



414 Nicollet Mall
Minneapolis, MN 55401

June 24, 2019

—Via Electronic Filing—

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: COMPLIANCE FILING
SHERCO UNIT 3 LITIGATION SETTLEMENT OF LAWSUIT AGAINST GE
DOCKET NO. E999/AA-18-373
DOCKET NO. E999/AA-17-492
DOCKET NO. E999/AA-16-523
DOCKET NO. E999/AA-14-579
DOCKET NO. E002/GR-13-868
DOCKET NO. E002/GR-12-961

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits this filing in compliance with Order Point 3 of the April 11, 2019 ORDER AUTHORIZING SHERCO UNIT 3 RATEPAYER REFUND AMOUNT AND METHOD AND REQUIRING COMPLIANCE FILING in the above-referenced dockets.

Order Point 3 requires the Company to file status updates regarding the filing of any appeals in the Sherco Unit 3 litigation and thereafter when the Court of Appeals issues any orders related to the Appeals. Aegis Insurance Services, LTD and a number of other interested insurers and subrogees of Northern States Power Company and Southern Minnesota Municipal Power Agency filed an appeal with Minnesota Court of Appeals on April 25, 2019. The case has been docketed as A19-0640.

To date, the Court of Appeals has issued two Orders. The first Order (included as Attachment A) set a briefing schedule regarding certain preliminary jurisdictional questions. The second Order (included as Attachment B) accepted jurisdiction over

the case in light of the parties' additional filings. The case remains pending, and the Company will make additional compliance filings as the Court of Appeals issues future Orders.

We have electronically filed this document with the Minnesota Public Utilities Commission, and copies have been served on the parties on the attached service lists. Please contact Rebecca Eilers at rebecca.d.eilers@xcelenergy.com or 612-330-5570 or me at ryan.j.long@xcelenergy.com or 612-215-4659 if you have any questions regarding this filing.

Sincerely,

/s/

RYAN J. LONG
LEAD ASSISTANT GENERAL COUNSEL

c: Service List

FILED

April 26, 2019

**OFFICE OF
APPELLATE COURTS**

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Aegis Insurance Services, LTD., and
other interested insurers as subrogees
of Northern States Power Co. and
Southern Minnesota Municipal Power
Agency,

Appellants,

vs.

General Electric Company, et al.,

Respondents.

O R D E R

A19-0640

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE
THERE IS A QUESTION WHETHER THIS COURT HAS JURISDICTION:**

1. This appeal was filed on April 25, 2019. The notice of appeal states that appellants seek review of a March 26, 2018 order granting partial summary judgment, a November 8, 2019 judgment that dismissed appellants' amended complaint following a jury trial and verdict, an order dated March 11, 2019, that denied appellant's motion for judgment as a matter of law or a new trial, and a "judgment dated March 7, 2019, entered March 13, 2019, and amended April 10, 2019 awarding costs to defendants."

2. Appellants provided copies of the district court administrator's notices of entry of judgment dated March 14, 2019, and April 10, 2019. The notices state that judgment was entered on March 13, 2019, against appellants in the amount of \$252,162.49.

3. Appellants did not file a copy of a judgment entered on March 7, 2019.

4. The district court administrator's register of actions shows that on March 13, 2019, the district court taxed costs and disbursements in the amount of \$252,162.49. Appellants' statement of the case indicates that one of the issues appellants intend to raise on appeal is whether the district court granted excessive costs.

5. The rule governing judgment for costs provides that when costs and disbursements have been determined, whether by a district court judge or by a court administrator with no appeal taken to a district court judge, they shall promptly be inserted in the judgment. Minn. R. Civ. P. 54.04(f).

6. The judgment in all cases shall be entered and signed by the court administrator in the judgment roll and the judgment is not effective before such entry. Minn. R. Civ. P. 58.01.

7. It is unclear whether the court administrator entered judgment on the award of costs and disbursements in accordance with Minn. R. Civ. P. 58.01.

IT IS HEREBY ORDERED:

1. On or before May 6, 2019, the parties shall serve and file (by E-MACS, if required by the supreme court's order on mandatory e-filing) signed informal memoranda addressing the following:

(a) Did the district court administrator enter judgment on the award of costs and disbursements in accordance with Minn. R. Civ. P. 58.01?

(b) If the answer to (a) is no, should the part of the appeal challenging the award of costs and disbursements be dismissed as premature? *See Schaust v. Town Bd.*, 204 N.W.2d 646, 648 (Minn. 1973) (holding that an appeal from a judgment prior to its entry is premature and must be

dismissed); *Sheeran v. Sheeran*, 481 N.W.2d 578, 579 (Minn. App. 1992) (holding that an order for the recovery of money is not appealable and the proper appeal is from the resulting judgment).

2. Memoranda filed after May 6, 2019, may not be considered by the court.

3. Appellants' failure to file a jurisdiction memorandum may result in such sanctions as the court deems appropriate, including dismissal of the questioned part of the appeal.


4. If, after completion of research, appellants conclude that this court lacks jurisdiction over the questioned part of the appeal, appellants shall immediately file a notice of voluntary partial dismissal.

5. This order does not stay or extend briefing deadlines or other procedural requirements under the rules.

6. The clerk of the appellate courts shall provide copies of this order to the Honorable Sheridan Hawley, counsel of record, and the district court administrator.

Dated: April 26, 2019

BY THE COURT



Judge Jeanne M. Cochran

FILED

May 16, 2019

**OFFICE OF
APPELLATE COURTS**

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Aegis Insurance Services, LTD., and
other interested insurers as subrogees
of Northern States Power Co. and
Southern Minnesota Municipal Power
Agency,

ORDER

A19-0640

Appellants,

vs.

General Electric Company, et al.,

Respondents.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. This appeal was filed on April 25, 2019. The notice of appeal states that appellants seek review of a March 26, 2018 order granting partial summary judgment, a November 8, 2019 judgment that dismissed appellants' amended complaint following a jury trial and verdict, a March 11, 2019 order that denied appellant's motion for judgment as a matter of law or a new trial, and a "judgment dated March 7, 2019, entered March 13, 2019, and amended April 10, 2019 awarding costs to defendants."

2. On March 13, 2019, the district court taxed costs and disbursements against appellants in the amount of \$252,162.49. Because it was unclear whether the court

administrator entered judgment on the award of costs and disbursements, we questioned jurisdiction. Only appellants filed an informal memorandum.

3. When costs and disbursements have been determined, whether by a district court judge or by a court administrator with no appeal taken to a district court judge, they shall promptly be inserted in the judgment. Minn. R. Civ. P. 54.04(f).

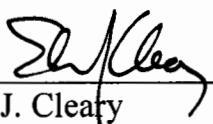
4. Appellants provided a copy of the district court administrator's April 30, 2019 insertion of the award of costs and disbursements into the judgment entered on November 8, 2018. Because appellants have shown that the costs-and-disbursements award was inserted in the judgment in accordance with Minn. R. Civ. P. 54.02(f), we will accept jurisdiction.

IT IS HEREBY ORDERED:

1. Jurisdiction over this appeal is accepted.
2. The clerk of the appellate courts shall provide copies of this order to the Honorable Sheridan Hawley, counsel of record, and the district court administrator.

Dated: May 16, 2019

BY THE COURT



Edward J. Cleary
Chief Judge

CERTIFICATE OF SERVICE

I, Jim Erickson, 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

xx electronic filing

DOCKET NOS. E999/AA-18-373
E999/AA-17-492
E999/AA-16-523
E999/AA-14-579
E002/GR-13-868
E002/GR-12-961

Dated this 24th day of June 2019

/s/

Jim Erickson

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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_12-961_Official List
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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_14-579_AA-14-579
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Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-523_AA-16-523
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_16-523_AA-16-523
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-523_AA-16-523
Mary	Wolter	mary.wolter@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_16-523_AA-16-523

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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_17-492_AA-17-492
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1800 St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_17-492_AA-17-492
Ian	Dobson	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_17-492_AA-17-492
Marie	Doyle	marie.doyle@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall P O Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_17-492_AA-17-492
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_17-492_AA-17-492
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Leann	Oehlerking Boes	lboes@mnpower.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	OFF_SL_17-492_AA-17-492

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Robyn	Woeste	robynwoeste@alliantenergy.com	Interstate Power and Light Company	200 First St SE Cedar Rapids, IA 52401	Electronic Service	No	OFF_SL_17-492_AA-17-492
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_17-492_AA-17-492
Mary	Wolter	mary.wolter@wecenergygroup.com	Minnesota Energy Resources Corporation (HOLDING)	231 West Michigan St Milwaukee, WI 53203	Electronic Service	No	OFF_SL_17-492_AA-17-492

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Marie	Doyle	marie.doyle@centerpointenergy.com	CenterPoint Energy	505 Nicollet Mall P O Box 59038 Minneapolis, MN 554590038	Electronic Service	No	OFF_SL_18-373_AA-18-373
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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_18-373_AA-18-373
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