

February 10, 2026

Sasha Bergman
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. E111-M-25-442

Dear Ms. Bergman,

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

In the Matter of the Petition of Dakota Electric Association to Modify its Member Service Information Tariffs.

The Petition was filed by Dakota Electric Association (Dakota Electric or DEA or the Association) on December 31, 2025.

The Department recommends approval with modifications and is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Dr. SYDNIE LIEB
Assistant Commissioner of Regulatory Analysis

RW/DH/ar



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket No. E111/M-25-442

I. INTRODUCTION

Dakota Electric Association (Dakota Electric or DEA) submitted its petition to modify its member service information tariffs (Petition) December 31, 2025.¹ The utility proposes to modify its tariff to allow full utilization of its Advanced Metering Infrastructure (AMI) to remotely disconnect service for nonpayment.² To effectuate this change, DEA requests a variance to the personal contact requirement prior to disconnection for non-payment under Minn. R. 7820.2500 within its Petition citing ongoing safety concerns in its service territory.³ Dakota Electric also proposes modifications to its deposit and reconnection policies. By the proposed modifications to its deposit and reconnection policies, DEA intends to create a tiered structure that imposes a deposit for reconnection after the first disconnection for nonpayment.⁴

The utility submitted its petition as a miscellaneous filing, as specified under Minn. R. 7829.0100.⁵ The Department reviews DEA's filing for compliance with Minnesota Rules and Statutes. As no Notice of Comment was filed by the Commission, the Department is operating within the 30-day timeline allotted for a miscellaneous filing under Minn. R. 7829.0100 as well as the subsequent Commission Notice of Extension.⁶

II. PROCEDURAL BACKGROUND

September 6, 2022 DEA files its Petition to Modify Member Service Information Tariff and Request for Rule Variance to remotely disconnect customers when the utility knows of a safety concern, forgoing the required in-person visit prior to disconnection.⁷

¹ *In the Matter of the Petition of Dakota Electric Association to Modify its Member Service Information Tariffs*, Dakota Electric Association, Petition, December 31, 2025, Docket No. E-111/M-25-442, (eDockets) [202512-226394-01](#), (hereinafter, "Petition").

² Petition at pdf 2.

³ [Minn. R. 7820.2500](#).

⁴ Petition at 10-11.

⁵ [Minn. R. 7829.0100](#).

⁶ [Minn. R. 7829.0100](#) and *In the Matter of the Petition of Dakota Electric Association to Modify its Member Service Information Tariffs, Notice of Extension*, January 22, 2026, Docket No. E-111/M-25-442, (eDockets) [20261-227210-01](#).

⁷ *In the Matter of Dakota Electric Association's Petition to Modify its Member Service Information—Disconnection of Service Tariff and Request for Variance to Minnesota Rules*, Dakota Electric Association, Initial Filing, September 6, 2022, Docket No. E-111/M-22-494, (eDockets) [20229-188864-01](#).

December 16, 2022	The Commission approves a one-year variance to Minn. R. 7820.2500 and required a compliance filing. ⁸
November 30, 2023	DEA files its one-year compliance filing seeking to continue the variance to Minn. R. 7820.2500 indefinitely when known safety concerns are present. ⁹
February 22, 2024	Commission approves Dakota Electric’s petition for permanent variance to Minn. R. 7820.2500 for known safety concerns via the consent agenda. ¹⁰
June 6, 2025	Dakota Electric Association, the Office of Attorney General – Residential Utilities Division, and the Department file a settlement in DEA’s rate case. The parties include in the settlement language a requirement for DEA to modify its tariff that requires a deposit with reconnection of service when a customer is disconnected due to nonpayment. ¹¹
October 16, 2025	The Administrative Law Judge recommended approval and passed the settlement language forward to the Commission. ¹²
December 31, 2025	Dakota Electric Association petitions to modify its tariff on disconnections. The utility’s modifications propose to allow remote disconnections for all residential customers without in-person notification and to modify its notification procedure for disconnections. The disconnection notification proposed to conform with the orders from the Commission’s December 11, 2025 hearing. ¹³

⁸ *In the Matter of Dakota Electric Association’s Petition to Modify its Member Service Information—Disconnection of Service Tariff and Request for Variance to Minnesota Rules, Order*, December 16, 2022, Docket No. E111/M-22-494, (eDockets) [202212-191415-01](#).

⁹ *In the Matter of Dakota Electric Association’s Petition to Modify its Member Service Information - Disconnection of Service Tariff and Request for Variance to Minnesota Rules, Compliance Filing*, Dakota Electric Association, November 30, 2023, Docket No. E111/M-22-494, (eDockets) [202311-200838-01](#).

¹⁰ *In the Matter of Dakota Electric Association’s Petition to Modify its Member Service Information - Disconnection of Service Tariff and Request for Variance to Minnesota Rules, Consent Items*, February 22, 2024, Docket No. E111/M-22-494 (eDockets) [20242-203851-01](#) at 1 (hereinafter “Consent Order”).

¹¹ *In the Matter of the Application of Dakota Electric Association for Authority to Increase Rates for Electric Service in Minnesota*, Dakota Electric Association, Minnesota Department of Commerce, and Office of the Attorney General – Residential Utilities Division, Settlement Agreement, June 6, 2025, Docket No. E-111/GR-24-40 (eDockets) [20256-219692-01](#) at 20.

¹² *In The Matter of the Application of Dakota Electric Association for Authority to Increase Rates for Electric Service in Minnesota, Stipulated Findings of Fact, Conclusions of Law, And Recommendation to Approve Settlement*, Court of Administrative Hearings, October 16, 2025, Docket No. E-111/GR-24-400 (eDockets) [202510-224024-01](#) at 2 (hereinafter “Settlement”).

¹³ Petition.

January 16, 2026

Commission approves the settlement, including requirement to modify DEA's tariff on a deposit with reconnection.¹⁴

III. DEPARTMENT ANALYSIS

The utility proposes to expand its use of remote disconnections, revise its reconnection and deposit procedures, and suspend disconnections and initiate reconnections during instances of extreme heat or poor air quality.

A. REMOTE DISCONNECTIONS

In its Petition, Dakota Electric Association expresses concern for the safety of its field service staff when its staff executes an in-person notice of disconnection in compliance with Minn. R. 7820.2500.¹⁵ The Association responded to similar safety concerns with its petition in September of 2022 to remotely disconnect residential customers when there are known safety concerns.¹⁶ Since the Commission's approval of DEA's petition in December 2022,¹⁷ the utility has continued to experience safety incidents for its field staff. For example, an employee was bitten by a dog in 2025 while disconnecting service.¹⁸

Under the current petition, Dakota Electric seeks a variance to Minn. R. 7820.2500 to allow remote disconnections for all residential customers, without an in-person visit prior to disconnection. The utility further requests that final notifications no longer be sent by certified mail. The utility also proposes minor changes to its notice of disconnection, such as to provide notices to customer by their preferred means of communication.

A.1. Compliance With Miscellaneous Filing

The Department first determines the type of filing Dakota is seeking for its change to its tariff. Minn. R. 7829.0100, subp. 11 defines a miscellaneous filing to include a change in service.¹⁹ Expansion of use of remote disconnections constitutes a change in service. Therefore, Dakota Electric's filing meets the definition of a miscellaneous filing.

Minn. R. 7829.1300 outlines the completeness requirements for a miscellaneous filing including a one-paragraph summary of the filing, service requirements, and requirements for the content included in

¹⁴ *Order Approving Settlement Agreement, In the Matter of the Application of Dakota Electric Association for Authority to Increase Rates for Electric Service in Minnesota*, January 16, 2026, Docket No. E-111/GR-24-400 (eDockets) [20261-227006-01](#) at 6 (Hereinafter "Rate Case Order").

¹⁵ [Minn. R. 7820.2500](#) and Petition at 12.

¹⁶ *In the Matter of Dakota Electric Association's Petition to Modify its Member Service Information—Disconnection of Service Tariff and Request for Variance to Minnesota Rules*, Dakota Electric Association, Initial Filing, September 6, 2022, Docket No. E-111/M-22-494, (eDockets) [20229-188864-01](#).

¹⁷ Consent Order at 1.

¹⁸ Petition at 12.

¹⁹ [Minn. R. 7829.0100, subp. 11](#).

the filing.²⁰ The Department reviewed the Petition for compliance with the completeness requirements and concludes that the petition is complete.²¹

A.2. *Variance From Rules on Disconnections*

At issue is that to allow for expanded use of remote disconnections, Dakota Electric must seek a variance from Minn. R. 7820.2500, which requires a personal visit by the utility before disconnection. Minn. R. 7820.2500 states:

Service may be disconnected only in conjunction with a personal visit by a representative of the utility to the address where the service is rendered and an attempt to make personal contact with the customer at the address ... The representative of the utility shall at all times be capable of receiving payment, if nonpayment is the cause of the disconnection of service, or the representative shall be able to certify that the cause of disconnection has been remedied by the customer.²²

Criteria to evaluate whether DEA can be granted a variance is set out in Minn. R. 7829.3200, which states in part:

- A. enforcement of the rule would impose an excessive burden upon the applicant or other affected by the rule;
- B. granting the variance would not adversely affect the public interest; and
- C. granting the variance would not conflict with standards imposed by law.²³

DEA states the proposed modifications to its tariff could be implemented without harm to the public interest, as required under Minn. R. 7829.3200. Dakota Electric states that it is unaware of any conflicts with the standards of law as required under Minn. R. 7829.3200, subp. 1C.²⁴ DEA notes that the Commission granted a similar request for Xcel.²⁵

The Department acknowledges the Commission precedent surrounding the allowance of a variance for remote disconnection without a personal visit for Xcel Energy.²⁶ However, customer complaints and disconnections have sharply increased as a result of Xcel's variance to Minn. R. 7820.2500, as discussed

²⁰ [Minn. R. 7829.1300](#).

²¹ Petition at 3.

²² [Minn. R. 7820.2500](#).

²³ [Minn. R. 7829.3200](#).

²⁴ Petition at 19 and [Minn. R. 7829.3200, subp. 1C](#).

²⁵ *In the Matter of a Petition by Northern States Power Company Requesting Approval of Changes to its Tariff an Indefinite Variance to Commission Rules Regarding Disconnection of Service, Order Approving Petition as Modified and Requiring Filings*, March 22, 2023, Docket No. E002/M-22-233, (eDockets) [20233-194154-01](#), at Order Point 1.

²⁶ *In the Matter of a Petition by Northern States Power Company Requesting Approval of Changes to its Tariff an Indefinite Variance to Commission Rules Regarding Disconnection of Service, Order Approving Petition as Modified and Requiring Filings*, March 22, 2023, Docket No. E002/M-22-233, (eDockets) [20233-194154-01](#), at 10.

in Xcel’s Annual Report on Quality of Service Plan Tariff (QSP Report) docket.²⁷ Xcel States in its QSP Report for the 2024 performance year that approximately 74 percent of its 1,468 customer complaints were in the billing and credit category. Of those, 88 percent were focused on disconnection and reconnection payment plans.²⁸ Xcel attributes the high level of complaints relating to disconnection and reconnection to both post-pandemic economic conditions, as well as its ability—with its AMI meters—to remotely disconnect customers.²⁹ The ability to remotely disconnect customers without a personal visit, per Xcel’s variance, has led to a larger proportion of customers eligible for disconnection actually being disconnected.³⁰ Overall, the number of complaints received by Xcel and filed with the Commission was nearly 300 percent higher than the Company’s tariffed customer complaint standard.³¹ The customer complaint violation resulted in a one-million-dollar penalty to Xcel to be paid back to its Minnesota ratepayers as \$500 bill credits.³² No such QSP report or penalty structure exists for DEA (or any other utility).

Furthermore, Xcel’s variance was grounded in “proper customer communication requirements” as stated in the Commission’s January 13, 2023 Order:

The Commission concurs with the Department that enforcement of the rule would impose an excessive burden on the applicant or others affected by the rule by requiring field visits, the cost of which is offset by use of technology enabling the Company to perform the function remotely. The Commission also concurs that granting the variance would not adversely affect the public interest. Enabling remote disconnections with proper customer communication requirements enables the Company to conduct remote disconnections in a manner consistent with the rule’s underlying policy objectives. And, granting the variance would not conflict with standards imposed by law.³³

The Commission, in its initial approval of Xcel’s variance also noted the importance of “substitute measures for contacting customers:”

²⁷ *In the Matter of Northern States Power Company’s 2024 Annual Report on Quality of Service (QSP) Tariff, Annual Report and Tariff Modification Request*, Northern States Power Company d/b/a Xcel Energy, May 15, 2025, Docket Nos. E,G002/CI-02-2034 and E,G002/M-12-383, (eDockets) [20255-218968-01](#), (hereinafter “Xcel QSP Report”) at 3-4.

²⁸ *Id.*, at 3.

²⁹ *Id.*, at 3-4.

³⁰ *Ibid.*

³¹ *In the Matter of Northern States Power Company’s 2024 Annual Report on Quality of Service (QSP) Tariff, Annual Report and Tariff Modification Request*, Department Initial Comments, July 22, 2025, Docket Nos. E,G002/CI-02-2034 and E,G002/M-12-383, (eDockets) 20257-221290-01, at 4: “The number of customer complaints filed with the Commission in 2024 was 283.3 percent above Xcel’s tariffed customer complaint standard of 383 complaints.”

³² *In the Matter of Northern States Power Company’s 2024 Annual Report on Quality of Service (QSP) Tariff, Annual Report and Tariff Modification Request, Order Distributing Underperformance Payments and Opening New Docket*, Docket Nos. E,G002/CI-02-2034 and E,G002/M-12-383, (eDockets) [20261-226689-01](#), at Order Point 2.

³³ *In the Matter of Xcel Energy’s 2023 Annual Safety, Reliability and Service Quality Report, Order Accepting Reports and Setting Additional Requirements*, January 13, 2025, Docket No. E002/M-24-27, (eDockets) [20251-213880-01](#), at 5.

While requiring staff visits has provided a measure of consumer protection against accidental disconnection and provided a final opportunity for resolving overdue accounts, the Company proposes substitute measures for contacting customers—and improved measures for restoring service when appropriate.³⁴

A variance to Minnesota Rules requires that the variance not adversely affect the public interest.³⁵ Without proper substitute customer contact, the Department asserts that a variance to Minn. R. 7820.2500 may not meet the requirements of Minn. R. 7829.3200, subp. 1B.³⁶

DEA states in its revised tariff that disconnection notices will be sent by first class mail, followed by at least one attempt by the Association to contact the customer by telephone, or the customer's preferred contact method.³⁷ By removing the in person visit requirement, and removing the additional protection of certified mail that was substitute for the in-person visit, the Association is reducing its total number of affirmative customer contacts prior to disconnection. The Department concludes that a variance to Minn. R. 7820.2500 must be predicated on substitute customer contact, and if contact cannot be made, the in-person site visit requirement remains.

The Department recommends the Commission require DEA to attempt at least 3 customer contacts prior to remote disconnection, one by first class mail, and two by phone or the customer's preferred contact method. The Department further recommends the Commission require that if contact cannot be made, an Association employee will make a final attempt to contact the customer at the place of service, and if no contact is made, or if contact is made but no payment agreement is reached, service may be remotely disconnected.

DEA also discusses Minn. R. 7829.3200, subp. 3, which states:

Unless the commission orders otherwise, variances automatically expire in one year. They may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving a variance.³⁸

DEA states it is not seeking an indefinite variance to Min. R. 7820.2500 at this time. However, DEA states that a one-year variance, subject to future extension, may become administratively burdensome in the future, given the substantial changes to internal systems and processes to effectuate the changes under the variance. DEA states it intends to file a compliance filing after the first disconnection season and envisions requesting a longer or indefinite variance at that time.³⁹ The Department

³⁴ *In the Matter of a Petition by Northern States Power Company Requesting Approval of Changes to its Tariff an Indefinite Variance to Commission Rules Regarding Disconnection of Service, Order Approving Petition as Modified and Requiring Filings*, March 22, 2023, Docket No. E002/M-22-233, (eDockets) [20233-194154-01](#).

³⁵ [Minn. R. 7829.3200, subp. 1B.](#)

³⁶ *Ibid.*

³⁷ Petition, Attachment A, at 1.

³⁸ [Minn. R. 7829.3200, subp. 3.](#)

³⁹ Petition at 19-20.

concludes that the one-year duration for variance to Minnesota Rules under Minn. R. 7829.3200 provides for important review of utility and customer service performance.

The Department recommends the Commission approve a one-year variance to Minn. R. 7829.2500, predicated on the Department's recommendations for notification requirements, protections for vulnerable adults, and tariff revisions.

A.3. *Protections for Members with Unique Barriers*

In the Commission's December 16, 2022 Order regarding Dakota Electric's initial request for a variance to Minn. R. 7820.2500 due to safety concerns, the Commission required DEA to adopt several consumer protection measures specifically for medically vulnerable and older adult members.⁴⁰ Many of the consumer protection measures included updates to the Dakota Electric's Critical Life-Sustaining Medical Equipment form including to clarify that reconnection is available for medical emergencies, not just medically necessary equipment.⁴¹ Special consideration needs to be given to customers that are medically dependent on their electric service, not just for medical equipment needs but also for more general medical needs.

Similarly, when Xcel Energy initially requested a variance to allow for remote disconnection and reconnection utilizing its AMI meters, the Commission ordered protections for medically vulnerable customers through its Medically Necessary Equipment & Emergency Certification Form.⁴² The Company was required to, among other requirements, provide broad language that recognizes that cognitive impairments may qualify as a medical emergency, as well as to provide 30 days for a new or renewing customer to obtain written certification that failure to connect or continue service would impair or threaten the health/safety of a resident of the customer's household.⁴³

As discussed in the previous section, the Department is concerned that the variance could raise the chances that a customer is needlessly disconnected from service, which is contrary to the public interest. Involuntary disconnections are potentially life threatening for customers that may be dependent on electric service for medical equipment or may have medical or cognitive concerns that would make receiving notice of impending disconnection more difficult. The Department recommends additional protections for customers who may have medical or cognitive concerns.

⁴⁰ *In the Matter of Dakota Electric Association's Petition to Modify its Member Service Information – Disconnection of Service Tariff and Request for Variance to Minnesota Rules*, Order, December 16, 2022, Docket No. E111/M-22-494, (eDockets) [202212-191400-01](#), (hereinafter "Variance Order"), at decision option 4.

⁴¹ *In the Matter of Dakota Electric Association's Petition to Modify its Member Service Information – Disconnection of Service Tariff and Request for Variance to Minnesota Rules*, Order, December 16, 2022, Docket No. E111/M-22-494, (eDockets) [202212-191400-01](#), (hereinafter "Variance Order"), at decision option 4d.

⁴² *In the Matter of a Petition by Northern States Power Company Requesting Approval of Changes to its Tariff an Indefinite Variance to Commission Rules Regarding Disconnection of Service, Order Approving Petition as Modified and Requiring Filings*, March 22, 2023, Docket No. E002/M-22-233, (eDockets) [20233-194154-01](#).

⁴³ *Id.*, at order points 4B and 4D.

The Department recommends the Commission require Dakota Electric Association to:

- Add broad language that recognizes that cognitive impairments may qualify as a medical emergency to its Critical Life-Sustaining Medical Equipment form;
- Provide 30 days for a new or renewing customer to obtain written certification that failure to connect or continue service would impair or threaten the health/safety of a resident of the customer's household; and
- Send the member a disconnection notice via certified mail prior to remote disconnection, if a member is or has been given medical considerations through the Company's Critical Life-Sustaining Medical Equipment form, has inquired about medical-related protections, or has been on a payment plan in the last five years.

A.4. Third Party Assistance

Third party contacts can also help avoid unnecessary disconnections if also notified. A family member, guardian, or neighborhood caretaker could help a vulnerable adult from unnecessary disconnection. The Department acknowledges DEA's Third-Party Notice form is available on the Company's website.⁴⁴

The Department recommends that the Commission:

- Require Dakota Electric when issuing a disconnection notice, to include a discussion of the Association's Third-Party Notice Form and the ability for the Third-Party to be contacted regarding instances of non-payment.

B. ASSURE PROTECTIONS FROM DISCONNECTIONS IN STATUTE ARE CLEAR AND EXPLICIT

In evaluating DEA's Petition, the Department sought to affirm that the protections afforded to Minnesota ratepayers in statute were included in DEA's tariff book. The Department was not able to locate a full, publicly available tariff book for review. The tariff book provided publicly on DEA's website contains only the interim rates that were recently put in place during DEA's rate case proceeding.⁴⁵ However, upon contacting DEA, the Department was able to review the tariff pages that already include or, pending Commission decision, will include the necessary protections required in Minn. Stat. §§ 216B.096, 216B.098 and 504B.16.⁴⁶

⁴⁴ *Financial Assistance: Third Party Notice Form*. Dakota Electric Association, (last visited February 9, 2026). Available at: [Financial Assistance - Dakota Electric Association®](#).

⁴⁵ *Dakota's Electric's Rates: Residential Tariff Book*. Dakota Electric Association (last visited February 9, 2026), Available at: [Dakota Electric Rates - Dakota Electric Association®](#)

⁴⁶ Tariff language and rulings surrounding Minn. Stat. §504B.216 are still pending in the Commission's investigation in Docket No. E,G-999/CI-25-144 regarding any necessary tariff revisions based on 2024 Legislation; *In the Matter of Gas and Electric Utility Tariff Revisions for shared Meter Utility Service in Residential Buildings Based on 2024 Legislation*, Notice of Docket Opening and Docket Closure, April 1, 2025, Docket No. E,G-999/CI-25-144, (eDockets) [20254-217065-01](#).

The Department seeks reassurance that Dakota Electric’s revised tariff, proposed in the current Petition, will comply with the disconnection and reconnection protections afforded to customers in statute Minn. Stat. §§ 216B.096, 216B.098, and 504B.16.

The Department recommends that Dakota Electric revise its tariff sheets related to remote disconnection to include:

- A brief summary of customer protections from Minnesota Statute §§ 216B.096, 216B.098, and 504B.16; and
- A reference in the revised tariff to where the customer protections can be found elsewhere in DEA’s tariff book.

C. *TIERED DEPOSIT STRUCTURE*

Dakota Electric’s petition addresses a provision from the utility’s settlement agreement from its recent rate case.⁴⁷ The Order states that as “part of the Settlement, Dakota Electric agreed to work with interested parties to develop modifications to its current policy requiring Residential members to pay a deposit in addition to the reconnection fee before reconnecting a member who has been disconnected for nonpayment.”⁴⁸ Currently, Dakota Electric may require payment of any money owed, a deposit, plus a reconnection fee to cover the cost to restore service.⁴⁹ Office of the Attorney General – Residential Utilities Division (OAG) testimony describes the issue of DEA’s current practice for reconnection:

This practice seems extremely punitive and could cause the energy burden faced by some residential customers to spike. In the summer of 2024, Dakota charged its residential customers an average service deposit of \$210.52. The average past due balance for the same period was \$124.15, so to reconnect, a customer would have to pay Dakota \$344.67 at the time of reconnection. As I discussed earlier, some of Dakota’s LIHEAP eligible customers likely face an electricity energy burden higher than the national average of 2.5 percent. The combination of Dakota’s service deposit, average two-month bill, and late fee could represent 17 percent of the monthly income of an average household that receives.⁵⁰

In response to the Settlement Agreement and the testimony of the OAG, Dakota Electric presents its revised deposit structure within its Petition. The proposed deposit structure is based on disconnection events during a 12-month period.⁵¹ DEA states in its Petition that it met with the OAG and the

⁴⁷ Rate Case Order at 5.

⁴⁸ Rate Case Order at 5.

⁴⁹ Petition at Attachment A.

⁵⁰ *In the Matter of the Application of Dakota Electric Association for Authority to Increase Rates for Electric Service in Minnesota*, Direct Testimony of the Office of the Minnesota Attorney General - Residential Utilities Division Witness Chad Stevenson, April 30, 2025, Docket No. E-111/GR-24-400 (eDockets) [20254-218396-06](#) at 97.

⁵¹ Petition at 10. See footnote 8: “At the time this Petition was filed, Dakota Electric anticipates the 12-month period running from May 1 to April 30. This period coincides with the annual end of the Cold Weather Rule period.”

Department prior to filing its proposal.⁵² The Department finds the proposal to be consistent with what was discussed in the meeting and the settlement agreement.

The settlement agreement continues, stating that “[t]he Parties further agree that Dakota Electric will implement changes as soon as practicable including, if necessary, making a filing for approval with the Commission by February 26, 2026 to allow for Commission review and approval by May 1, 2026.” It is the Department’s recollection that this timing was to align the new deposit structure implementation with the end of the Cold Weather Rule protections and when heating dependent customers would be again potentially eligible for disconnections.⁵³ The Department reasserts this expediency, as practicable, for both the implementation of the proposed deposit structure and the implementation of the AQI and Extreme Heat Protections discussed further below.

The Department recommends the Commission approve Dakota’s proposed deposit structure.

D. AQI AND EXTREME HEAT PROTECTIONS

DEA discusses the recent Commission Order that required Xcel Energy to suspend disconnections and institute reconnections in instances of extreme heat and poor air quality.⁵⁴ The Order in Xcel’s 2024 Safety, Reliability and Service Quality docket (SRSQ) requires Xcel to suspend disconnection and remotely reconnect involuntarily disconnected customers with AMI when an extreme heat event is called by the National Weather Service and when the Air Quality Index (AQI) reaches 151 or higher.⁵⁵ The Order also required Xcel to consult with the Minnesota Department of Health (MDH) and the Minnesota Pollution Control Agency (MPCA) to determine if any modifications to the protections or triggering thresholds were necessary.⁵⁶

DEA states that if ordered by the Commission, it could accommodate the same restrictions on disconnections as required for Xcel.⁵⁷ In its Petition, DEA states that it is already compliant with Minn. Stat. §§ 216B.0975 and 216B.096 and suspends disconnections during periods of extreme heat or on Fridays.⁵⁸ Dakota Electric discussed potential threshold levels with MPCA and concluded that although the MPCA provides air quality alerts at the lower AQI threshold of 100, an Air Quality Alert of 151 provides more detailed information from MPCA at the county level.⁵⁹ Dakota Electric finds that the threshold of 151 is a reasonable proxy for a “high” AQI as discussed in Xcel’s SRSQ docket, and finds

⁵² Petition at 9.

⁵³ Minn. Stat. § 216B.097 provides that Cold Weather Rule protections run between October 1 and April 30 each year.

⁵⁴ Petition at 13 and *In the Matter of Northern States Power Co. d/b/a Xcel Energy’s 2024 Annual Safety, Reliability and Service Quality Report, Order*, July 25, 2025, Docket No. E002/M-25-27, (eDockets) [20257-221406-01](#) (hereinafter AQI and Heat Order).

⁵⁵ AQI and Heat Order, at 1-2.

⁵⁶ AQI and Heat Order, at Order Points 4-5.

⁵⁷ Petition at 13.

⁵⁸ *Ibid.*

⁵⁹ *Id.*, at 13-14

that the additional detail provided in the MPCA alert at a 151 AQI would be beneficial in determining whether air quality has crossed the threshold and disconnections must be suspended.⁶⁰

The Company states it has reviewed its systems and resources across the company and determined it is possible to integrate the protections with its current systems.⁶¹ Although temporary reconnection for air quality or excessive heat poses some safety concerns, especially if a member has been disconnected for an extended period of time, DEA states its current communication with members prior to reconnection should be sufficient to allow safe reconnections.⁶²

Dakota Electric reviewed Xcel's customer communication requirements and determined similar notifications are possible with its current systems.⁶³ DEA states it is in the process of implementing an updated billing and customer information system that will be able to facilitate a preferred notification method.⁶⁴ It also agrees that the safety precautions required for Xcel are appropriate, including the acknowledgement and confirmation by the previously disconnected customer prior to reconnection.⁶⁵

The Department continues to support greater protections for utility customers during instances of extreme heat and poor air quality. The Department continues to emphasize, as it did in Xcel's SRSQ, that even short-term exposure to particularly poor air quality or extreme heat can increase the risk of vulnerable populations to experience detrimental consequences.⁶⁶ The Department concludes that utilizing DEA's preexisting capability through AMI to remotely reconnect involuntarily disconnected customers is a vital tool in avoiding potentially devastating health and safety impacts of poor air quality events and extreme heat. The suspension of disconnections during the same events is also paramount. Further, the Department appreciates DEA's proactive work to examine whether the Commission's recent decision in Xcel's SRSQ docket was replicable for its service territory.

The Department recommends the Commission require (as it required of Xcel):

- Dakota Electric Association to remotely reconnect disconnected customers with Advanced Metering Infrastructure (AMI) during extreme heat events.
- Dakota Electric Association to suspend remote disconnections for customers with AMI when Air Quality Index (AQI) reaches 151 or higher.
- Dakota Electric Association to remotely reconnect disconnected customers when AQI reaches 151 or higher.
- Dakota Electric Association to suspend remote disconnections during extreme heat events and when the AQI reaches 151 or higher, beginning on May 1, 2026.

⁶⁰ *Id.*, at 14.

⁶¹ Petition at 14-15.

⁶² Petition at 15.

⁶³ AQI and Heat Order, at Order Point 10.

⁶⁴ Petition at 15.

⁶⁵ AQI and Heat Order, at Order Point 8.

⁶⁶ *In the Matter of Northern States Power d/b/a Xcel Energy's 2024 Annual Safety, Reliability, and Service Quality Report*, Department Initial Comments on AQI and Heat Issues, May 9, 2025, Docket No. E002/M-25-27, (eDockets) [20255-218769-01](#), at 7.

- Dakota Electric Association to begin remote reconnections during extreme heat events and when the AQI reaches 151 or higher, starting on May 1, 2026.
- Dakota Electric Association to allow customers to verify safety precautions prior to reconnection by responding to a text message or email, clicking a box on their customer account, or receiving an automated call and responding with touch tone. The customer requirements for reconnection shall not be greater than what is required after a reconnection with a payment plan.
- Dakota Electric Association to inform the Commission’s Consumer Affairs Office (CAO) when an event has been forecasted by the National Weather Service or the MPCA, and Dakota Electric Cooperative is planning to reconnect customers. Required Dakota Electric Cooperative to inform the CAO when the event has concluded, and Dakota Electric Cooperative is planning to re-disconnect customers.
- Dakota Electric Association to notify customers of a reconnection event via notification to the customer’s preferred contact method (e.g. text, email).
- Require Dakota Electric Cooperative to notify customers of disconnection at the conclusion of the event including information about entering into payment agreements and energy assistance.
- Dakota Electric Association to post on its website an overview of extreme heat and air quality protections and the steps customers must take to secure reconnection of service.
- Dakota Electric Association to consult with the CAO on development of all customer communications related to the heat and AQI plans.

During its consultation with MDH and MPCA, Dakota Electric explained its plan to suspend disconnections and temporarily reconnect members when poor air quality is expected to persist for 24 hours or more.⁶⁷ Xcel, on the same day DEA filed its Petition in the present docket, filed its compliance filing regarding similar protections it is now required to provide in instances of extreme heat and poor air quality.⁶⁸ In its Compliance filing, Xcel stated it would implement reconnection for any qualifying event lasting eight hours or longer (heat or air quality).⁶⁹ The proper event duration in Xcel’s proceeding was also discussed with MPCA and MDH.⁷⁰ Given the timing of both filings, the Department assumes DEA did not have Xcel’s filing when completing its research of Xcel’s proposed protections and how the protections could be replicated in DEA’s territory.

The Department requests DEA, in reply comments, discuss the reasonableness of implementing a heat and AQI event duration trigger of 8 hours.

Further, it is also critical to remove any reconnection fees or deposit requirements that would be assessed to customers eligible for temporary reconnection under these protections. The nature of the

⁶⁷ Petition at 14.

⁶⁸ *In the Matter of Northern States Power Co. d/b/a Xcel Energy’s 2024 Annual Safety, Reliability, and Service Quality Report*, Xcel Energy, Proposed Tariff Modifications for Protections During Extreme Heat and High Air Quality Index Events, December 31, 2025, (eDockets) [202512-226312-01](#) (hereinafter “Xcel Compliance Filing”).

⁶⁹ Xcel Compliance Filing at 7.

⁷⁰ Xcel Compliance Filing at 7-8.

extreme heat and poor air quality protections is to provide essential electricity services so that members are shielded from harmful environmental stressors and adverse health impacts. The assessment of reconnection fees or deposit requirements as a precursor to reconnection under these protections decreases the intended benefit of the protections. The most cost-burdened and vulnerable customers may choose to forgo reconnection if subjected to a fee or deposit requirements. Further, reconnection during these events is temporary, making it more likely that customers may have to pay the same fee multiple times to protect themselves from recurring poor air quality or extreme heat events.

The Department recommends the Commission require Dakota Electric Cooperation to revise its tariff sheets to remove any assessment of reconnection fees or deposit requirements for reconnection under the expanded heat and AQI event protections.

E. OTHER ISSUES

The Department recommends the Commission require Dakota Electric to file revised tariff sheets within 30 days of Order issuance.

IV. DEPARTMENT RECOMMENDATIONS

Based on analysis of the Petition and the information in the record, the Department has prepared recommendations, which are provided below. The recommendations correspond to the subheadings of Section III above.

A. REMOTE DISCONNECTIONS

- A.2. The Department recommends the Commission require DEA to attempt at least 3 customer contacts prior to remote disconnection, one by first class mail, and two by phone or the customer's preferred contact method. The Department further recommends the Commission require that if contact cannot be made, an Association employee will make a final attempt to contact the customer at the place of service, and if no contact is made, or if contact is made but no payment agreement is reached, service may be remotely disconnected.
- A.2. The Department recommends the Commission approve a one-year variance to Minn. R. 7829.2500, predicated on the Department's recommendations for notification requirements, protections for vulnerable adults, and tariff revisions.
- A.3. The Department recommends the Commission require Dakota Electric Association to
 - Add broad language that recognizes that cognitive impairments may qualify as a medical emergency to its Critical Life-Sustaining Medical Equipment form;
 - Provide 30 days for a new or renewing customer to obtain written certification that failure to connect or continue service would impair or threaten the health/safety of a resident of the customer's household; and
 - Send the member a disconnection notice via certified mail prior to remote disconnection, if a member is or has been given medical considerations through the

Company's Critical Life-Sustaining Medical Equipment form, has inquired about medical-related protections, or has been on a payment plan in the last five years.

- A.4. The Department recommends the Commission:
 - Require Dakota Electric when issuing a disconnection notice, to include a discussion of the Association's Third-Party Notice Form and the ability for the Third-Party to be contacted regarding instances of non-payment.

- B. *ASSURE PROTECTIONS FROM DISCONNECTIONS IN STATUE ARE CLEAR AND EXPLICIT*

- B. The Department recommends that Dakota Electric revise its tariff sheets related to remote disconnection to include:
 - A brief summary of customer protections from Minnesota Statue §§ 216B.096, 216B.098, and 504B.16; and
 - A reference in the revised tariff to where the customer protections can be found elsewhere in DEA's tariff book;

- C. *TIERED DEPOSIT STRUCTURE*

- C. The Department recommends the Commission approve Dakota's proposed deposit structure.

- D. *AQI AND EXTREME HEAT PROTECTIONS*

- D. The Department recommends the Commission require:
 - Dakota Electric Association to remotely reconnect disconnected customers with Advanced Metering Infrastructure (AMI) during extreme heat events
 - Dakota Electric Association to suspend remote disconnections for customers with AMI when Air Quality Index (AQI) reaches 151 or higher.
 - Dakota Electric Association to remotely reconnect disconnected customers when AQI reaches 151 or higher.
 - Dakota Electric Association to suspend remote disconnections during extreme heat events and when the AQI reaches 151 or higher, beginning on May 1, 2026.
 - Dakota Electric Association to begin remote reconnections during extreme heat events and when the AQI reaches 151 or higher, starting on May 1, 2026.
 - Dakota Electric Association to allow customers to verify safety precautions prior to reconnection by responding to a text message or email, clicking a box on their customer account, or receiving an automated call and responding with touch tone. The customer requirements for reconnection shall not be greater than what is required after a reconnection with a payment plan.
 - Dakota Electric Association to inform the Commission's Consumer Affairs Office (CAO) when an event has been forecasted by the National Weather Service or the MPCA, and Dakota Electric Cooperative is planning to reconnect customers. Required Dakota Electric Cooperative to inform the CAO when the event has concluded, and Dakota Electric Cooperative is planning to re-disconnect customers.

- Dakota Electric Association to notify customers of a reconnection event via notification to the customer's preferred contact method (e.g. text, email).
- Require Dakota Electric Cooperative to notify customers of disconnection at the conclusion of the event including information about entering into payment agreements and energy assistance.
- Dakota Electric Association to post on its website an overview of extreme heat and air quality protections and the steps customers must take to secure reconnection of service.
- Dakota Electric Association to consult with the CAO on development of all customer communications related to the heat and AQI plans.
- D. The Department requests DEA, in reply comments, discuss the reasonableness of implementing a heat and AQI event duration trigger of 8 hours.
- D. The Department recommends the Commission require Dakota Electric Cooperation to revise its tariff sheets to remove any assessment of reconnection fees or deposit requirements for reconnection under the expanded heat and AQI event protections.

E. OTHER ISSUES

- E. The Department recommends the Commission require Dakota Electric to file revised tariff sheets within 30 days of Order issuance.

Attachments

CERTIFICATE OF SERVICE

I, Nicole Westling, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

**Minnesota Department of Commerce
Comments**

Docket No. E111/M-25-442

Dated this **10th** day of **February 2026**

/s/Nicole Westling

#	First Name	Last Name	Email	Organization	Agency	Address	Delivery Method	Alternate Delivery Method	View Trade Secret	Service List Name
1	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	M-25-442
2	Matthew	Brodin	mbrodin@allete.com	Minnesota Power		30 West Superior Street Duluth MN, 55802 United States	Electronic Service		No	M-25-442
3	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	M-25-442
4	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	M-25-442
5	Eric	Fehlhaber	efehlhaber@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	M-25-442
6	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	M-25-442
7	Adam	Heinen	aheinen@dakotaelectric.com	Dakota Electric Association		4300 220th St W Farmington MN, 55024 United States	Electronic Service		No	M-25-442
8	Corey	Hintz	chintz@dakotaelectric.com	Dakota Electric Association		4300 220th Street Farmington MN, 55024-9583 United States	Electronic Service		No	M-25-442
9	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	M-25-442
10	Kristin	Stastny	kstastny@taftlaw.com	Taft Stettinius & Hollister LLP		2200 IDS Center 80 South 8th Street Minneapolis MN, 55402 United States	Electronic Service		No	M-25-442