low-income" ~~means~~ **describes** a customer who is receiving assistance from the federal low-income home energy assistance program. **The affordability program must be designed to target participating customers with the lowest incomes and highest energy costs in order to lower the percentage of income they devote to energy bills, increase their payments, and lower costs associated with collection activities on their accounts. For low-income customers who are 62 years of age or older or disabled, the program must, in addition to any other program benefits, include a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period.** For the purposes of this

¹⁴ <https://www.revisor.mn.gov/laws/1994/0/641/a4#a4>

¹⁵ Xcel 4/10/1995 compliance filing in Docket No. E002/M-94-925. The Low-Income Energy Discount Rider continues to be in effect, under the same name, though the programs available under the rider have changed, as discussed below.

¹⁶ Docket No. E002/M-94-925, 1/11/1995 Order, Order Point 1.d. and 8/6/1997 Order Point 2.

¹⁷ Xcel continued filing annual reports in that docket until September 30, 2003. Xcel then began filing annual reports in Docket No. E002/M-04-1956. Beginning with the annual report filed on December 3, 2022, Xcel has filed annual reports in both Docket Nos. E002/M-04-1956 and E002/M-10-854. Xcel filed its most recent annual report on December 1, 2022.

¹⁸ <https://www.revisor.mn.gov/laws/2004/0/216/%20#%20>.

subdivision, "public utility" includes only those public utilities with more than 200,000 residential electric service customers. The commission may issue orders necessary to implement, administer, and recover the **discount rate costs of the** program on a timely basis.

On April 26, 2005, the Commission issued an Order in Docket No. E002/M-04-1956 approving changes to the Low-Income Energy Discount program. The Order interpreted the legislative changes as follows:

The new statute directs large electric utilities to use the program's revenues to target assistance to consumers with the lowest incomes and highest energy costs. That is, utilities would no longer be constrained to offer a 50% discount or to limit the discount to the first 300 kWh of service, or compelled to offer the discount to all LIHEAP recipients. But the new statute requires at least the same level of benefits for consumers who are 62 years old or older, or have disabilities, as the old statute did.

The April 26, 2005 Order described the core changes to the Low-Income Energy Discount program as follows:

The proposed program has much in common with its former program. It maintains the same surcharge, although Xcel notes that it could seek additional funding in the future. And it maintains at least the same level of benefits for consumers who are 62 years old or older or have disabilities.

But rather than spreading the rest of the program's benefits over all LIHEAP recipients, Xcel proposes to target assistance to LIHEAP recipients who spend more than 3% of their annual household income on electricity, have a history of electric consumption that exceeds the residential average of 750 kWh per month, and have the lowest incomes. Xcel proposes to offer an "affordable monthly bill" to such customers that agree to make "affordable monthly payments." Initially, Xcel would target support with the goal of keeping a household's electricity bill within 3% of its income. Each participant would have his or her electricity bills recalculated pursuant to the participant's new billing formula retroactive to the previous October, the beginning of LIHEAP's fiscal year.

In addition to budgeting program funds to offer discounts to seniors, customers with disabilities and targeted households, Xcel proposes that some funds be used to pay overdue customer utility bills ("arrear forgiveness"). Xcel plans to offer to forgive overdue bills on a case-by-case basis with the goal of helping a household complete its payment agreement. In making its determination, Xcel plans to consider the customer's age, disability, and commitment to use external payment assistance programs; the customer's history of nonpayment,

disconnection, and communications with Xcel; the existence of medically-necessary electrical equipment in the household; and the magnitude of the accrued unpaid electric bill.

The April 26, 2005 Order also referred to a pilot “POWER On” pilot program as serving as inspiration for the updated Low-Income Energy Discount program:

In support of Xcel's proposal, Energy Cents offers an explanation of how the proposal was developed. Energy Cents supported Xcel's previous Low-Income Discount Program but notes that the statute prohibited Xcel from targeting assistance to where it was most needed. The resulting program provides more than 40,000 LIHEAP recipients with an added benefit of roughly \$9 per month. But this level of benefit, even when combined with LIHEAP support, was insufficient for the most needy households to meet their energy needs.

Subsequently, Energy Cents and Xcel gained additional experience through a supplemental program called “POWER On.” This program demonstrated that increased funds targeted to households with the greatest need, combined with services promoting energy conservation, could help increase payment rates while reducing disconnections and collection costs. This insight prompted Energy Cents to support modifying § 216B.16, subdivision 14, to permit targeting.

ECC’s December 15, 2004 comments in Docket No. E002/M-04-1956 described “POWER On” as follows:

... For the last five years, ECC co-administered a pilot program, POWER On, with Xcel. This program provided supplemented assistance to Xcel LIHEAP customers to ensure that they devoted no more than eight percent of their household income for energy bills. Funds for the program (\$300,000 each year) were provided by the merger settlement agreement between the Office of the Attorney General and Northern States Power.

The program targeted high consumption households who were at risk of service disconnection (severely past due bills or pending notice of disconnection). On average, participants consumed 50% more electricity and 39% more natural gas than Xcel's general residential customer. Prior to the program, POWER On participants devoted over 12% of household income to energy bills (compared to 8.3% for the general LIHEAP population). The objective of the program was to increase past-due customers' ability to pay, decrease service disconnections, and reduce utility collection costs.

On May 26, 2005, Xcel filed an updated Low Income Energy Discount rider in Docket No. E002/M-04-1956 reflecting the April 26, 2005 Order.

Xcel's December 1, 2008 annual report filed in Docket No. E002/M-04-1956 describes the implementation of the April 26, 2005 Order:

In 2004, Minn. Stat. § 216B.16, subd. 14 was modified. The amendment required the Company to create and manage a bill payment assistance program for low-income customers. In response, we created our Power On program ("Power On"). The Commission approved our proposed Power On program in Docket No. E002/M-04-1956.

The report divides the updated Low-Income Energy Discount Rider into two components: a Low-Income Discount Program and the PowerOn Bill Payment Assistance Program. The Low-Income Discount Program is described as follows:

Customers receive the low-income discount once they receive funding through the federal LIHEAP program and have declared they are 62 years of age or older and/or disabled, or have made application for bill payment assistance.

Once we have determined a customer is eligible for the Program that year, they are coded accordingly in our billing system and automatically receive the discount on their monthly bills for that year.

...

The Program discount is a 50 percent price reduction on the first 300 kWh of consumption each month.

In contrast, PowerOn is described as follows:

Customers enrolled in Power On get a discount on their monthly bills in return for their commitment to a payment plan. Failure to make consistent monthly payments will result in the customer's removal from Power On. We partner with the Energy Cents Coalition ("ECC") on both outreach and administration of Power On.

We identify low-income households with high electric consumption, and send Power On information to those customers. If customers are interested in Power On, they contact ECC for an affordable payment calculation. We work with ECC daily, exchanging information and securing payment arrangements on past due bills.

Prior to June 2008, the discount for customers who were current on their payment plan had to be manually applied. However, we now apply the

Power On discounts automatically through our billing system. The discounts for customers who are current on their payment plans are automatically applied. Any customers who are not current on their payment plan are flagged by the billing system; our Personal Account Representative team then proactively contacts these customers. This new proactive outreach has reduced the need to disconnect services for non-payment, and has helped further the communication between Xcel Energy and the customer.

We also continue the link between Power On and our conservation improvement program (“CIP”) Low-Income Weatherization Program. This CIP Program reaches out to the customers enrolled in Power On and offers them a free energy audit. This helps these customers identify ways to reduce consumption.

...

As stated above, the Power On discount is dependent on low-income customers committing to a payment plan. The discount varies depending on the customer, and is based on their specific energy use and income level.

C. DOCKET NO. E002/GR-08-1065 & 2010 STATUTE MODIFICATION

On April 1, 2010,¹⁹ Xcel expanded the Discount Program to apply to participants’ first 400 (instead of 300) kWh of monthly electric consumption, in Docket No. E002/GR-08-1065.²⁰ Shortly after, this change was codified into law in the 2010 regular session of the Minnesota Legislature.²¹

D. SURCHARGE & FUNDING CHANGES (DOCKET NOS. E002/M-10-854 & E002/GR-12-961)

On July 30, 2010, Xcel submitted its initial petition in Docket No. E002/M-10-854. The initial petition requested approval for additional funding for the Low-Income Energy Discount Rider, provided by a 15-cent increase in the monthly per-customer surcharge. The existing surcharge was 39 cents per month for all customer classes.

On January 28, 2011, the Commission issued an Order approving Xcel’s request for additional funding provided by 15-cent increase. The Commission also directed Xcel to file proposal by July 1, 2011 evaluating various cost allocation methods for the low income program across all customers and customer classes.

On January 31, 2011, Xcel made a compliance filing reflecting surcharge increase approved the January 28, 2011 Order.

¹⁹ Docket No. E002/GR-08-1065, 2/1/2010 Xcel compliance filing, pages 1-2.

²⁰ Docket No. E002/GR-08-1065, 8/24/2009 ALJ Report in, page 83, Finding 329, and 10/23/2009 Commission Order.

²¹ <https://www.revisor.mn.gov/laws/2010/0/361/laws.5.5.0#laws.5.5.0>

On June 30, 2011, Xcel filed the report evaluating various cost allocation methods. Xcel proposed maintain the existing per-meter cost allocation.

On April 5, 2012, the Commission issued an Order maintain a per-meter cost allocation, but varying the amount based by class relative to each class's base customer charge. The Commission also required Xcel to exempt the Lighting class from the surcharge as well as those customers receiving LIHEAP. The resulting monthly per-customer surcharges approved were \$0.50 for residential, \$0.67 for C&I Non-Demand, and \$2.02 for C&I Demand. In addition, Order Point 7 required Xcel shall file a report within 45 days alerting the Commission to the projected over or under recovery, in case the case the program's tracker account balance is projected to remain 20% over or under Xcel's annual program funding level for twelve months.

On May 7 2012, Xcel submitted a compliance filing in Docket No. E002/M-10-854 to reflect the April 5, 2012 Order, updating the Low-Income Energy Discount effective October 1, 2012. Of note, the updated Low-Income Energy Discount tariff explicitly listed the program surcharge, unlike prior versions of the tariff.

On September 6, 2012, Xcel submitted an updated compliance filing reflecting final rates in the Company's most recent electric rate case at the time, Docket No. E002/GR-10-971.

On September 3, 2013, the Commission issued its Findings of Fact, Conclusions, and Order in Xcel's 2012 general rate case, Docket No. E002/GR-12-961. Order Points 19-20 approved modifications to the Low-Income Energy Discount Rider as follows:

19. The Commission approves the \$3,200,000-per-year budget increase for a separately funded PowerOn program. The Company shall fund this program by revising the monthly surcharge methodology approved in the Commission's April 5, 2012, Order Approving Cost Allocation, docket E-002/M-10-854. The revised surcharge shall take effect on January 1, 2014, or the effective date of final rates in this rate case. The Company shall segregate and separately track the additional \$3,200,000 increase in funding from the other money it collects through the low-income affordability surcharge and shall use this money only for the PowerOn program. The Company shall be responsible for any deficits, i.e., any spending over the \$3,200,000-per-year budget, for this part of the Company's PowerOn program.
20. Within 30 days of this order, the Company shall submit in this docket a compliance filing (including revised tariff sheets and a proposal for appropriate customer notice) that implements the Commission's decision to increase the PowerOn budget.

On September 19, 2013, Xcel submitted its final rates compliance filing in Docket No. E002/GR-12-961.²² The filing added the following monthly per-customer surcharges for PowerOn: \$0.21 for residential, \$0.26 for C&I non-demand, and \$0.66 for C&I demand. The base surcharges of \$0.50 per residential customer, \$0.67 per C&I non-demand customer, and \$2.02 per C&I demand customer were maintained. As a result, the total monthly surcharge increased from \$0.50 to \$0.71 for residential customers, from \$0.67 to \$0.93 for C&I demand customers, and from \$2.02 to \$2.68 for C&I demand customers.

On September 19, 2013, Xcel also submitted a compliance filing in Docket No. E002/M-10-854 regarding Order Point 7 of the April 5, 2012 Order as well as the implementation of the new surcharges and two-track funding structure, stating the new programs (PowerOn and the Discount Program for senior-aged and disabled customers) will be funded through one combined surcharge, but tracked separately.

Since the September 19, 2013 compliance, Docket No. E002/M-10-854 has been used to house Xcel's annual reports, which have been co-filed in Docket No. E002/M-04-1956.

In addition, Xcel has used Docket No. E002/M-04-1956 to file certain program changes. However, the instant petition filed on September 1, 2023 was filed in both Docket Nos. E002/M-04-1956 and E002/M-10-854.

E. 2014 MODIFICATION TO LOW-INCOME ELECTRIC RATE DISCOUNT STATUTE

In 2014, the Minnesota Legislature enacted its most recent change to Minn. Stat. § 216B.16, subd. 14, modifying the statute as follows:²³

A public utility shall fund an affordability program for low-income customers ~~in an amount based on a 50 percent electric rate discount on the first 400 kilowatt hours consumed in a billing period for low-income residential customers of the utility at a base annual funding level of \$8,000,000. The annual funding level shall increase in the calendar years subsequent to each commission approval of a rate increase for the public utility's residential customers by the same percentage as the approved residential rate increase. Costs for the program shall be included in the utility's base rate.~~ For the purposes of this subdivision, "low-income" describes a customer who is receiving assistance from the federal low-income home energy assistance program. The affordability program must be designed to target participating customers with the lowest incomes and highest energy costs in order to lower the percentage of income they devote to energy bills, increase their payments, **lower utility service disconnections**, and **lower decrease** costs associated with collection

²² See attachment to the filing, Schedule 4 and the updated tariff in Xcel Minnesota Electric Rate Book, Section No. 5, 6th Revised Sheet No. 96.

²³ <https://www.revisor.mn.gov/laws/2014/0/254/laws.0.8.0#laws.0.8.0>

activities on their accounts. For low-income customers who are 62 years of age or older or disabled, the program must, ~~in addition to any other program benefits,~~ include a ~~50 percent electric rate discount on the first 400 kilowatt hours consumed in a~~ **\$15 discount in each** billing period. For the purposes of this subdivision, "public utility" includes only those public utilities with more than 200,000 residential electric service customers. The commission may issue orders necessary to implement, administer, and recover the costs of the program on a timely basis.

On September 26, 2014, in Docket No. E002/M-04-1956, pursuant to the updated statute, the Commission issued an Order approving Xcel's proposal²⁴ to update the tariff pursuant to the statute modifications, effective with bills issued on and after October 1, 2014 and approved Xcel's proposed tariff sheet to reflect that change. As noted in the update state, the \$15 discount only applied to the Discount Program for seniors (62 years or old) and/or disabled customers.²⁵ As noted in the August 25, 2014 Department comments (which the Commission's September 26, 2014 Order agreed with and adopted), the incremental \$3,200,000 funding for PowerOn noted above continues in addition to the \$8,000,000 established by statute. Regarding the recovery mechanism, the Commission allowed Xcel to maintain the current customer surcharge levels and directed Xcel to file a proposal to include recovery of its Low-Income Program costs through base rates in its next rate case.

On January 1, 2016, the Company implemented the automatic program funding increase feature of the amended Minn. Stat. § 216B.16, subd. 14, which increased the base surcharge amount for each customer class.²⁶ The PowerOn monthly surcharge remained the same, at \$0.21 for residential customers, \$0.26 for C&I non-demand customers, and \$0.66 for C&I demand customers. In contrast, the base monthly surcharge increased per the statutory language, from \$0.50 to \$0.53 for residential customers, from \$0.67 to \$0.71 for C&I non-demand customers, and from \$2.02 to \$2.13 for C&I demand customers.²⁷

On September 29, 2017, following approval of increased residential base rates in Docket No. E002/GR-15-826, Xcel made a compliance proposal in Docket No. E002/M-04-1956 to increase the base surcharges to \$0.57, \$0.77, and \$2.30 for residential, C&I non-demand, and C&I demand customers, respectively. Xcel made the changes effective January 1, 2018, pursuant to a December 27, 2017 compliance filing the same docket.

Since Docket No. E002/GR-15-826 was a multi-year rate case, on October 1, 2018 Xcel submitted another compliance filing in Docket No. E002/M-04-1965 increasing the base surcharges to \$0.58, \$0.78, and \$2.34 for residential, C&I non-demand, and C&I demand customers, respectively, effective January 1, 2019.

²⁴ Docket No. E002/M-04-1956, Xcel 8/1/2014 petition.

²⁵ Docket No. E002/M-04-1956, Xcel 9/30/2014 compliance filing.

²⁶ Docket No. E002/M-04-1956, Xcel September 17, 2015 compliance proposal and December 29, 2015 compliance filing.

²⁷ *Ibid.*

Xcel's October 1, 2018 was the last tariff change requested in Docket No. E002/M-04-1965. The remaining Xcel filings in that docket, until the instant petition filed on September 1, 2023, were only annual reports.

As such, as of this date, the PowerOn monthly surcharges and base surcharges remain the same.²⁸ However, presumably Xcel will again be increasing the base surcharge to reflect the increase in residential rates approved in its recently completed general rate case, Docket No. E002/GR-21-630.

F. MEDICAL AFFORDABILITY PROGRAM (DOCKET NOS. E002/GR-15-826 & E002/M-17-629)

On June 12, 2017, the Commission issued an Order²⁹ in Docket No. E002/GR-15-826 requiring Xcel to implement a Medical Affordability Program to subsidize medically certified³⁰ (with chronic or severe medical conditions) customers with low-income.³¹ As stated on page 12 of the Order, the Medical Affordability Program must:

- Provide an affordability credit to limit the percentage of household income spent on electricity;
- Provide an arrearage-forgiveness component;
- Set income eligibility at 50% of the state median income, increasing to 60% if sufficient funds are available;
- Provide assistance on a first-come, first-served basis until program resources are exhausted;
- Cap administrative costs at five percent of the annual budget;
- Follow the reporting and program-funding-tracking procedures of Xcel's PowerOn program; and

On August 24, 2017, Xcel submitted a petition requesting approval to implement a Medical Affordability Program in the Low-Income Energy Discount Rider.

On January 10, 2018, the Commission issued an Order approving Xcel's MAP petition with certain modifications. The approval included \$3 million of additional funding.

On January 12, 2018, Xcel submitted a compliance filing with the updated Low Income Energy Discount Rider tariff, to be effective January 15, 2018. The updated tariff maintained the base and PowerOn surcharges and added a MAP surcharge to recover the \$3 million budget.

The combined monthly per-customer surcharge for the three programs (the Discount Program for seniors/disabled, the Medical Affordability Program for low-income customers with certified medical circumstances, and the PowerOn Program for general low-income customers) was \$0.97 for residential customers, \$1.26 for C&I non-demand customers, and \$3.56 for C&I demand customers. As noted

²⁸ See Xcel's most recent Low-Income Energy Discount Rider, as available on Xcel's website.

²⁹ The 15-826 Order required MAP pursuant to the August 16, 2016 Stipulation of Settlement.

³⁰ Medically certified customers are those that have provided Xcel with a certificate demonstrating that failure to serve the customer would impair or threaten the health or safety of a resident of the customer's household, as defined in Minn. Stat. § 216B.098, subd. 5.

³¹ See pages 12, 16, and Order Point 2 of the June 12, 2017 Order.

above, on October 1, 2018 Xcel submitted a compliance filing in Docket No. E002/M-04-1965 increasing the base surcharges to reflect the final year of Xcel's multi-year plan approved in Docket No. E002/GR-15-826. As a result the current total combined surcharge is \$0.98, \$1.27, and \$3.60 for residential, C&I non-demand, and C&I demand customers, respectively.

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

Minnesota Department of Commerce
Comments

Docket No. E002/M-10-854 and E002/M-04-1956

Dated this **25th** day of **October 2023**

/s/Sharon Ferguson

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_10-854_Official
Brandon	Crawford	brandonc@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota St Ste W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_10-854_Official
Ron	Elwood	relwood@mnlisap.org	Legal Services Advocacy Project	970 Raymond Avenue Suite G-40 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_10-854_Official
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_10-854_Official
Annie	Levenson Falk	annief@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_10-854_Official
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 E 7th St St Paul, MN 55106	Electronic Service	No	OFF_SL_10-854_Official
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_10-854_Official
Christine	Schwartz	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_10-854_Official
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_10-854_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Bailey	bailey@ilsr.org	Institute For Local Self-Reliance	1313 5th St SE Ste 303 Minneapolis, MN 55414	Electronic Service	No	OFF_SL_4-1956_Official
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_4-1956_Official
Barb	Bischoff	barb.bischoff@nngco.com	Northern Natural Gas Co.	CORP HQ, 714 1111 So. 103rd Street Omaha, NE 681241000	Electronic Service	No	OFF_SL_4-1956_Official
Robert S.	Carney, Jr.			4232 Colfax Ave. S. Minneapolis, MN 55409	Paper Service	No	OFF_SL_4-1956_Official
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	No	OFF_SL_4-1956_Official
Brandon	Crawford	brandonc@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota St Ste W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_4-1956_Official
George	Crocker	gwillc@nawo.org	North American Water Office	5093 Keats Avenue Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_4-1956_Official
Leslie	Davis		Earth Protector, Inc.	PO Box 11688 Minneapolis, MN 554110688	Paper Service	No	OFF_SL_4-1956_Official
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Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	Yes	OFF_SL_4-1956_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Annie	Levenson Falk	annief@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_4-1956_Official

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Kim	Lillyblad	kim.lillyblad@avantenergy.com	Avant Energy	220 S. Sixth St Ste 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_4-1956_Official
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Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 E 7th St St Paul, MN 55106	Electronic Service	No	OFF_SL_4-1956_Official
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_4-1956_Official
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_4-1956_Official
Jeff	Pollock	jcp@jpollockinc.com	J. Pollock Inc.	Suite 335 12655 Olive Boulevard St. Louis, MO 63141	Electronic Service	No	OFF_SL_4-1956_Official
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	No	OFF_SL_4-1956_Official
Steve	Schneider	steve.schneider@ci.stpaul.mn.us	Board of Water Commissioners	1900 Rice Street St. Paul, MN 55113	Electronic Service	No	OFF_SL_4-1956_Official
Christine	Schwartz	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_4-1956_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_4-1956_Official
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_4-1956_Official
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