

August 21, 2025

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

RE: Supplemental Comments of the Minnesota Department of Commerce, Division of Energy Resources

Docket No. E-111/M-25-178: *In the Matter the Petition of Dakota Electric Association to Modify its Extension of Service Tariff*

Dear Mr. Bull:

On July 8, 2025, the Department filed comments in this proceeding recommending the Commission approve Dakota Electric Association's (DEA) Petition to modify its Extension of Service Tariff and acknowledge receipt of DEA's Letter of Authorization Agreement (LOA) and the Engineering and Construction (E&A) Agreement. Despite finding the provisions and processes set forth in the agreements to be reasonable, the Department noted the E&C agreement does not contain a governing law or dispute-resolution provision and suggested that DEA incorporate provisions addressing the forum in and process by which disputes relating to the E&C agreement will be resolved.

On July 29, 2025, DEA filed reply comments addressing the concerns of the Department and other parties and proposed modifications to its original tariff proposal including additional information about the determination and application of Contribution-In-Aid-of-Construction (CIAC) payments in the tariff. On August 8, 2025, the Commission issued a Notice of Supplemental Comment Period asking whether the Commission should approve or modify DEA's modifications to its original proposal.

The Department has reviewed DEA's reply comments and proposed modifications to its original proposal and finds DEA's proposal to include the CIAC payments in the tariff largely addresses the Department's concerns over the lack of certainty regarding the application of the protections in the agreements. Including the CIAC payment requirements in the tariff assuages the concern that the payment requirements could be changed before the agreements are executed. The Department also appreciate DEA's willingness to discuss whether a governing law provision should be added to the E&C agreement and is amenable to DEA's suggestions to work with the Department to resolve this concern depending on what actions the Commission takes on the agreements.

Mike Bull
August 21, 2025
Page 2

The Department continues to recommend the Commission approve DEA's Petition. The Department recommends the Commission approve DEA's modifications to its original tariff proposal and acknowledge receipt of DEA's LOA and E&C agreements. The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ Dr. SYDNIE LIEB
Assistant Commissioner of Regulatory Analysis
AB/ad

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
Supplemental Comments**

Docket No. E111/M-25-178

Dated this **21st** day of **August 2025**

/s/Sharon Ferguson

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		No	Official 25-178
2	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		No	Official 25-178
3	Brandon	Crawford	brandonc@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota St Ste W1360 St. Paul MN, 55101 United States	Electronic Service		No	Official 25-178
4	Eric	Fehlhaber	efehlhaber@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	Official 25-178
5	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	Official 25-178
6	Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	Official 25-178
7	Corey	Hintz	chintz@dakotaelectric.com	Dakota Electric Association		4300 220th Street Farmington MN, 55024-9583 United States	Electronic Service		No	Official 25-178
8	Sarah	Mooradian	sarah@curemn.org	CURE		117 South 1st Street Montevideo MN, 56265 United States	Electronic Service		No	Official 25-178
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		No	Official 25-178
10	Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP		2200 IDS Center 80 South 8th Street Minneapolis MN, 55402 United States	Electronic Service		No	Official 25-178