

Prohibited Ex Parte Communication Report

July 8, 2025

In the Matter of the Application of Birch Coulee Solar LLC for a Site Permit for the up to 125 MW Birch Coulee Solar Project in Renville County, Minnesota
Docket No. IP-7119/GS-23-477

In the Matter of the Application of Xcel Energy for a Route Permit for the Minnesota Energy Connection Project in Sherburne, Stearns, Kandiyohi, Wright, Meeker, Chippewa, Yellow Medicine, Renville, Redwood, and Lyon counties in Minnesota
Docket No. E-002/TL-22-132

This filing is being made pursuant to Minnesota Rules 7845.7300, subpart 3.

On July 7, 2025, at 11:19 a.m., Haley Waller Pitts of Fredrikson & Byron, P.A., counsel for Birch Coulee Solar, LLC (Birch Coulee), notified Commission counsel that Birch Coulee representative Lauren Colwell had received two emails that were originally written by Commissioner Tuma to certain Commission staff and counsel, which I had inadvertently forwarded to Ms. Colwell approximately two hours prior. Ms. Waller Pitts stated that the emails would be deleted.

I had intended to forward the emails to a Commission staff member but mistakenly selected the wrong email address suggested by Outlook's autocomplete function. Commissioner Tuma had no knowledge or involvement in the forwarding.

The emails discussed issues raised in a June 23, 2025 filing in Docket No. 22-132 (the Minnesota Energy Connection docket) and in a March 24, 2025 filing in Docket No. 23-477 (the Birch Coulee Solar docket) by affected landowner Ann Brazil Johnson. The discussion related to the landowner's concerns that Xcel Energy is preparing to construct a portion of its permitted Minnesota Energy Connection transmission line off of the anticipated alignment identified in the route permit in a way that would increase impacts to Ms. Brazil Johnson's agricultural property to accommodate the proposed Birch Coulee Solar Project.

The forwarded emails included requests for legal advice about procedural options for addressing the landowner's concerns in both dockets. The emails discussed Commissioner Tuma's legal interpretations of certain permit language, Commission rules, and the adequacy of the environmental assessment in the Birch Coulee Solar docket. One email included draft motion language for the Birch Coulee Solar docket, seeking legal advice on the language.

This report will be filed and served on the Commission's official service lists for the above-referenced dockets, but it is not part of the records in the pending proceedings and should not be considered in the decision-making process.

Signed: Craig Janzich

Date: 7/8/2025