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December 30, 2025

Ms. Sasha Bergman  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
St. Paul, MN 55101

**Re: Ex Parte Communication Report of December 30, 2025**  
***In the Matter of the Petition of Xcel Energy for Approval of a Residential Time of Use Rate Design***  
**Docket No. E-002/M-23-524**

Dear Ms. Bergman:

The Office of the Attorney General – Residential Utilities Division (OAG) submits this letter regarding the ex parte communication report filed by Commission Staff on December 30, 2025.

In the ex parte communication, Commission Staff requested clarification of “how approval of the budget for the TOU rate, subject to review and approval in current rate case, would work given that the public comments and evidentiary hearings have closed for that rate case?”<sup>1</sup> In the Department’s response, the Department cited Xcel’s testimony and the Department’s testimony regarding Time of Use implementation costs in Xcel’s pending rate case.

The OAG also wishes to draw the Commission’s attention to the OAG’s testimony on this issue, located at pages 27-40 of Katherine Hinderlie’s Surrebuttal Testimony.<sup>2</sup> In response to the Staff’s ex parte request for clarification, the OAG’s testimony demonstrates that approval of costs related to TOU implementation is a contested issue in the rate case, and approval of those costs in this docket would be premature.

Sincerely,

/s/ **Joey Cherney**

JOEY CHERNEY

Assistant Attorney General

(651) 300-7569 (Voice)

[Joey.cherney@ag.state.mn.us](mailto:Joey.cherney@ag.state.mn.us)

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<sup>1</sup> Ex Parte Communication Report at 3 (Dec. 30, 2025).

<sup>2</sup> *In re Application of Xcel Energy for Authority to Increase Rates for Electric Service in Minnesota*, Docket No. E-002/GR-24-320, Hinderlie Surrebuttal at 27-40 (Nov. 25, 2025) (eDockets No. [202511-225286-04](https://www.dockets.org/Case/202511-225286-04)).

**CERTIFICATE OF SERVICE**

**Re: *In the Matter of the Petition of Xcel Energy for Approval of a Residential Time of Use Rate Design***  
**Docket No. E-002/M-23-524**

I, CHRIS OSBORNE, hereby certify that on the 30<sup>th</sup> day of December, 2025, I e-filed with eDockets *Letter of the Minnesota Office of The Attorney General—Residential Utilities Division Regarding Ex Parte Communication Report of December 30, 2025* and served a true and correct copy of the same upon all parties listed on the attached service list by e-mail, electronic submission, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

*/s/ Chris Osborne*  
CHRIS OSBORNE

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar		721 W 26th st Suite 211 Minneapolis MN, 55405 United States	Electronic Service		No	23-524Official
2	Mara	Ascheman	mara.k.ascheman@xcelenergy.com	Xcel Energy		414 Nicollet Mall Fl 5 Minneapolis MN, 55401 United States	Electronic Service		No	23-524Official
3	Marisa	Bayer	mbayer@edinamn.gov	City of Edina		4801 W 50th St Edina MN, 55424 United States	Electronic Service		No	23-524Official
4	Sasha	Bergman	sasha.bergman@state.mn.us		Public Utilities Commission	121 7th PI E Ste 350 St. Paul MN, 55101 United States	Electronic Service		Yes	23-524Official
5	Matthew	Brodin	mbrodin@allete.com	Minnesota Power		30 West Superior Street Duluth MN, 55802 United States	Electronic Service		No	23-524Official
6	Rachel	Bryant	rachel.bryant@gridx.com	GridX		14055 W Amherst Ave Lakewood CO, 80228 United States	Electronic Service		No	23-524Official
7	Mike	Bull	mike.bull@state.mn.us		Public Utilities Commission	121 7th Place East, Suite 350 St. Paul MN, 55101 United States	Electronic Service		Yes	23-524Official
8	James	Canaday	james.canaday@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	Suite 1400 445 Minnesota St. St. Paul MN, 55101 United States	Electronic Service		No	23-524Official
9	Olivia	Carroll	oliviac@cubminnesota.org	Citizens Utility Board of Minnesota		332 Minnesota St W1360 St. Paul MN, 55101 United States	Electronic Service		No	23-524Official
10	John	Coffman	john@johncoffman.net	AARP		871 Tuxedo Blvd. St. Louis MO, 63119-2044 United States	Electronic Service		No	23-524Official
11	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	23-524Official
12	James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.		414 Nicollet Mall, 401-8 Minneapolis MN, 55401 United States	Electronic Service		No	23-524Official
13	John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance		2720 E. 22nd St Institute for Local Self-Reliance Minneapolis MN, 55406 United States	Electronic Service		No	23-524Official
14	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	23-524Official
15	Kim	Havey	kim.havey@minneapolismn.gov	City of Minneapolis		350 South 5th Street, Suite 315M Minneapolis MN, 55415 United States	Electronic Service		No	23-524Official
16	Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	23-524Official
17	Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.		445 Etna Street Ste. 61 St. Paul MN, 55106 United States	Electronic Service		No	23-524Official
18	Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law		2950 Yellowtail Ave. Marathon FL, 33050 United States	Electronic Service		No	23-524Official
19	Richard	Johnson	rick.johnson@lawmoss.com	Moss & Barnett		150 S. 5th Street Suite 1200 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
20	Sarah	Johnson Phillips	sjphillips@stoel.com	Stoel Rives LLP		33 South Sixth Street Suite 4200 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
21	Dan	Juhl	in.another.account.info@juhlenergy.com	Juhl Energy Inc.		1502 17th St SE Pipestone MN, 56164 United States	Paper Service		No	23-524Official
22	Mark	Kresowik	mkresowik@aceee.org	American Council for an Energy-Efficient Economy		529 14th St NW, Suite 600 Washington DC, 20045 United States	Electronic Service		No	23-524Official
23	Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.		8300 Norman Center Drive Suite 1000 Bloomington MN, 55437 United States	Electronic Service		No	23-524Official

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
24	Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC		961 N Lost Woods Rd Oconomowoc WI, 53066 United States	Electronic Service		No	23-524Official
25	Christine	Marquis	regulatory.records@xcelenergy.com	Xcel Energy		414 Nicollet Mall MN1180-07-MCA Minneapolis MN, 55401 United States	Electronic Service		No	23-524Official
26	Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc		414 Nicollet Mall 7th Floor Minneapolis MN, 55401 United States	Electronic Service		Yes	23-524Official
27	David	Moeller	dmoeller@allete.com	Minnesota Power			Electronic Service		No	23-524Official
28	Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP		33 South Sixth St Ste 4200 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
29	David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency		220 South Sixth Street Suite 1300 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
30	Logan	O'Grady	logrady@mnseia.org	Minnesota Solar Energy Industries Association		2288 University Ave W St. Paul MN, 55114 United States	Electronic Service		No	23-524Official
31	Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office		1110 West Avenue Red Wing MN, 55066 United States	Electronic Service		No	23-524Official
32	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	23-524Official
33	Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy		26 E Exchange St, Ste 206 St. Paul MN, 55101-1667 United States	Electronic Service		No	23-524Official
34	Kahryn	Riley	kahryn.riley@uplight.com	Uplight		Junction Pl Boulder CO, 80301 United States	Electronic Service		No	23-524Official
35	Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered		150 S 5th St Ste 700 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
36	Peter	Scholtz	peter.scholtz@ag.state.mn.us		Office of the Attorney General - Residential Utilities Division	Suite 1400 445 Minnesota Street St. Paul MN, 55101-2131 United States	Electronic Service		No	23-524Official
37	Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates		7400 Lyndale Ave S Ste 190 Richfield MN, 55423 United States	Electronic Service		Yes	23-524Official
38	Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.		76 W Kellogg Blvd St. Paul MN, 55102 United States	Electronic Service		No	23-524Official
39	Peggy	Sorum	peggy.sorum@centerpointenergy.com	CenterPoint Energy		505 Nicollet Mall Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
40	Byron E.	Starns	byron.starns@stinson.com	STINSON LLP		50 S 6th St Ste 2600 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
41	Lauren	Steinhaeuser	lauren.steinhaeuser@xcelenergy.com	Northern States Power Company dba Xcel Energy		414 Nicollet Mall, 401-08 Minneapolis MN, 55401 United States	Electronic Service		No	23-524Official
42	Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine		225 South Sixth Street, Suite 3500 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official
43	Mariko	Yatsunami	myatsunami@mncee.org	Center for Energy and Environment		212 N 3rd Ave Suite 560 Minneapolis MN, 55404 United States	Electronic Service		No	23-524Official
44	Kurt	Zimmerman	kwz@ibew160.org	Local Union #160, IBEW		2909 Anthony Ln St Anthony Village MN, 55418-3238 United States	Electronic Service		No	23-524Official
45	Patrick	Zomer	pat.zomer@lawmoss.com	Moss & Barnett PA		150 S 5th St #1200 Minneapolis MN, 55402 United States	Electronic Service		No	23-524Official