



414 Nicollet Mall
Minneapolis, MN 55401

February 28, 2022

—Via Electronic Filing—

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

RE: SUPPLEMENTAL INITIAL COMMENTS
IN THE MATTER OF THE PETITION FOR A PROPOSED TARIFF MODIFICATION
FOR A NONSTANDARD PROVISION TO THE UNIFORM STATEWIDE
CONTRACT FOR COGENERATION AND SMALL POWER PRODUCTION
FACILITIES
DOCKET NO. E002/M-21-433

Dear Mr. Seuffert:

Northern States Power Company, doing business as Xcel Energy (the Company), encloses Supplemental Initial Comments in response to the Commission's Notice of Supplemental Comment Period issued on February 2, 2022 in the above referenced docket.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service list. Please feel free to contact Brandon Stamp at 612-337-2076 or Brandon.J.Stamp@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

/s/

JESSICA PETERSON
MANAGER, PERFORMANCE AND STRATEGY

Enclosures
c: Service List

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Katie J. Sieben	Chair
Valerie Means	Commissioner
Matthew Schuerger	Commissioner
Joseph Sullivan	Commissioner
John A. Tuma	Commissioner

IN THE MATTER OF THE PETITION FOR A
PROPOSED TARIFF MODIFICATION FOR
A NONSTANDARD PROVISION TO THE
UNIFORM STATEWIDE CONTRACT FOR
COGENERATION AND SMALL POWER
PRODUCTION FACILITIES

DOCKET No. E002/M-21-433

SUPPLEMENTAL INITIAL COMMENTS

INTRODUCTION

Northern States Power Company, doing business as Xcel Energy (the Company), provides these Supplemental Initial Comments in response to the Commission's Notice of Supplemental Comment Period (Notice) issued on February 2, 2022 in the above referenced docket.

The Company actively works with customers on an ongoing basis to hear their concerns and, where appropriate, to propose changes to our processes or tariffs. Our petition in this matter was an effort to respond to a customer's request that as a landlord it be offered a process to allow its tenant to receive the benefits of net metering. We believe that the tariff revision we have proposed here as a response to this customer request is the right thing to do and represents good public policy.

The Commission's Notice requested comments on the following:

1. Does the proposed tariff language (see Attachment A to the Notice) achieve the stated objectives?
2. Does the proposed tariff language have identifiable unintended consequences or implementation concerns that warrant modification?
3. Should the landlord be able to either opt in or opt out on whether the tenant at the connected meter is the sole beneficiary of the net metering? Please comment on the following potential addition to the proposed language in

Attachment A to the Notice:

- a. “The landlord owner may decide to assign the benefits of net metering to a tenant”; and/or
 - b. “The landlord owner may opt out of this arrangement upon written request acknowledging the new program or rate offering the DER will participate in.”
4. Are there other issues or concerns relating to this matter?

The Company provides additional background regarding net metering benefits and how these work within our proposed tariff, with the focus on Item 3 of the Notice.

I. NET METERING BENEFITS

On December 17, 2021, the Company updated its tariff request under tariff sheet 9-12.2 to address concerns raised in Staff Briefing Papers. These changes are reflected in Attachment A to the Notice.

Item 3 of the Notice refers to net metering benefits. We would first like to further clarify for the record the meaning of net metering benefits. These benefits refer to the *reduction of the tenant’s retail electric bill* to reflect the amount of on-site production from the PV system connected to their electric meter that off-sets energy that would have otherwise been sent by Xcel Energy during the time period associated with our applicable tariff (A50, A51, A52, A53, A54, A55 and A56). These tariffs allow the applicable time period to be “instantaneous,” monthly, or annual. *Net metering benefits also include the Company providing a bill credit or payment per the rate set forth in tariff and chosen by the customer for any excess production above usage during the applicable time period.* This bill credit or payment would go to the person/entity that is listed as our retail customer on the account and who is enrolled in our tariffed net metering plan. In a situation where a homeowner installs a PV system, the homeowner receives the net metering benefits as their meter connects to the PV system and they are also the retail customer.

In contrast, the following situation highlights the need for our proposed tariff revision. If the PV system is owned by the landlord and is connected to the tenant’s meter (who also is the account holder), currently our tariff does not allow a tenant to fully benefit from net metering, and the only benefit would be reduction in the retail bill based on the “instantaneous” version of net metering but with no payment or credit to the tenant for excess production. Our proposed tariff changes would provide an opportunity for the full net metering benefits to go to the tenant where the retail electric service for that unit is in the tenant’s name (and not the landlord’s name). The

benefits of reduced energy consumption physically go to person/entity listed on the retail electric bill associated with rental unit. With our proposal, the tenant could get the bill credit or payment for excess production associated with the applicable time period. Current rules require the landlord to sign the Uniform Statewide Contract (as required by the Minnesota Distributed Energy Resources Interconnection Process (MN DIP)). Our proposal keeps this requirement but allows the tenant to receive the full net metering benefits of the system.

To be clear, if the PV system is physically connected to a tenant's electric meter, and the retail electric service remains in the landlord's name, then the landlord can receive the full benefits of net metering and the tariff change has no impact to this process already in place. In that situation, today and also under our proposed tariff change, with the retail account in the landlord's name the tenant would not receive the benefits of net metering.

In our August 23, 2021 Reply Comments, we described the most likely scenario addressed by the tariff change where one tenant receives the energy/net metering benefits from the DER system, such as where a single tenant is the only tenant and whose meter is connected to the PV system. The proposed tariff modification language could also be applied to a multi-tenant building such as an apartment building or commercial strip mall; however, the DER system being installed would need to only connect to one tenant meter pertaining to the named customer receiving retail electric service. There can be multiple DER systems on the roof of a multi-tenant building, however, for each DER system the only tenant who could benefit from our proposed tariff revisions would be the tenant whose retail electric meter is physically connected to the DER system.

II. SHOULD THE LANDLORD BE ABLE TO EITHER OPT IN OR OPT OUT ON WHETHER THE TENANT AT THE CONNECTED METER IS THE SOLE BENEFICIARY OF THE NET METERING?

As discussed above, the net metering benefits are intended to go directly to the retail customer of record whose meter is physically connected to the PV System. Our tariff changes seek to create a path to implement this for a tenant in the landlord/tenant situations where the landlord owns the PV system.

In the situation brought to our attention, the landlord wanted to own a system so that their tenant could receive the net metering benefits. With our proposed tariff, the tenant would receive the net metering benefits when the retail account is in the tenant's name.

Item 3.a of the Notice asks about a landlord being able to “assign” the net metering benefits to the tenant. We have no process or system in place to “assign” the benefits of the reduced Xcel Energy retail bill due to the energy produced by the PV System that off-sets energy that otherwise would have been sent by Xcel Energy. Similarly, we have no process or system in place to “assign” the bill credits or payments for excess production associated with the applicable time period to a third person. This is also the case for our Solar*Rewards program. While our Solar*Rewards program does allow for certain “assignments,” none of the assignments are for the benefits of the reduced Xcel Energy bill, nor for the payment for excess production above on-site usage. Instead, the Solar*Rewards program allows for assignment of the “incentive payment” (see, tariff sheets 9-62 to 6-63), which is either an upfront or \$/kWh amount for **all** production during the Solar*Rewards contract period, and this “incentive” amount is not tied to any “excess” production and is different from the net metering benefits at issue in our proposed tariff changes. Our Solar*Rewards contract also allows for the assignment of the Solar*Rewards Contract, but this assignment of contract is only applicable where the assignee has purchased the premises at the Service Address pertaining to the PV System in the Solar*Rewards contract and also requires the assignment to the same assignee of the interconnection agreement associated with this PV System (see tariff sheets 9-60 and 9-61). This is far different than what is at issue in our proposed tariff change regarding net metering benefits. It would likely require system development, additional business rules, IT work, and some time to create a process to allow for assignments at issue in Item 3.a of the Notice.

Item 3.b of the Notice asked about allowing the landlord to opt out of the proposed tariff and upon written request to participate in some other DER rate program. If the landlord’s desire is to not to allow the tenant to have any benefit of the PV system, then the landlord can keep the retail account in the landlord’s name. Alternatively, the physical set-up and interconnection agreement for the PV system would need to be reconfigured so that the PV System would not physically tie into the retail meter of the tenant and this system would also need to have its own retail meter. Once reconfigured, we would need to determine what compensation rate would apply. If the system is under 40 kW, our A50 tariff rate could be applicable if chosen by the customer. If the system is 40 kW or larger, no tariff rate would likely apply because of the tariff 120% rule applicable to systems sized from 40 kW to under 1 MW, and the fact that this PV system would not have significant load. For these systems where a tariff rate does not apply, we would need to have a Power Purchase Agreement (PPA) with the landlord for the landlord to sell us the production, and in that PPA the landlord could designate who should receive the PPA payments.

It is for these reasons that we cannot adjust our proposed tariff language to have the landlord “assign” benefits of net metering, nor allow the landlord to opt-out, nor

allow the landlord to enroll in some other DER program upon written notice (other than keeping the retail account in the landlord's name).

CONCLUSION

We appreciate the opportunity to provide these Supplemental Initial Comments.

Dated: February 28, 2022

Northern States Power Company

CERTIFICATE OF SERVICE

I, Mustafa Adam, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota; or

xx by electronic filing.

Docket No.: E002/M-21-433

Dated this 28th day of February 2022.

/s/

Mustafa Adam
Regulatory Administrator

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ross	Abbey	ross.abbey@us-solar.com	United States Solar Corp.	100 North 6th St Ste 222C Minneapolis, MN 55403	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar	721 W 26th st Suite 211 Minneapolis, Minnesota 55405	Electronic Service	No	OFF_SL_21-433_M-21-433
David	Amster Olzweski	david@mysunshare.com	SunShare, LLC	1151 Bannock St Denver, CO 80204-8020	Electronic Service	No	OFF_SL_21-433_M-21-433
Ellen	Anderson	ellena@umn.edu	325 Learning and Environmental Sciences	1954 Buford Ave Saint Paul, MN 55108	Electronic Service	No	OFF_SL_21-433_M-21-433
Janet	Anderson	jainstp@q.com	-	1799 Sargent St. Paul, MN 55105	Electronic Service	No	OFF_SL_21-433_M-21-433
Mark	Anderson	manderson@southcentralelectric.com	South Central Electric Association	PO Box 150 71176 Tiell Drive St. James, MN 56081	Electronic Service	No	OFF_SL_21-433_M-21-433
Christine	Andrews	christineandrewsjd@gmail.com		792 Goodrich Ave St Paul, Minnesota 55105	Electronic Service	No	OFF_SL_21-433_M-21-433
Alison C	Archer	aarcher@misoenergy.org	MISO	2985 Ames Crossing Rd Eagan, MN 55121	Electronic Service	No	OFF_SL_21-433_M-21-433
Mara	Ascheman	mara.k.ascheman@xcelenergy.com	Xcel Energy	414 Nicollet Mall Fl 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Donna	Attanasio	dattanasio@law.gwu.edu	George Washington University	2000 H Street NW Washington, DC 20052	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Aune	johna@bluehorizonsolar.com	Blue Horizon Energy	171 Cheshire Ln Ste 500 Plymouth, MN 55441	Electronic Service	No	OFF_SL_21-433_M-21-433
John	Bailey	bailey@ilsr.org	Institute For Local Self-Reliance	1313 5th St SE Ste 303 Minneapolis, MN 55414	Electronic Service	No	OFF_SL_21-433_M-21-433
Mark	Bakk	mbakk@lcp.coop	Lake Country Power	26039 Bear Ridge Drive Cohasset, MN 55721	Electronic Service	No	OFF_SL_21-433_M-21-433
Wissam	Balshe	wissam.balshe@cummins.com		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Laura	Beaton	beaton@smwlaw.com	Shute, Mihaly & Weinberger LLP	396 Hayes Street San Francisco, CA 94102	Electronic Service	No	OFF_SL_21-433_M-21-433
Peter	Beithon	pbeithon@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_21-433_M-21-433
Sara	Bergan	sebergan@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
James J.	Bertrand	james.bertrand@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Derek	Bertsch	derek.bertsch@mrenergy.com	Missouri River Energy Services	3724 West Avera Drive PO Box 88920 Sioux Falls, SD 57109-8920	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Thor	Bjork	Thor.S.Bjork@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
William	Black	bblack@mmua.org	MMUA	Suite 200 3131 Fernbrook Lane North Plymouth, MN 55447	Electronic Service	No	OFF_SL_21-433_M-21-433
Jerry	Boggs	jerry.boggs@istate.com		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Kenneth	Bradley	kbradley1965@gmail.com		2837 Emerson Ave S Apt CW112 Minneapolis, MN 55408	Electronic Service	No	OFF_SL_21-433_M-21-433
Jon	Brekke	jbrekke@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_21-433_M-21-433
Kathleen M.	Brennan	kmb@mcgrannshea.com	McGrann Shea Carnival, Straughn & Lamb, Chartered	800 Nicollet Mall Ste 2600 Minneapolis, MN 554027035	Electronic Service	No	OFF_SL_21-433_M-21-433
Sydney R.	Briggs	sbriggs@swce.coop	Steele-Waseca Cooperative Electric	2411 W. Bridge St PO Box 485 Owatonna, MN 55060-0485	Electronic Service	No	OFF_SL_21-433_M-21-433
Mark B.	Bring	mbring@otpc.com	Otter Tail Power Company	215 South Cascade Street PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_21-433_M-21-433
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Burr	mtburr@microgridinstitute.org		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jason	Burwen	jburwen@cleanpower.org	Energy Storage Association	1155 15th St NW, Ste 500 Washington, DC 20005	Electronic Service	No	OFF_SL_21-433_M-21-433
Jerry	Byer	jbyer@itasca-mantrap.com	Itasca-Mantrap Coop. Electric Assn.	PO Box 192 Park Rapids, MN 56470	Electronic Service	No	OFF_SL_21-433_M-21-433
Daniel T	Carlisle	todd-wad@toddwadana.coop	Todd-Wadana Electric Cooperative	550 Ash Ave NE PO Box 431 Wadena, MN 56482	Electronic Service	No	OFF_SL_21-433_M-21-433
Douglas M.	Carnival	dmc@mcgrannshea.com	McGrann Shea Carnival Straughn & Lamb	N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Pat	Carruth	pat@mnvalleyrec.com	Minnesota Valley Coop. Light & Power Assn.	501 S 1st St. PO Box 248 Montevideo, MN 56265	Electronic Service	No	OFF_SL_21-433_M-21-433
Ray	Choquette	rchoquette@agp.com	Ag Processing Inc.	12700 West Dodge Road PO Box 2047 Omaha, NE 68103-2047	Electronic Service	No	OFF_SL_21-433_M-21-433
Steve W.	Chriss	Stephen.chriss@walmart.com	Wal-Mart	2001 SE 10th St. Bentonville, AR 72716-5530	Electronic Service	No	OFF_SL_21-433_M-21-433
Jennifer	Christensen	jchristensen@gpsid.net	Great Plains Institute	2801 21st Ave S Suite 220 Minneapolis, MN 55407	Electronic Service	No	OFF_SL_21-433_M-21-433
City	Clerk	dmaras@ci.albertlea.mn.us	City of Albert Lea	221 E Clark St Albert Lea, MN 56007	Electronic Service	No	OFF_SL_21-433_M-21-433
Kenneth A.	Colburn	kcolburn@symbioticstrategies.com	Symbiotic Strategies, LLC	26 Winton Road Meredith, NH 32535413	Electronic Service	No	OFF_SL_21-433_M-21-433

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_21-433_M-21-433
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_21-433_M-21-433
Curtis	Cordt	ccordt@mvec.net	Minnesota Valley Electric Cooperative	125 Minnesota Valley Electric Drive Jordan, MN 55352	Electronic Service	No	OFF_SL_21-433_M-21-433
William	Crider	William.Crider@target.com	Target Corporation	33 S 6th St CC-2805 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
George	Crocker	gwillc@nawo.org	North American Water Office	PO Box 174 Lake Elmo, MN 55042	Electronic Service	No	OFF_SL_21-433_M-21-433
Stacy	Dahl	sdahl@minnkota.com	Minnkota Power Cooperative, Inc.	5301 32nd Ave S Grand Forks, ND 58201	Electronic Service	No	OFF_SL_21-433_M-21-433
David	Dahlberg	davedahlberg@nweco.com	Northwestern Wisconsin Electric Company	P.O. Box 9 104 South Pine Street Grantsburg, WI 548400009	Electronic Service	No	OFF_SL_21-433_M-21-433
Lisa	Daniels	lisadaniels@windustry.org	Windustry	201 Ridgewood Ave Minneapolis, MN 55403	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
James	Darabi	james.darabi@solarfarm.com	Solar Farm, LLC	2355 Fairview Ave #101 St. Paul, MN 55113	Electronic Service	No	OFF_SL_21-433_M-21-433
James	Denniston	james.r.denniston@xcenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, 401-8 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Curt	Dieren	curt.dieren@dgr.com	L&O Power Cooperative	1302 S Union St Rock Rapids, IA 51246	Electronic Service	No	OFF_SL_21-433_M-21-433
Cheryl	Dietrich	cheryl.dietrich@nexteraenergy.com	NextEra Energy Resources, LLC	700 Universe Blvd E1W/JB Juno Beach, FL 33408	Electronic Service	No	OFF_SL_21-433_M-21-433
Robin	Doege	Rdoege@stearselectric.org	Stearns Electric Association	PO Box 40 Melrose, MN 56352-0040	Electronic Service	No	OFF_SL_21-433_M-21-433
Kristin	Dolan	kdolan@meeker.coop	Meeker Cooperative Light & Power Assn	1725 US Hwy 12 E. Ste 100 Litchfield, MN 55355	Electronic Service	No	OFF_SL_21-433_M-21-433
Steve	Downer	sdowner@mmua.org	MMUA	3025 Harbor Ln N Ste 400 Plymouth, MN 554475142	Electronic Service	No	OFF_SL_21-433_M-21-433
Renee	Doyle		Doyle Electric Inc.	PO Box 295 Amboy, MN 56010	Paper Service	No	OFF_SL_21-433_M-21-433
Carlton	Doyle Fontaine	carlton.doyle.fontaine@senate.mn	MN Senate	75 Rev Dr Martin Luther King Jr Blvd Room G-17 St Paul, MN 55155	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
J.	Drake Hamilton	hamilton@fresh-energy.org	Fresh Energy	408 St Peter St Ste 350 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Brian	Draxten	bhdraxten@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380498	Electronic Service	No	OFF_SL_21-433_M-21-433
John R.	Dunlop, P.E.	JDunlop@RESMinn.com	Renewable Energy Services	Suite 300 448 Morgan Ave. S. Minneapolis, MN 554052030	Electronic Service	No	OFF_SL_21-433_M-21-433
Kristen	Eide Tollefson	healingsystems69@gmail.com	R-CURE	28477 N Lake Ave Frontenac, MN 55026-1044	Electronic Service	No	OFF_SL_21-433_M-21-433
Rebecca	Eilers	rebecca.d.eilers@xcelenergy.com	Xcel Energy	414 Nicollet Mall - 401 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Bob	Eleff	bob.eleff@house.mn	Regulated Industries Cmte	100 Rev Dr Martin Luther King Jr Blvd Room 600 St. Paul, MN 55155	Electronic Service	No	OFF_SL_21-433_M-21-433
R. Neal	Elliot	RNElliott@aceee.org	American Council for an Energy-Efficient Economy	ACEEE 529 14th St NW Ste 600 Washington, DC 20045	Electronic Service	No	OFF_SL_21-433_M-21-433
Nadav	Enbar	nenbar@epri.com	EPRI	1117 Quince Ave Boulder, CO 80304	Electronic Service	No	OFF_SL_21-433_M-21-433
Betsy	Engelking	betsy@nationalgridrenewables.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Ste 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Oncu	Er	oncu.er@avantenergy.com	Avant Energy, Agent for MMPA	220 S. Sixth St. Ste. 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
James C.	Erickson	jericksonkbc@gmail.com	Kelly Bay Consulting	17 Quechee St Superior, WI 54880-4421	Electronic Service	No	OFF_SL_21-433_M-21-433
Rick	Evans	Rick.Evans@xcelenergy.com	Xcel Energy	404 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	2720 E. 22nd St Institute for Local Self-Reliance Minneapolis, MN 55406	Electronic Service	No	OFF_SL_21-433_M-21-433
Christian	Fenstermacher	christian.fenstermacher@owatonnautilities.com	Owatonna Municipal Public Utilities	PO Box 800 208 S Walnut Ave Owatonna, MN 55060	Electronic Service	No	OFF_SL_21-433_M-21-433
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_21-433_M-21-433
Christine	Fox	cfox@itasca-mantrap.com	Itasca-Mantrap Coop. Electric Assn.	PO Box 192 Park Rapids, MN 56470	Electronic Service	No	OFF_SL_21-433_M-21-433
Mike	Franklin	mfranklin@mncef.com	MN Conservative Energy Forum	235 E 6th St Fifth Floor St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Nathan	Franzen	nathan@nationalgridrenewables.com	Geronimo Energy, LLC	8400 Normandale Lake Blvd Ste 1200 Bloomington, MN 55437	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Freestate	dfreestate@epri.com	EPRI	942 Corridor Park Blvd Knoxville, TN 37932	Electronic Service	No	OFF_SL_21-433_M-21-433
Katelyn	Frye	kfrye@mnpower.com	Minnesota Power	30 W Superiot St Duluth, MN 558022093	Electronic Service	No	OFF_SL_21-433_M-21-433
Stacey	Fujii	sfujii@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_21-433_M-21-433
Lee	Gabler	Lee.E.Gabler@xcelenergy.com	Xcel Energy	404 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Hal	Galvin	halgalvin@comcast.net	Provectus Energy Development llc	1936 Kenwood Parkway Minneapolis, MN 55405	Electronic Service	No	OFF_SL_21-433_M-21-433
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Bruce	Gerhardson	bgerhardson@otpc.com	Otter Tail Power Company	PO Box 496 215 S Cascade St Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_21-433_M-21-433
Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 350 Saint Paul, Minnesota 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Jenny	Glumack	jenny@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_21-433_M-21-433
Nitzan	Goldberger	n.goldberger@energystorage.org	Energy Storage Association	1800 M Street NW Suite 400S Washington, DC 20036	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Sarah	Groebner	sgroebner@redwoodelectri c.com	Redwood Electric Cooperative	60 Pine St Clements, MN 56224	Electronic Service	No	OFF_SL_21-433_M-21-433
David	Grover	dgrover@itctransco.com	ITC Midwest	5615 Clinton Avenue So Minneapolis, MN 55419	Electronic Service	No	OFF_SL_21-433_M-21-433
Timothy	Gulden	timothy.gulden@yahoo.co m	Winona Renewable Energy, LLC	1449 Ridgewood Dr Winona, MN 55987	Electronic Service	No	OFF_SL_21-433_M-21-433
Tom	Guttormson	Tom.Guttormson@connexu senenergy.com	Connexus Energy	14601 Ramsey Blvd Ramsey, MN 55303	Electronic Service	No	OFF_SL_21-433_M-21-433
Cliff	Haefke	chaefk1@uic.edu	US DOE Midwest CHP Technical Assistance Partnership	1309 S Halsted St Chicago, IL 60607	Electronic Service	No	OFF_SL_21-433_M-21-433
Tony	Hainault	anthony.hainault@co.henn epin.mn.us	Hennepin County DES	701 4th Ave S Ste 700 Minneapolis, MN 55415-1842	Electronic Service	No	OFF_SL_21-433_M-21-433
James	Haler	jhaler@southcentralelectric .com	South Central Electric Association	71176 Tiell Dr P. O. Box 150 St. James, MN 56081	Electronic Service	No	OFF_SL_21-433_M-21-433
Andrew	Hall	ahall@allete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Donald	Hanson	dfhanson@ieee.org	Solar Photovoltaic Systems	P. O. Box 44579 Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_21-433_M-21-433
John	Harlander	john.c.harlander@xcelener gy.com	Xcel Energy	N/A	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jack	Hays	jack.hays@westwoodps.com	Westwood Professional Services	7699 Anagram Drive Eden Prairie, MN 55344	Electronic Service	No	OFF_SL_21-433_M-21-433
Todd	Headlee	theadlee@dvigridsolutions.com	Dominion Voltage, Inc.	701 E. Cary Street Richmond, VA 23219	Electronic Service	No	OFF_SL_21-433_M-21-433
Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_21-433_M-21-433
Jared	Hendricks	jared.hendricks@owatonnautilities.com	Owatonna Municipal Public Utilities	PO Box 800 208 S Walnut Ave Owatonna, MN 55060-2940	Electronic Service	No	OFF_SL_21-433_M-21-433
Annete	Henkel	mui@mutilityinvestors.org	Minnesota Utility Investors	413 Wacouta Street #230 St.Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Ryan	Hentges	ryanh@mvec.net	Minnesota Valley Electric Cooperative	125 Minnesota Valley Electric Dr Jordan, MN 55352	Electronic Service	No	OFF_SL_21-433_M-21-433
Holly	Hinman	holly.r.hinman@xcelenergy.com	Xcel Energy	414 Nicollet Mall, 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Adam	Hook	adam.hook@gmail.com		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Hoppe	lu23@ibew23.org	Local Union 23, I.B.E.W.	445 Etna Street Ste. 61 St. Paul, MN 55106	Electronic Service	No	OFF_SL_21-433_M-21-433
Ronald	Horman	rhorman@redwoodelectric.com	Redwood Electric Cooperative	60 Pine Street Clements, MN 56224	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Horneck	david.g.horneck@xcelenergy.com	Xcel Energy	1800 Larimer Street Denver, CO 80202	Electronic Service	No	OFF_SL_21-433_M-21-433
Jan	Hubbard	jan.hubbard@comcast.net		7730 Mississippi Lane Brooklyn Park, MN 55444	Electronic Service	No	OFF_SL_21-433_M-21-433
Dean	Hunter	Dean.Hunter@state.mn.us	Minnesota Department of Labor & Industry	443 Lafayette Rd N St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_21-433_M-21-433
Steve	Huso	steve.huso@xcelenergy.com	Xcel Energy	G.O. 7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-433_M-21-433
Ralph	Jacobson	ralphj@ips-solar.com		2126 Roblyn Avenue Saint Paul, Minnesota 55104	Electronic Service	No	OFF_SL_21-433_M-21-433
Casey	Jacobson	cjacobson@bepc.com	Basin Electric Power Cooperative	1717 East Interstate Avenue Bismarck, ND 58501	Electronic Service	No	OFF_SL_21-433_M-21-433
John S.	Jaffray	jjaffray@jrpowers.com	JJR Power	350 Highway 7 Suite 236 Excelsior, MN 55331	Electronic Service	No	OFF_SL_21-433_M-21-433
Robert	Jagusch	rjagusch@mmua.org	MMUA	3025 Harbor Lane N Minneapolis, MN 55447	Electronic Service	No	OFF_SL_21-433_M-21-433
Chris	Jarosch	chris@carrcreekelectricservice.com	Carr Creek Electric Service, LLC	209 Sommers Street North Hudson, WI 54016	Electronic Service	No	OFF_SL_21-433_M-21-433
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2950 Yellowtail Ave. Marathon, FL 33050	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Cindy	Jepsen	ccjepsen@capitolresource mn.com	Capitol Resources	Box 254 Marine On St. Croix, MN 55047	Electronic Service	No	OFF_SL_21-433_M-21-433
Brian	Jeremiason	bjeremiason@llec.coop	Lyon-Lincoln Electric Cooperative, Inc.	205 W. Hwy. 14 Tyler, MN 56178	Electronic Service	No	OFF_SL_21-433_M-21-433
Richard	Johnson	Rick.Johnson@lawmoss.co m	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Sarah	Johnson Phillips	sarah.phillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Nate	Jones	njones@hcpd.com	Heartland Consumers Power	PO Box 248 Madison, SD 57042	Electronic Service	No	OFF_SL_21-433_M-21-433
Mahmoud	Kabalan	mahmoud.kabalan@stthom as.edu	University of St Thomas	2115 Summit Ave. Mail OSS100 School of Engineering Saint Paul, MN 55105	Electronic Service	No	OFF_SL_21-433_M-21-433
Camille	Kadoch	ckadoch@raponline.org	Regulatory Assistance Project	50 State Street Suite 3 Montpelier, VT 05602	Electronic Service	No	OFF_SL_21-433_M-21-433
Cliff	Kaehler	cliff.kaehler@novelenergy. biz	Novel Energy Solutions LLC	4710 Blaylock Way Inver Grove Heights, MN 55076	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Kampmeyer	mkampmeyer@a-e- group.com	AEG Group, LLC	260 Salem Church Road Sunfish Lake, Minnesota 55118	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Nick	Kaneski	nick.kaneski@enbridge.com	Enbridge Energy Company, Inc.	11 East Superior St Ste 125 Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Jack	Kegel	jkegel@mmua.org	MMUA	3025 Harbor Lane N Suite 400 Plymouth, MN 55447-5142	Electronic Service	No	OFF_SL_21-433_M-21-433
Tom	Key	tkey@epri.com	EPRI	942 Corridor Park Blvd Knoxville, TN 37932	Electronic Service	No	OFF_SL_21-433_M-21-433
Ted	Kjos	tkjos@mienergy.coop	MIEnergy Cooperative	31110 Cooperative Way PO Box 626 Rushford, MN 55971	Electronic Service	No	OFF_SL_21-433_M-21-433
Brad	Klein	bklein@elpc.org	Environmental Law & Policy Center	35 E. Wacker Drive, Suite 1600 Suite 1600 Chicago, IL 60601	Electronic Service	No	OFF_SL_21-433_M-21-433
Kerry	Klemm	kerry.r.klemm@xcelenergy.com	Xcel Energy Services, Inc	414 Nicollet Mall, 401-6 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_21-433_M-21-433
Chris	Kopel	chrisk@CMPASgroup.org	Central Minnesota Municipal Power Agency	459 S Grove St Blue Earth, MN 56013-2629	Electronic Service	No	OFF_SL_21-433_M-21-433
Steve	Kosbab	skosbab@meeker.coop	Meeker Cooperative Light and Power	1725 US Hwy 12 E Litchfield, MN 55355	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brian	Krambeer	bkrambeer@mienergy.coop	MiEnergy Cooperative	PO Box 626 31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Krause	michaelkrause61@yahoo.com	Kandiyo Consulting, LLC	433 S 7th Street Suite 2025 Minneapolis, Minnesota 55415	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Krikava	mkrikava@taftlaw.com	Taft Stettinius & Hollister LLP	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Jim	Krueger	jkrueger@fmcs.coop	Freeborn-Mower Cooperative Services	Box 611 Albert Lea, MN 56007	Electronic Service	No	OFF_SL_21-433_M-21-433
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Scott	Kurtz	Scott.J.Kurtz@xcelenergy.com	Xcel Energy	825 Rice Street St. Paul, MN 55117	Electronic Service	No	OFF_SL_21-433_M-21-433
Matthew	Lacey	mlacey@greenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	OFF_SL_21-433_M-21-433
Holly	Lahd	holly.lahd@target.com	Target Corporation	33 South 6th St CC-28662 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeffrey L.	Landsman	jlandsman@wheelerlaw.com	Wheeler, Van Sickle & Anderson, S.C.	44 E. Mifflin Street, 10th Floor Madison, WI 53703	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Larson	m Larson@meekeer.coop	Meekeer Coop Light & Power Assn	1725 Highway 12 E Ste 100 Litchfield, MN 55355	Electronic Service	No	OFF_SL_21-433_M-21-433
James D.	Larson	james.larson@avantenergy.com	Avant Energy Services	220 S 6th St Ste 1300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Burnell	Lauer	blauer.sundial@gmail.com	Sundial Solar	3209 W. 76th St #305 Edina, MN 55435	Electronic Service	No	OFF_SL_21-433_M-21-433
Dean	Leischow	dean@sunrisenrg.com	Sunrise Energy Ventures	315 Manitoba Ave Ste 200 Wayzata, MN 55391	Electronic Service	No	OFF_SL_21-433_M-21-433
Nick	Lenssen	lenssen.nick@gmail.com		1195 Albion Way Boulder, CO 80305	Electronic Service	No	OFF_SL_21-433_M-21-433
Annie	Levenson Falk	annief@cupminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota Street, Suite W1360 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Amy	Liberkowski	amy.a.liberkowski@xcelenergy.com	Xcel Energy	414 Nicollet Mall 7th Floor Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-433_M-21-433
Carl	Linville	clinville@raponline.org	Regulatory Assistance Project	50 State Street Suite #3 Montpelier, VT 05602	Electronic Service	No	OFF_SL_21-433_M-21-433
Phillip	Lipetsky	greenenergyproductsllc@gmail.com	Green Energy Products	PO Box 108 Springfield, MN 56087	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Loeffler	mike.loeffler@nngco.com	Northern Natural Gas Co.	CORP HQ, 714 1111 So. 103rd Street Omaha, NE 681241000	Electronic Service	No	OFF_SL_21-433_M-21-433
Bob	Long	rlong@larkinhoffman.com	Larkin Hoffman (Silicon Energy)	1500 Wells Fargo Plaza 7900 Xerxes Ave S Bloomington, MN 55431	Electronic Service	No	OFF_SL_21-433_M-21-433
William	Lovelace	wlovelace@minnkota.com	Minnkota Power Cooperative	5301 32nd Ave S Grand Forks, ND 58201	Electronic Service	No	OFF_SL_21-433_M-21-433
Susan	Ludwig	sludwig@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Brian	Lydic	brian@irecusa.org	Interstate Renewable Energy Council, Inc.	PO Box 1156 Latham, NY 12110-1156	Electronic Service	No	OFF_SL_21-433_M-21-433
Richard	Macke	macker@powersystem.org	Power System Engineering, Inc.	10710 Town Square Dr NE Ste 201 Minneapolis, MN 55449	Electronic Service	No	OFF_SL_21-433_M-21-433
Alex	Magerko	amagerko@epri.com	EPRI	942 Corridor Park Blvd Knoxville, TN 37932	Electronic Service	No	OFF_SL_21-433_M-21-433
Kavita	Maini	kmains@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_21-433_M-21-433
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_21-433_M-21-433
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Samuel	Mason	smason@beltramelectric.com	Beltrami Electric Cooperative, Inc.	4111 Technology Dr. NW PO Box 488 Bemidji, MN 56619-0488	Electronic Service	No	OFF_SL_21-433_M-21-433
Sara G	McGrane	smcgrane@felhaber.com	Felhaber Larson	220 S 6th St Ste 2200 Minneapolis, MN 55420	Electronic Service	No	OFF_SL_21-433_M-21-433
Natalie	McIntire	natalie.mcintire@gmail.com	Wind on the Wires	570 Asbury St Ste 201 Saint Paul, MN 55104-1850	Electronic Service	No	OFF_SL_21-433_M-21-433
Dave	McNary	David.McNary@hennepin.us	Hennepin County DES	701 Fourth Ave S Ste 700 Minneapolis, MN 55415-1842	Electronic Service	No	OFF_SL_21-433_M-21-433
Thomas	Melone	Thomas.Melone@AllcoUS.com	Minnesota Go Solar LLC	222 South 9th Street Suite 1600 Minneapolis, Minnesota 55120	Electronic Service	No	OFF_SL_21-433_M-21-433
Tim	Mergen	tmergen@meecker.coop	Meecker Cooperative Light And Power	1725 US Hwy 12 E. Suite 100 PO Box 68 Litchfield, MN 55355	Electronic Service	No	OFF_SL_21-433_M-21-433
Graeme	Miller	gmille7@uic.edu	University of Illinois at Chicago	1309 S Halsted Chicago, IL 60607	Electronic Service	No	OFF_SL_21-433_M-21-433
Darrick	Moe	darrick@mrea.org	Minnesota Rural Electric Association	11640 73rd Ave N Maple Grove, MN 55369	Electronic Service	No	OFF_SL_21-433_M-21-433
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_21-433_M-21-433
Dalene	Monsebroten	dalene.monsebroten@nmpagency.com	Northern Municipal Power Agency	123 2nd St W Thief River Falls, MN 56701	Electronic Service	No	OFF_SL_21-433_M-21-433

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Curt	Monteith	curtis.g.monteith@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Murtaugh	mmurtaugh@fmcs.coop	Freeborn-Mower Cooperative Services	2501 Main Street East Albert Lea, MN 56007	Electronic Service	No	OFF_SL_21-433_M-21-433
Carl	Nelson	cnelson@mncee.org	Center for Energy and Environment	212 3rd Ave N Ste 560 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Ben	Nelson	benn@cmpasgroup.org	CMMPA	459 South Grove Street Blue Earth, MN 56013	Electronic Service	No	OFF_SL_21-433_M-21-433
Dale	Niezwaag	dniezwaag@bepc.com	Basin Electric Power Cooperative	1717 East Interstate Avenue Bismarck, ND 58503	Electronic Service	No	OFF_SL_21-433_M-21-433
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Noble	noble@fresh-energy.org	Fresh Energy	408 Saint Peter St Ste 350 Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Rolf	Nordstrom	rnordstrom@gpisd.net	Great Plains Institute	2801 21ST AVE S STE 220 Minneapolis, MN 55407-1229	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Samantha	Norris	samanthanorris@alliantenergy.com	Interstate Power and Light Company	200 1st Street SE PO Box 351 Cedar Rapids, IA 524060351	Electronic Service	No	OFF_SL_21-433_M-21-433
Timothy	O'Leary	toleary@llec.coop	Lyon-Lincoln Electric Cooperative, Inc	P.O. Box 639 Tyler, MN 561780639	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeff	O'Neill	jeff.oneill@ci.monticello.mn.us	City of Monticello	505 Walnut Street Suite 1 Monticello, Minnesota 55362	Electronic Service	No	OFF_SL_21-433_M-21-433
Wendi	Olson	wolson@otpc.com	Otter Tail Power Company	215 South Cascade Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_21-433_M-21-433
Russell	Olson	rolson@hcpd.com	Heartland Consumers Power District	PO Box 248 Madison, SD 570420248	Electronic Service	No	OFF_SL_21-433_M-21-433
Bethany	Owen	bowen@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Nick	Paluck	nick.paluck@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-433_M-21-433
Priti	Patel	ppatel@greenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369-4718	Electronic Service	No	OFF_SL_21-433_M-21-433
Dan	Patry	dpatry@sunedison.com	SunEdison	600 Clipper Drive Belmont, CA 94002	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeffrey C	Paulson	jeff.jcplaw@comcast.net	Paulson Law Office, Ltd.	4445 W 77th Street Suite 224 Edina, MN 55435	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Dean	Pawlowski	dpawlowski@otpc.com	Otter Tail Power Company	PO Box 496 215 S. Cascade St. Fergus Falls, MN 565370496	Electronic Service	No	OFF_SL_21-433_M-21-433
James	Pearson	james.g.pearson@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
John	Pendray	john.pendray@cummins.com		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeff M	Peters	jeff.peters@mrenergy.com	Missouri River Energy Services	3724 W Avera Dr PO Box 88920 Sioux Falls, MN 57109-8920	Electronic Service	No	OFF_SL_21-433_M-21-433
Jennifer	Peterson	jjpeterson@mnpower.com	Minnesota Power	30 West Superior Street Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Jessica	Peterson	jessica.k.peterson@xcelenergy.com	Xcel Energy	414 Nicollet Mall GO 6 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Leah	Peterson	lpeterson11@gmail.com		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Donna	Pickard	dpickardgsss@gmail.com	Genie Solar Support Services	1215 Lilac Lane Excelsior, MN 55331	Electronic Service	No	OFF_SL_21-433_M-21-433
Jerry	Pittman	jerry.pittman@charter.net		N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Marcia	Podratz	mpodratz@mnpower.com	Minnesota Power	30 W Superior S Duluth, MN 55802	Electronic Service	No	OFF_SL_21-433_M-21-433
Hannah	Polikov	hpolikov@aee.net	Advanced Energy Economy Institute	1000 Vermont Ave, Third Floor Washington, DC 20005	Electronic Service	No	OFF_SL_21-433_M-21-433

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David G.	Prazak	dprazak@otpco.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_21-433_M-21-433
Chris	Psihos	Chris.psihos@idealenergies.com	Ideal Energies, LLC	5810 Nicollet Ave Minneapolis, MN 55419	Electronic Service	No	OFF_SL_21-433_M-21-433
Mark	Rathbun	mrathbun@grenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Reinertson	michael.reinertson@avantenergy.com	Avant Energy	220 S. Sixth St. Ste 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
John C.	Reinhardt	N/A	Laura A. Reinhardt	3552 26th Ave S Minneapolis, MN 55406	Paper Service	No	OFF_SL_21-433_M-21-433
Doug	Renier	doug.renier@state.mn.us	Department of Commerce	85 7th Place E Ste 500 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
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_21-433_M-21-433
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_21-433_M-21-433
Heidi	Ries	hries@umn.edu	University of Minnesota	Institute on the Environment ,	Electronic Service	No	OFF_SL_21-433_M-21-433
Michael	Riewer	MRiewer@otpco.com	Otter Tail Power Company	PO Box 4496 Fergus Falls, MN 56538-0496	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Darla	Ruschen	d.ruschen@bcrea.coop	Brown County Rural Electric Assn.	PO Box 529 24386 State Highway 4 Sleepy Eye, MN 56085	Electronic Service	No	OFF_SL_21-433_M-21-433
Robert K.	Sahr	bsahr@eastriver.coop	East River Electric Power Cooperative	P.O. Box 227 Madison, SD 57042	Electronic Service	No	OFF_SL_21-433_M-21-433
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_21-433_M-21-433
Thomas	Scharff	thomas.scharff@versoco.com	Verso Corp	600 High Street Wisconsin Rapids, WI 54495	Electronic Service	No	OFF_SL_21-433_M-21-433
Kenric	Scheevel	Kenric.scheevel@dairylandpower.com	Dairyland Power Cooperative	3200 East Ave S PO Box 817 La Crosse, Wisconsin 54602	Electronic Service	No	OFF_SL_21-433_M-21-433
Jacob J.	Schlesinger	jschlesinger@keyesfox.com	Keyes & Fox LLP	1580 Lincoln St Ste 880 Denver, CO 80203	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeff	Schoenecker	jschoenecker@dakotaelectric.com	Dakota Electric Association	4300 220th Street W Farmington, MN 55024	Electronic Service	No	OFF_SL_21-433_M-21-433
Christopher	Schoenherr	cp.schoenherr@smmpa.org	SMMPA	500 First Ave SW Rochester, MN 55902-3303	Electronic Service	No	OFF_SL_21-433_M-21-433
Kay	Schraeder	kschraeder@minnkota.com	Minnkota Power	5301 32nd Ave S Grand Forks, ND 58201	Electronic Service	No	OFF_SL_21-433_M-21-433
Kevin	Schwain	Kevin.D.Schwain@xcelenergy.com	Xcel Energy	404 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ronald J.	Schwartau	rschwartau@noblesce.com	Nobles Cooperative Electric	22636 U.S. Hwy. 59 Worthington, MN 56187	Electronic Service	No	OFF_SL_21-433_M-21-433
Rob	Scott Hovland	rob.scott-hovland@mrenergy.com	Missouri River Energy Services	3724 W Avera Dr PO Box 88920 Sioux Falls, SD 571098920	Electronic Service	No	OFF_SL_21-433_M-21-433
Dean	Sedgwick	Sedgwick@Itascapower.com	Itasca Power Company	PO Box 455 Spring Lake, MN 56680	Electronic Service	No	OFF_SL_21-433_M-21-433
Maria	Seidler	maria.seidler@dom.com	Dominion Energy Technology	120 Tredegar Street Richmond, Virginia 23219	Electronic Service	No	OFF_SL_21-433_M-21-433
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th Pl E Ste 350 Saint Paul, MN 55101	Electronic Service	Yes	OFF_SL_21-433_M-21-433
Patricia F	Sharkey	psharkey@environmentallawcounsel.com	Midwest Cogeneration Association.	180 N LaSalle St Ste 3700 Chicago, IL 60601	Electronic Service	No	OFF_SL_21-433_M-21-433
Bria	Shea	bria.e.shea@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	OFF_SL_21-433_M-21-433
Doug	Shoemaker	dougs@charter.net	Minnesota Renewable Energy	2928 5th Ave S Minneapolis, MN 55408	Electronic Service	No	OFF_SL_21-433_M-21-433
Felicia	Skaggs	fskaggs@meeker.coop	Meeker Cooperative Light & Power	1725 US Highway 12 E Suite 100 Litchfield, MN 55355	Electronic Service	No	OFF_SL_21-433_M-21-433
Glen	Skarbakka	glen@s-pllc.com	Skarbakka PLLC	5411 Bartlett Blvd Mound, MN 55364	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Anne	Smart	anne.smart@chargepoint.com	ChargePoint, Inc.	254 E Hacienda Ave Campbell, CA 95008	Electronic Service	No	OFF_SL_21-433_M-21-433
Trevor	Smith	trevor.smith@avantenergy.com	Avant Energy, Inc.	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Joshua	Smith	joshua.smith@sierraclub.org		85 Second St FL 2 San Francisco, California 94105	Electronic Service	No	OFF_SL_21-433_M-21-433
Sara	Smith	sara.smith@metc.state.mn.us	Metropolitan Council	390 Robert St N St. Paul, MN 55101-1805	Electronic Service	No	OFF_SL_21-433_M-21-433
Ken	Smith	ken.smith@evergreenenergy.com	Ever Green Energy	305 Saint Peter St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Rafi	Sohail	rafi.sohail@centerpointenergy.com	CenterPoint Energy	800 LaSalle Avenue P.O. Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_21-433_M-21-433
Beth H.	Soholt	bsoholt@windonthewires.org	Wind on the Wires	570 Asbury Street Suite 201 St. Paul, MN 55104	Electronic Service	No	OFF_SL_21-433_M-21-433
Marcia	Solie	m.solie@bcrea.coop	Brown County Rural Electrical Assn.	24386 State Hwy. 4, PO Box 529 Sleepy Eye, Minnesota 56085	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Robyn	Sonstegard	robyn.s@northstarelectric.coop	North Star Electric Cooperative, Inc.	PO BOX 719 Baudette, MN 56623	Electronic Service	No	OFF_SL_21-433_M-21-433
Sky	Stanfield	stanfield@smwlaw.com	Shute, Mihaly & Weinberger	396 Hayes Street San Francisco, CA 94102	Electronic Service	No	OFF_SL_21-433_M-21-433
Tom	Stanton	tstanton@nrri.org	NRRI	1080 Carmack Road Columbus, OH 43210	Electronic Service	No	OFF_SL_21-433_M-21-433
Russ	Stark	Russ.Stark@ci.stpaul.mn.us	City of St. Paul	390 City Hall 15 West Kellogg Boulevard Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Byron E.	Starns	byron.starns@stinson.com	STINSON LLP	50 S 6th St Ste 2600 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-433_M-21-433
Sherry	Swanson	sswanson@noblesce.com	Nobles Cooperative Electric	22636 US Highway 59 PO Box 788 Worthington, MN 56187	Electronic Service	No	OFF_SL_21-433_M-21-433
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_21-433_M-21-433
Lynnette	Sweet	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	Yes	OFF_SL_21-433_M-21-433
Craig	Tarr, PE	ctarr@energyconcepts.us	Energy Concepts	2349 Willis Niller Dr Hudson, WI 54016	Electronic Service	No	OFF_SL_21-433_M-21-433

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Bryant	Tauer	btauer@whe.org	Wright-Hennepin	6800 Electric Dr Rockford, MN 55373	Electronic Service	No	OFF_SL_21-433_M-21-433
Peter	Teigland	pteigland@mnseia.org	Minnesota Solar Energy Industries Association	2288 University Ave W Saint Paul, MN 55114	Electronic Service	No	OFF_SL_21-433_M-21-433
Leisa	Thompson	leisa.thompson@metc.state.mn.us	Metropolitan Council	390 Robert St N Saint Paul, MN 55101-1805	Electronic Service	No	OFF_SL_21-433_M-21-433
Stuart	Tommerdahl	stommerdahl@otpc.com	Otter Tail Power Company	215 S Cascade St PO Box 496 Fergus Falls, MN 56537	Electronic Service	No	OFF_SL_21-433_M-21-433
Pat	Treseler	pat.jcplaw@comcast.net	Paulson Law Office LTD	4445 W 77th Street Suite 224 Edina, MN 55435	Electronic Service	No	OFF_SL_21-433_M-21-433
Jeff	Triplett	triplettj@powersystem.org	MREA	10710 Town Square Dr NW St 201 Minneapolis, MN 55449	Electronic Service	No	OFF_SL_21-433_M-21-433
Adam	Tromblay	atromblay@noblesce.com	Nobles Cooperative Electric	22636 US Hwy. 59 P.O. Box 788 Worthington, MN 56187-0788	Electronic Service	No	OFF_SL_21-433_M-21-433
Karen	Turnboom	karen.turnboom@versocom.com	Verso Corporation	100 Central Avenue Duluth, MN 55807	Electronic Service	No	OFF_SL_21-433_M-21-433
Craig	Turner	cturner@dakotaelectric.com	Dakota Electric Association	4300 - 220th Street West Farmington, MN 550249583	Electronic Service	No	OFF_SL_21-433_M-21-433
Alan	Urban	alan.m.urban@xcelenergy.com	Xcel Energy	N/A	Electronic Service	No	OFF_SL_21-433_M-21-433

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ken	Valley	ken@epsolar.com	EPF Solar	2210 Parklands Road Minneapolis, MN 55416	Electronic Service	No	OFF_SL_21-433_M-21-433
Erick	Van Meter	evanmete@umn.edu	University of Minnesota	N/A	Electronic Service	No	OFF_SL_21-433_M-21-433
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Sam	Villella	sdvillella@gmail.com		10534 Alamo Street NE Blaine, MN 55449	Electronic Service	No	OFF_SL_21-433_M-21-433
Sarah	Walinga	swalinga@solarcity.com	Energy Freedom Coalition	3055 Clearview Way San Mateo, MN 94402	Electronic Service	No	OFF_SL_21-433_M-21-433
Kevin	Walli	kwalli@fryberger.com	Fryberger, Buchanan, Smith & Frederick	380 St. Peter St Ste 710 St. Paul, MN 55102	Electronic Service	No	OFF_SL_21-433_M-21-433
Robert	Walsh	bwalsh@mnvalleyrec.com	Minnesota Valley Coop Light and Power	PO Box 248 501 S 1st St Montevideo, MN 56265	Electronic Service	No	OFF_SL_21-433_M-21-433
Roger	Warehime	roger.warehime@owatonna utilities.com	Owatonna Municipal Public Utilities	208 S Walnut Ave PO BOX 800 Owatonna, MN 55060	Electronic Service	No	OFF_SL_21-433_M-21-433
Jenna	Warmuth	jwarmuth@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 55802-2093	Electronic Service	No	OFF_SL_21-433_M-21-433
Elizabeth	Wefel	eawefel@flaherty- hood.com	Flaherty & Hood, P.A.	525 Park St Ste 470 Saint Paul, MN 55103	Electronic Service	No	OFF_SL_21-433_M-21-433

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John	Williamson	John.Williamson@state.mn.us	Minnesota Department of Labor and Industry	443 Lafayette Rd N St. Paul, MN 55155-4341	Electronic Service	No	OFF_SL_21-433_M-21-433
Steven	Wishart	steven.w.wishart@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_21-433_M-21-433
Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_21-433_M-21-433
Terry	Wolf	terry.wolf@mrenergy.com	Missouri River Energy Services	3724 W Avera Dr PO Box Sioux Falls, SD 571098920	Electronic Service	No	OFF_SL_21-433_M-21-433
Thomas J.	Zaremba	TZaremba@wheelerlaw.com	WHEELER, VAN SICKLE & ANDERSON	44 E. Mifflin Street, 10th Floor Madison, WI 53703	Electronic Service	No	OFF_SL_21-433_M-21-433
Christopher	Zibart	czibart@atcllc.com	American Transmission Company LLC	W234 N2000 Ridgview Pkwy Court Waukesha, WI 53188-1022	Electronic Service	No	OFF_SL_21-433_M-21-433