

March 13, 2026

VIA E-FILING

Ms. Sasha Bergman
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Re: *In the Matter of the Application of Big Bend Wind, LLC for a Large Wind Energy Conversion System Site Permit for the up to 311.1 MW Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota*

MPUC Docket No. IP-7013/WS-19-619

Dear Ms. Bergman:

Big Bend Wind, LLC (Big Bend Wind), respectfully submits this answer to the petition for reconsideration to the Minnesota Public Utilities Commission.

This has been e-filed through www.edocket.state.mn.us. A copy of this filing is also being served upon the persons on the Official Service List of record. Please let me know if you have any questions regarding this filing.

Sincerely,

FREDRIKSON & BYRON, P.A.



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Enclosure

**STATE OF MINNESOTA
BEFORE THE
PUBLIC UTILITIES COMMISSION**

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Joseph K. Sullivan
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Audrey C. Partridge
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Chair
Vice-Chair
Commissioner
Commissioner
Commissioner

Docket No. IP-7013/WS-19-619

In the Matter of the Application of Big Bend Wind, LLC for a Large Wind Energy Conversion System Site Permit for the Up to 311.1 MW Big Bend Wind Project in Cottonwood and Watonwan Counties, Minnesota

**ANSWER TO RECONSIDERATION
PETITION**

INTRODUCTION

Big Bend Wind, LLC (Big Bend Wind) submits this answer to Brad Hutchison’s (Petitioner) petition of reconsideration (Petition)¹ of the Minnesota Public Utilities Commission’s (Commission) February 25, 2026, Order Granting the Site Permit Amendment (Order).² The Commission approved Big Bend Wind’s Site Permit Amendment Request (Request) for the Big Bend Wind Project (Project) after reviewing the Commission Energy Infrastructure and Permitting Unit’s (EIP) analysis of the Request and supporting documents and taking public comments in the record into consideration. As evidenced by the Order, the Commission carefully considered the human and environmental impacts of the Request and ultimately granted the Request and incorporated EIP Staff’s December 10, 2025, recommendations.

¹ Petition for Reconsideration (March 3, 2026) (eDocket No. [20262-228769-01](#)).

² Order Granting Site Permit Amendment (Feb. 25, 2026) (eDocket No. [20262-228618-01](#)).

As a threshold matter, the Commission’s original permit decision in September 2022 and revised permit decision in December 2024 remain valid and non-appealable. The Request at issue here asked for three narrow changes to the Site Permit for the Project. The requested changes reflected changes to (1) the turbine technology, (2) the Site Layout that have occurred since the Site Permit was issued, and (3) references to Minn. Stat. Ch. 216I, which became effective after the Site Permit was issued.³ Importantly, turbine technology changes removed a turbine model from consideration and uprated the capacity of a different turbine model without changing the turbine dimensions. The site layout changes removed two turbine locations, added a private collection line easement to avoid a Minnesota Department of Natural Resources driveway crossing, and shifted the location of the operation and maintenance (O&M) building to the former Red Rock Solar Project substation so that it will now be co-located with the Project substation. As the Commission and EIP staff found, these changes *reduce* potential impacts of the Project while increasing the efficiency of the Project.

The Petition restates issues already raised by Petitioner in earlier comments. It does not point to anything unlawful or unreasonable in the Commission’s Order approving the Request. Accordingly, the Commission should deny the Petition.

LEGAL STANDARD

A petition for reconsideration must be timely filed and must specifically set forth the grounds for rehearing.⁴ The Commission “may reverse, change, modify, or suspend” its original decision only if “the original decision, order, or determination is in any respect unlawful or

³ See Site Permit Amendment Request Letter at 2 (Oct. 31, 2025) (eDocket No. [202510-224488-01](#)).

⁴ Minn. Stat. § 216B.27, subd. 2; *see also* Minn. R. 7829.3000, subp. 2.

unreasonable.”⁵ Generally, the Commission will review petitions for reconsideration to determine whether the petition (i) raises new issues, (ii) points to new and relevant evidence, (iii) exposes errors or ambiguities in the underlying order, or (iv) otherwise persuades the Commission that it should rethink its decision.⁶ The Commission may decide a petition for reconsideration with or without a hearing and oral argument.⁷

ANALYSIS

A. Procedural History.

On September 28, 2022, the Commission issued an order granting a certificate of need and issuing a site permit for the up to 300 megawatt (MW) Big Bend Wind Project to Big Bend Wind.⁸ On December 23, 2024, the Commission issued a revised site permit extending the timelines for the permittee to secure a power purchase agreement (PPA) and to begin project construction.⁹ On

⁵ Minn. Stat. § 216B.27, subd. 3; *see also* Minn. Stat. § 14.69 (providing that, on appeal, a reviewing court may affirm an agency decision unless, among other things, it is not supported by substantial evidence or is arbitrary or capricious).

⁶ *See, e.g., In the Matter of the Formal Complaint and Request for Relief by the Minnesota Solar Advocates*, MPUC Docket No. E-002/C-23-424, Order Denying Petition for Reconsideration at 1 (Apr. 26, 2024) (eDocket No. [20244-206000-01](#)); *In the Matter of the Application of Minnesota Power for a Certificate of Need and Route Permit for a High Voltage Transmission Line for the HVDC Modernization Project in Hermantown, Saint Louis County*, MPUC Docket Nos. E-015/CN-22-607 and E-015/TL-22-611, Order Denying Petition for Reconsideration at 1 (Jan. 9, 2025) (eDocket No. [20251-213750-01](#)); *In the Matter of the Applications of Xcel Energy for a Certificate of Need and Route Permit for the Minnesota Energy Connection Project in Sherburne, Stearns, Kandiyohi, Wright, Meeker, Chippewa, Yellow Medicine, Renville, Redwood, and Lyon counties in Minnesota*, MPUC Docket Nos. E-002/CN-22-131 and E-002/TL-22-132, Order Denying Requests for Reconsideration of the Order Issued June 11, 2025 at 2 (Aug. 6, 2025) (eDocket No. [20258-221827-01](#)).

⁷ Minn. R. 7829.3000, subp. 6.

⁸ *See* PUC Order Issuing Permits (Sept. 28, 2022) (eDocket No. [20229-189351-05](#)).

⁹ *See* Revised Site Permit (Dec. 23, 2024) (eDocket No. [202412-213281-01](#)).

October 31, 2025, Big Bend Wind filed a request to amend its site permit under Minn. Stat. § 216I.09.¹⁰

Petitioner is a homeowner within the Project area.¹¹ Petitioner filed initial comments¹² and reply comments¹³ regarding the Request. Petitioner also offered oral comments at the February 12, 2026, Commission Agenda Meeting in opposition to the Project. Petitioner then submitted the Petition on March 3, 2026.¹⁴

B. The Petition Fails to Raise New Issues or Otherwise Demonstrate the Order is Unlawful or Unreasonable.

The Petition makes three main claims: (1) the Order relies upon outdated environmental analysis and fails to account for substantial, material changes in existing conditions that affect wildlife protection, noise impacts, and visual impacts; (2) the Jeffers Petroglyphs Settlement Agreement highlights environmental impacts to area homeowners that have not been addressed; and (3) the Order fails to adequately balance the rights and interests of affected property owners against those of Big Bend Wind and certain state agencies.¹⁵ Each of these claims is addressed below in the order they were raised by Petitioner.

1. The Environmental Assessment (EA), as Updated, Remains Adequate for Purposes of Evaluating the Request.

¹⁰ See Site Permit Amendment Request Letter (Oct. 31, 2025) (eDocket No. [202510-224488-01](#)).

¹¹ See Brad Hutchison Public Comment at 2 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

¹² See Brad Hutchison Public Comment (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

¹³ See Brad Hutchison Public Comment (Dec. 18, 2025) (eDocket No. [202512-225998-01](#)).

¹⁴ See Petition for Reconsideration (March 3, 2026) (eDocket No. [20262-228769-01](#)).

¹⁵ See Petition for Reconsideration (March 3, 2026) (eDocket No. [20262-228769-01](#)).

Petitioner asserts that the Commission relied on outdated environmental review data that fails to account for current site conditions.¹⁶ Accordingly, Petitioner requests that the Commission require an updated environmental review addressing current tree cover conditions and their effect on noise and visual impacts; require updated wildlife studies, including current bald eagle population and habitat assessments; and reevaluate noise modeling assumptions in light of known ISO 9613-2 limitations and current ground conditions, requiring Big Bend Wind to meet or exceed those projections with post-construction monitoring.¹⁷

The Petitioner's assertion is not new, does not point to any new and relevant evidence, and does not expose any errors or ambiguities in the Order.¹⁸

Petitioner's initial comments also asserted that the Request relied on outdated EA data from 2019–2021, including sound monitoring and propagation modeling, which no longer reflect present conditions.¹⁹ In his initial comments, Petitioner suggested that the loss of tree cover in the Project area, due to the infestation of Emerald Ash Borer (EAB), has altered the topography of the Project area, and invalidated previous noise modeling assumptions.²⁰

In its reply comments, Big Bend Wind responded to Petitioner by clarifying that the Revised Sound Report, included with the Request, is an updated analysis in terms of turbine layout,

¹⁶ See Petition for Reconsideration at 1 (March 3, 2026) (eDocket No. [20262-228769-01](#)).

¹⁷ See Petition for Reconsideration at 2-3 (March 3, 2026) (eDocket No. [20262-228769-01](#)).

¹⁸ For example, Mr. Hutchison's concerns over increasing bald eagle populations were raised as part of the initial permit proceeding in comments dated April 19, 2021. See Brad Hutchison Public Comment (May 4, 2021) (eDocket No. [20215-173848-01](#)).

¹⁹ See Brad Hutchison Public Comment at 2 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

²⁰ See Brad Hutchison Public Comment at 2 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

sound power curves, receptors, and modeling inputs such as terrain.²¹ Big Bend Wind also clarified that terrain used in the model is bare earth, and the sound modeling is completed with conservative parameters.²² Big Bend Wind further explained that tree canopies and potential noise attenuating effects of trees in the Project area are not accounted for in the sound modeling, which means the modeled sound levels are likely higher than they might actually be in areas where large stands of trees are present.²³

EIP Staff also replied to Petitioner’s initial comments and acknowledged that the EA was completed in January 2022 but argued that the EA is still adequate with respect to the analysis of the Project’s potential human and environmental impacts.²⁴ EIP Staff acknowledged Petitioner’s concerns about potential turbine noise impacts increasing due to the loss of several large ash trees.²⁵ EIP Staff, however, explained that noise modeling is done with a “worst – case scenario” approach and attenuation by vegetation on the landscape isn’t factored into the noise modeling at individual receptors.²⁶ EIP Staff also stated the loss of individual trees across a project area as large as the Project, would not have a significant impact on the ambient sound levels.²⁷ EIP Staff noted that the updated sound modeling is an appropriate analysis of the potential human and

²¹ See Big Bend Wind Reply Comments at 3-4 (Dec. 16, 2025) (eDocket No. [202512-225900-01](#)).

²² See Big Bend Wind Reply Comments at 3 (Dec. 16, 2025) (eDocket No. [202512-225900-01](#)).

²³ See Big Bend Wind Reply Comments at 3 (Dec. 16, 2025) (eDocket No. [202512-225900-01](#)).

²⁴ See EIP Staff Reply Comments at 3 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

²⁵ See EIP Staff Reply Comments at 3 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

²⁶ See EIP Staff Reply Comments at 3 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

²⁷ See EIP Staff Reply Comments at 3-4 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

environmental impacts associated with the Request and recommended that the Commission approve the amendment of the Project site permit as was described in EIP Staff's December 10, 2025, comments.²⁸

The issue of the current EA and updated data was thoroughly considered by the Commission and reflected in the Order, and the Petition does not establish that these findings were unlawful or unreasonable.

2. The Commission Considered the Impacts of Wind Access Buffer Setback Waivers.

The Petition asserts that the wind access buffer setback waivers approved by the Commission allowed Big Bend Wind to construct turbines closer to private landowners, infringing on their wind rights and increasing visual and noise impacts on other residents.²⁹ This assertion is not new, does not point to any new and relevant evidence, and does not expose any errors or ambiguities in the Order.

Petitioner presented a similar argument in his initial comments where he highlighted the final settlement agreement between Big Bend Wind, the Minnesota Historical Society, and signatory Tribes and suggested that the same visual impact analysis performed for the Jeffers Petroglyph site should be performed for area homeowners before the Request is approved or the Project is allowed to begin construction.³⁰

In its reply comments, Big Bend Wind stated that setbacks from the Jeffers Petroglyphs and from non-participating landowners, such as Petitioner, were both studied in the EA.³¹

²⁸ See EIP Staff Reply Comments (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

²⁹ Petition for Reconsideration at 2 (March 3, 2026) (eDocket No. [20262-228769-01](#)).

³⁰ See Brad Hutchison Public Comment (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

³¹ See Big Bend Wind Reply Comments at 3-4 (Dec. 16, 2025) (eDocket No. [202512-225900-01](#)).

Furthermore, Big Bend Wind has worked to improve the layout and coordinate with landowners since the original site permit was issued in September 2022. As noted in the Request, Big Bend Wind has signed additional land agreements such that only one wind access buffer waiver is needed for the Project. This wind access buffer overlaps a long, rural driveway.³²

EIP Staff replied to Petitioner stating that the potential visual impacts to a participant of a cultural activity at the Jeffers Petroglyphs are not considered the same as visual impacts to a homeowner in the Project area, an individual driving in the Project area, or an individual working outdoors in the Project area.³³ EIP Staff asserted that simply being able to see a wind turbine during typical everyday activities is not considered to cause human or environmental harm.³⁴ Accordingly, EIP Staff recommended the Commission approve the amendments to the Site Permit as described in EIP Staff's December 10, 2025, comment letter.³⁵

The issue of the environmental impacts to area homeowners from the wind access buffer setback waivers was thoroughly considered by the Commission and reflected in the Order, and the Petition does not establish that these findings were unlawful or unreasonable.

3. The Commission Carefully Balanced all Siting Factors When Approving the Request.

The Petition asserts that the Order fails to reflect a balanced consideration of environmental protection, cultural and historic preservation, renewable energy development, and the rights, health, and property interests of local residents.³⁶ Accordingly, Petitioner requests that the

³² Big Bend Wind Reply Comments at 3-4 (Dec. 16, 2025) (eDocket No. [202512-225900-01](#)).

³³ EIP Staff Reply Comments at 4-5 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

³⁴ EIP Staff Reply Comments at 4 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

³⁵ EIP Staff Reply Comments at 5 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

³⁶ Petition for Reconsideration at 3 (March 3, 2026) (eDocket No. [20262-228769-01](#)).

Commission reassess the setback determinations to ensure that the rights and protections afforded to landowners are not subordinated to project convenience or institutional interests.³⁷

Petitioner presented a similar argument in his initial comments where he stated that the Jeffers Petroglyphs Settlement Agreement allowed Big Bend Wind to “ignore the setback guidelines and intrude even further on the personal property and wind rights of these landowners.”³⁸ Petitioner also suggested in his initial comments that landowners were being forced to live with Project’s wind turbines near their homes, while at the same time being told that the turbines are too environmentally damaging to be built near land that the state values.³⁹ Accordingly, Petitioner requested that the Commission develop an alternative plan for the Project and that “the burden of coming up with an alternative plan should truly be placed on those who have set the guidelines for wind development in the state of Minnesota.”⁴⁰

EIP Staff responded to Petitioner’s initial comments by saying that the Commission does not suggest alternatives to proposed energy generation facilities for the Commission’s consideration and that all lands to be used in the construction and operation of the proposed Project currently are, or will be, under an easement and/or agreement with Big Bend Wind.⁴¹ In its briefing papers, EIP Staff recommended that the Commission determine that the amended project has comparable human and environmental impacts to the originally permitted project, and find that the

³⁷ Petition for Reconsideration at 2 (March 3, 2026) (eDocket No. [20262-228769-01](#)).

³⁸ See Brad Hutchison Public Comment at 3 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

³⁹ See Brad Hutchison Public Comment at 3 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

⁴⁰ See Brad Hutchison Public Comment at 3 (Dec. 11, 2025) (eDocket No. [202512-225744-01](#)).

⁴¹ EIP Staff Reply Comments at 5 (Dec. 17, 2025) (eDocket No. [202512-225975-01](#)).

Commission would have made the same decision on the original site permit if the proposed design changes were known at that time.⁴² The issue of balancing competing interests was thoroughly considered by the Commission and reflected in the Order, and the Petition does not establish that these findings were unlawful or unreasonable.

CONCLUSION

Petitioner fails to meet his burden to demonstrate the Order is unlawful or unreasonable. Petitioner presents no new and relevant evidence that suggests the Commission should rethink its decision. The Petition repeats arguments previously submitted by Petitioner and subsequently rejected by the Commission. Petitioner's dissatisfaction with the Order is not grounds for reconsideration. Big Bend Wind respectfully requests that the Petition be denied.

We have electronically filed this document with the Minnesota Public Utilities Commission. Copies have been served on persons on the attached service lists.

Dated: March 13, 2026

Respectfully submitted,

s/ Christina K. Brusven

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⁴² EIP Staff Briefing Papers (Feb. 4, 2026) (eDocket No. [20262-227844-01](#)).

**In the Matter of the Application of Big Bend
Wind, LLC for a Large Wind Energy
Conversion System Site Permit for the up to
311.1 MW Big Bend Wind Project in
Cottonwood and Watonwan Counties,
Minnesota**

MPUC Docket No. IP-7013/WS-19-619

CERTIFICATE OF SERVICE

Maia Martinez certifies that on the 13th day of March, 2026, she e-filed true and correct copy of this answer to the petition for reconsideration on behalf of Big Bend Wind, LLC via eDockets (www.edockets.state.mn.us):

Said documents were also served as designated on the Official Service Lists on file with the Minnesota Public Utilities Commission and as attached hereto.

Executed on: March 13, 2026

Signed: /s/ Maia Martinez

Fredrikson & Byron, P.A.
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21	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	19-61919-619
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