



Modified Decision Options: E123/C-25-219 (July 23, 2025)

These decision options have been modified to reflect MnSEIA's and CURE's filings on July 21, 2025, and Commissioner Tuma's filing on July 22, 2025.

Jurisdiction

1. Determine that the Commission has jurisdiction over the issues raised in the complaint filed by the Upper Sioux Community. (*Upper Sioux Community, Alliance for Tribal Clean Energy, Department, MTERA, Tribal Energy Alternatives, White Earth TUC, Wolf River Electric, CURE, Fond du Lac Tribal Utility Corporation, Bruno Zagar, [MnSEIA](#)*)

OR

2. Determine that the Commission does not have jurisdiction over the issues raised in the complaint and dismiss the complaint. (*MN Valley*)

Whether to Investigate

3. Determine that there are reasonable grounds and that it is in the public interest to investigate the complaint and proceed with an investigation under Minn. R. 7829.1900. (*Upper Sioux Community, Alliance for Tribal Clean Energy, Department, MTERA, Tribal Energy Alternatives, White Earth TUC, Wolf River Electric, CURE, Fond du Lac Tribal Utility Corporation, Bruno Zagar, [MnSEIA](#)*)

OR

4. Determine that there are not reasonable grounds and that it is not in the public interest to investigate the complaint and dismiss the complaint. (*MN Valley*)

Procedures to Investigate

Choose 5 or 6 if the Commission finds it has jurisdiction (Decision Option 1) and finds there are reasonable grounds and it is in the public interest to investigate (Decision Option 3).

5. Refer the matter to the Office of Administrative Hearings for a contested case proceeding to develop the record and provide a report with recommendations, according to the procedures set forth in Minn. R. 7829.1000. (*Department*)

OR

6. Initiate an expedited investigation into the complaint according to the procedures set forth in Minn. R. 7829.1200 and .1900. (*Upper Sioux Community, Wolf River Electric, CURE, MnSEIA*)

Tuma New 6a. Pursuant to Minn. Stat. § 216B.62, subd. 5, request that the Commissioner of the Department of Commerce obtain specialized technical and professional investigative services to assist with any proceedings related to Docket No. E-123/C-25-219.

Tuma New 6b. Authorize the Executive Secretary to establish procedures for an expedited proceeding under Minn. R. 7829.1200, including setting timelines and gathering evidence through submission of verified documents and affidavits.

Additional Procedures

The Commission may also consider either or both of the following regardless of whether or not it decides it has jurisdiction or whether it decides to investigate.

7. Delegate authority to the Executive Secretary to open a rulemaking proceeding to address service standards and practices related to interconnection policy enforcement among cooperatives, particularly where sovereign tribal governments are involved. (*Wolf River Electric*)
8. Direct the Commission's Tribal Liaison to coordinate government-to-government consultation with Tribal Nations on issues related to distributed energy resources, alternative processes, and the regulatory framework associated with the engagement of Tribes with their rural electric cooperatives. (*Wolf River Electric, Tribal Energy Alternatives, CURE, MnSEIA*)

CURE New 9. Before any referral to a contested case hearing and prior to concluding an expedited investigation, refer the issue of interconnection barriers to tribal clean energy development to the Tribal Advocacy Council on Energy (TACE), so that TACE may provide guidance on issues germane to all tribes that may help to contextualize the dispute at issue in this complaint. (*CURE, MnSEIA*)