

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application by
CenterPoint Energy Resources Corp. d/b/a
CenterPoint Energy Minnesota Gas for
Authority to Increase Natural Gas Rates in
Minnesota

ISSUE DATE: September 23, 2022

DOCKET NO. G-008/GR-21-435

In the Matter of CenterPoint Energy
Resources Corporation's Filing to Establish a
New Base Gas Cost Filing (PGA Zero-Out)
for Interim Rates in CenterPoint Energy's
General Rate Filing, Docket No. G-008/GR-
21-435

DOCKET NO. G-008/MR-21-436

ORDER ACCEPTING AND ADOPTING
AGREEMENT SETTING RATE

PROCEDURAL HISTORY

I. Initial Filings and Orders

On November 1, 2021, CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Minnesota Gas (CenterPoint Energy or the Company)—an indirect subsidiary of CenterPoint Energy, Inc.—filed a request for a general increase in its natural gas rates. Based on a rate of return on common equity of 10.20%, the Company requested an increase over existing rates of approximately \$67.1 million annually, or 6.5%. Because the Company's rates are designed to incorporate the commodity cost of gas, CenterPoint Energy also asked the Commission to adopt a new estimate of commodity costs (the base cost of gas). Finally, CenterPoint Energy proposed new rates to take effect during the pendency of the rate case (interim rates).

On December 30, 2021, the Commission issued orders doing the following:

- Accepting CenterPoint Energy's filing as complete but suspending its proposed permanent rate increase pending further examination.¹

¹ *In the Matter of the Application by CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Minnesota Gas for Authority to Increase Natural Gas Rates in Minnesota*, Docket No. G-008/GR-21-435, Order Accepting Filing and Suspending Rates (December 30, 2021).

- Approving the new base cost of gas.²
- Granting an interim rate increase of \$42.4 million per year—with the requirement that the Company refund any amount exceeding the rate increase ultimately approved by the Commission.³
- Referring the matter to the Office of Administrative Hearings to conduct a contested case proceeding and make recommendations.⁴

The Office of Administrative Hearings assigned Administrative Law Judge (ALJ) Ann C. O'Reilly to conduct the case.

II. The Parties and their Representatives

The following parties appeared in this case:

- CenterPoint Energy, represented by Eric F. Swanson, Elizabeth H. Schmiesing, and Joseph M. Windler, Winthrop & Weinstine, P.A.
- Fresh Energy and the Minnesota Center for Environmental Advocacy (collectively, the Clean Energy Organizations or CEOs), represented by Amelia Vohs.
- The Minnesota Department of Commerce, Division of Energy Resources (Department), represented by Richard Dornfeld and Katherine Hinderlie.
- The Office of the Attorney General—Residential Utilities Division (OAG), represented by Peter Scholtz and Kristin Berkland, Assistant Attorneys General.
- The Suburban Rate Authority, a municipal joint powers association, represented by Joseph Sathe and James Strommen, Kennedy & Graven, Chartered.

On February 22, 2022, the ALJ convened a public hearing in Golden Valley, Minnesota.

On February 24, 2022, the ALJ convened a public hearing in Mankato, Minnesota.

On February 28, 2022, the parties engaged in formal mediation conducted by the Office of Administrative Hearings.

² *In the Matter of CenterPoint Energy Resources Corporation's Filing to Establish a New Base Gas Cost Filing (PGA Zero-Out) for Interim Rates in CenterPoint Energy's General Rate Filing, Docket No. G-008/GR-21-435, Docket No. G-008/GR-21-436, Order Setting New Base Cost of Gas (December 30, 2021).*

³ Docket No. G-008/GR-21-435, Order Setting Interim Rates (December 30, 2021).

⁴ *Id.*, Notice of and Order for Hearing (December 30, 2021).

On March 1, 2022, the ALJ convened two virtual public hearings.

On March 14, 2022, the parties filed a settlement, including Attachment 2 which proposes to refer certain unresolve issues to a separate docket.

On March 29, 2022, the parties jointly filed a Proposed Findings of Fact, Conclusions of Law, and Recommendation to Approve Settlement.

On April 1, 2022, the ALJ convened a virtual conference to confirm that all parties concur in the settlement. At that time the ALJ received into the record the parties' direct testimony, working papers, attachments, appendices, schedules, and other supporting materials, and the parties responded to questions from the ALJ and Commission staff.

On April 4, 2022, the ALJ suspended the rest of the rate case's procedural schedule.

On April 8, 2022, the parties jointly filed a Modified Proposed Findings of Fact, Conclusions of Law, and Recommendation to Approve Settlement.

On May 12, 2022, the ALJ filed her Findings of Fact, Conclusions of Law, and Recommendation to Approve Settlement (ALJ's Report). No party filed exceptions to the ALJ's Report.

When all parties to a utility rate case reach a settlement, the administrative law judge must present the settlement to the Commission for its consideration.⁵ Accordingly, the ALJ cancelled the evidentiary hearing, excused the parties from any further filings, and returned this proceeding to the Commission.

III. Public Comments

At the beginning of each of the public hearings, the parties and Commission staff made brief introductory remarks and were available throughout the hearing to answer questions.

Twenty-four people spoke at the public hearings, and the Commission received at least 129 written comments within the comment period. Nearly all the commenters opposed the rate increase, with some commenters offering specific proposals regarding, for example, environmental policies, the size of the monthly Basic Customer Charge for residential customers, or costs arising from extraordinary weather conditions in February 2021.

In addition, the Commission received comments from the International Union of Operating Engineers Local 49 and the Laborers' International Union of North America/Minnesota & North Dakota, supporting the settlement with the understanding that the unresolved issues would be referred for further action in a separate docket.

⁵ Minn. Stat. § 216B.16, subd. 1a(b).

IV. Proceedings Before the Commission

On August 18, 2022, the Commission heard oral argument from and asked questions of parties and participants. The record closed under Minn. Stat. § 14.61, subd. 2, on that date.

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

Having examined the entire record in this case and having heard the arguments of the parties and participants, the Commission makes the following findings, conclusions, and order approving the proposed settlement of the rate case.

II. The Legal Standard

Under the Public Utilities Act, companies seeking a rate increase have the burden of proof to show that the proposed rate change is just and reasonable.⁶ Any doubt as to reasonableness is to be resolved in favor of the consumer.⁷

The Act encourages settlements. Before beginning contested case proceedings on a general rate case, administrative law judges are required to convene a settlement conference for the purpose of encouraging settlement of some or all of the issues in the case. They are authorized to reconvene the settlement conference at any point before the case is returned to the Commission, at their own discretion or at the request of any party.⁸

The Commission is authorized to accept, reject, or modify any agreement by the parties. It can accept agreements only upon finding that to do so is in the public interest and is supported by substantial evidence.⁹

The Commission recognizes that resolving disputed issues in rate cases is fundamentally different from resolving disputes between private litigants:

[T]he Commission must apply a different standard than is normally used by the courts. Unlike the traditional function of civil courts, the Commission's primary function is not to resolve disputes between litigants. Instead, it is an affirmative duty to protect the public interest by ensuring just and reasonable rates.¹⁰

⁶ Minn. Stat. § 216B.16, subd. 4.

⁷ Minn. Stat. § 216B.03.

⁸ Minn. Stat. § 216B.16, subd. 1a(a).

⁹ Minn. Stat. § 216B.16, subd. 1a(b).

¹⁰ *In the Matter of a Petition by the U.S. Department of Defense, the General Services Administration, and All Other Federal Executive Agencies of the United States Challenging the Reasonableness of the Rates*

III. The Settlement

The settlement addresses financial issues; the cost of capital; the class cost-of-service study; sales forecasts; rate design; and refund of sums that the Company collected in interim rates, to the extent that those rates exceed the final rates resulting from this proceeding. After reviewing the record, the ALJ noted how the settlement reflects the evidence and arguments raised by all parties and in public comments:

46. The Administrative Law Judge finds the Settlement to be comprehensive and each disputed issue is reasonably resolved based on substantial record evidence. The Administrative Law Judge recommends that the Commission approve the Settlement and highlights the following factors for the Commission's consideration.

47. First, instead of the Company's initially proposed 6.5 percent, or \$67.1 million in rate increases, the Settlement proposes an increase of 4.2 percent, or \$48.5 million, reducing the Company's test year revenue deficiency by \$18.6 million.

48. Second, the Settlement proposes to recover the revenue deficiency by apportioning a lower share of the increase to the Residential Class than proposed by the Company, addressing concerns from public commenters about the size of the proposed residential increase.

49. Third, the rate design proposed in the Settlement differs by customer class. The Residential, Commercial, and Industrial A classes will see an increase in their Delivery Charge, but their monthly Basic Charge will stay the same, addressing concerns raised by OAG, CEOs, and public commenters, who objected to an increase in the Basic Charge....

50. Fourth, the Settlement's proposed return on equity (ROE) of 9.39 percent and resulting overall cost of capital of 6.65 percent is reasonable and supported by the record. In Direct Testimony, the Company proposed a capital structure¹¹ and recommended values for the cost of long-term and short-term debt,

Charged by Northwestern Bell Telephone Company, Docket No. P-421/CI-86-354, Order Accepting Offer of Settlement (February 11, 1987) at 3; *see also In the Matter of the Application of Interstate Power Company for Authority to Change its Rates for Natural Gas Service in the State of Minnesota*, Docket No. G-001/GR-90-700, Order Accepting and Adopting Stipulation and Offer of Settlement (June 27, 1991) at 6-7.

¹¹ Because CenterPoint Energy is an operating division of its parent company, it has no debt or equity of its own. For purposes of estimating its financing costs, therefore, parties propose a hypothetical capital structure. This entails estimating the amount of long-term debt, short-term debt, and equity the Company would require, and the cost for each kind of financing.

and supported a return on equity (ROE) of 10.20 percent, resulting in a weighted cost of capital of 7.06 percent. The [Department] agreed with the Company's proposed capital structure and recommended values for the cost of long-term and short-term debt and recommended an ROE of 9.25, resulting in an overall cost of capital of 6.58 percent. The Settlement's proposed ROE, and resulting cost of capital, falls within the range of the Parties' estimates.

51. Fifth, the Settlement is informed by, but does not endorse, any single Class Cost of Service Study (CCOSS) [which calculates the amount of revenues that the Company should recover from each customer class]....

52. Sixth, a number of the disputed issues are resolved in a transparently just and reasonable manner. These include the use of actual plant balances at the beginning of the test year rather than the Company's projected balance, updating the cost of gas, and adopting multiple financial adjustments as proposed by the [Department] and OAG.

53. Seventh, in the Settlement, the Parties agree to credit the Company's property tax tracker by approximately \$5.7 million to reflect a property tax refund received by the Company following successful appeal of its 2017 property taxes, reducing the test year amortization expense, and therefore reducing the Company's rate increase, by \$2.8 million.

54. Finally, through the Settlement, the Parties agreed to request that the Commission address certain policy issues, including natural gas line extension policies and integrity management investments, in a separate Commission investigation docket, so that those issues can be further developed and addressed in an industry-wide context. The Administrative Law Judge agrees that these issues are better addressed outside of the confines and structure of this rate case proceeding.¹²

The ALJ also noted that the public's concerns about costs arising from an extraordinary cold weather event in February 2021 are being addressed in a separate docket.¹³

On this basis, the ALJ recommended approving the settlement.

¹² ALJ's Report, Findings 46–54.

¹³ *Id.*, Finding 33; see *In the Matter of the Petition of CenterPoint Energy for Approval of a Recovery Process for Cost Impacts Due to February Extreme Gas Market Conditions*, Docket No. G-008/M-21-138.

IV. Commission Action

A. Approving the Settlement

Having reviewed the settlement, along with the testimony, briefs, and oral arguments of parties, participants, and members of the public, the Commission finds that the settlement is supported by substantial evidence, is in the public interest, and should be approved.

As the ALJ found, the settlement provides the parties' positions on each disputed issue, references where in the record a party supported its position on each issue, and explains the parties' resolution of each disputed issue. The Commission concurs with the parties and the ALJ that all settlement issues have been addressed in a manner supported by substantial evidence, and on terms consistent with the public interest.

For these reasons, the Commission will accept and adopt the settlement, and will adopt the ALJ's Report.

B. Line Extension Policies and Integrity Management Investments

As part of the settlement, the parties agree to withdraw their request to address certain policy issues—including natural gas line extension policies and integrity management investments—in the current docket, and instead will request that these matters be addressed as part of an industry-wide analysis in a separate docket.¹⁴ The ALJ approves of this proposal.¹⁵

The Commission concurs that this rate case can be settled without addressing these policy issues, and that the separate docket provides an appropriate forum for evaluating the parties' request to pursue these matters on an industry-wide basis.

C. Additional Requirements

The Commission will establish, or continue, certain filing requirements for future CenterPoint Energy rate cases, as detailed in the ordering paragraphs below. These requirements have been identified as necessary for efficient and effective review of future rate increase requests, and CenterPoint Energy raised no objections at the Commission meeting.

D. Financial Schedules

Because the settlement is adopted without modification, the financial schedules attached to the settlement will also be adopted without modification and will not be reproduced here. The Commission will, however, direct CenterPoint Energy to make updated filings as set forth below.

¹⁴ See *In the Matter of a Commission Evaluation of Changes to Natural Gas Utility Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction Goals*, Docket No. G-999/CI-21-565.

¹⁵ ALJ's Report, Finding 54.

ORDER

1. The Commission accepts the March 14, 2022 settlement of the application by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas, for authority to increase natural gas rates in Minnesota pursuant to Minn. Stat. § 216B.16, subd. 1a(b), and adopts the Administrative Law Judge’s Findings of Fact, Conclusions of Law, and Recommendation to Approve Settlement.
2. CenterPoint Energy shall make a filing that does the following:
 - A. Reflects the Commission’s final decision.
 - B. Provides revised schedules of rates and charges reflecting the revenue requirement and the rate design decisions authorized herein, along with the proposed effective date.
 - C. Includes CenterPoint Energy’s total operating revenues, disaggregated by type.
 - D. Includes schedules showing all billing determinants for sales of natural gas—retail and wholesale—including at least the following:
 - 1) For each customer class –
 - a) total revenues,
 - b) total number of customers,
 - c) the customer charge,
 - d) total customer charge revenues,
 - e) total number of commodity- and demand-related billing units,
 - f) per unit of commodity and demand cost of gas,
 - g) the non-gas margin, and
 - h) total commodity and demand-related sales revenues.
 - 2) Revised tariff sheets incorporating authorized rate design decisions.
 - 3) Proposed customer notices explaining the final rates, the monthly basic service charges, all changes to rate design and customer billing, and the date the new rates will take effect.
3. Within 30 days of the date of the final order in this docket, CenterPoint Energy shall file the following:
 - A. A revised base cost of gas, supporting schedules, and revised fuel adjustment tariffs to be in effect on the date final rates are implemented.
 - B. A summary listing of all other rate riders and charges in effect, and continuing, after the date final rates are implemented.

- C. A computation of the Conservation Cost Recovery Charge (CCRC) based on the decisions made herein.
 - D. A schedule detailing the tracker balance for Conservation Improvement Programs at the beginning of interim rates, the revenues (CCRC and CIP Adjustment Factor) and costs recorded during the period of interim rates, and the CIP tracker balance at the time final rates become effective.
 - E. If final authorized rates are lower than interim rates, a proposal to make refunds of interim rates, including interest to affected customers.
- 4. Comments on all compliance filings (except regarding the proposed customer notices) are due 30 days after CenterPoint Energy makes the filings.
 - 5. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Will Seuffert
Executive Secretary



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CERTIFICATE OF SERVICE

I, Chrishna Beard, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission

ORDER ACCEPTING AND ADOPTING AGREEMENT SETTING RATE

Docket Number **G-008/GR-21-435, G-008/MR-21-436**

Dated this 23rd day of September, 2022

/s/ Chrishna Beard

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Steve W.	Chriss	Stephen.chriss@walmart.com	Wal-Mart	2001 SE 10th St. Bentonville, AR 72716-5530	Electronic Service	No	OFF_SL_21-436_21-436
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_21-436_21-436
Dean	Dalzell	ddalzell@caphennepin.org	Community Action Partnership of Hennepin County	8800 Highway 7 Ste 401 St. Louis Park, MN 55426	Electronic Service	No	OFF_SL_21-436_21-436
Richard	Dornfeld	Richard.Dornfeld@ag.state.mn.us	Office of the Attorney General-DOC	Minnesota Attorney General's Office 445 Minnesota Street, Suite 1800 Saint Paul, Minnesota 55101	Electronic Service	No	OFF_SL_21-436_21-436
Catherine	Fair	catherine@energycents.org	Energy CENTS Coalition	823 E 7th St St Paul, MN 55106	Electronic Service	No	OFF_SL_21-436_21-436
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_21-436_21-436
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_21-436_21-436
Annete	Henkel	mui@mutilityinvestors.org	Minnesota Utility Investors	413 Wacouta Street #230 St.Paul, MN 55101	Electronic Service	No	OFF_SL_21-436_21-436

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Katherine	Hinderlie	katherine.hinderlie@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota St Suite 1400 St. Paul, MN 55101-2134	Electronic Service	Yes	OFF_SL_21-436_21-436
Bruce L.	Hoffarber	bhoffarber@kinectenergy.com	Kinect Energy Group	605 North Highway 169 Ste 1200 Plymouth, MN 55441	Electronic Service	No	OFF_SL_21-436_21-436
Mary	Holly	mholly@winthrop.com	Winthrop & Weinstine, P.A.	225 S Sixth St Ste 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436
Nicolle	Kupser	nkupser@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_21-436_21-436
Daniel	LeFevers	dlefevers@gti.energy	GTI	1700 S Mount Prospect Rd Des Plaines, IL 60018	Electronic Service	No	OFF_SL_21-436_21-436
Roger	Leider	roger@mnpropane.org	Minnesota Propane Association	PO Box 220 209 N Run River Dr Princeton, MN 55371	Electronic Service	No	OFF_SL_21-436_21-436
Eric	Lindberg	elindberg@mncenter.org	Minnesota Center for Environmental Advocacy	1919 University Avenue West Suite 515 Saint Paul, MN 55104-3435	Electronic Service	No	OFF_SL_21-436_21-436
Eric	Lipman	eric.lipman@state.mn.us	Office of Administrative Hearings	PO Box 64620 St. Paul, MN 551640620	Electronic Service	Yes	OFF_SL_21-436_21-436
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_21-436_21-436

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Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_21-436_21-436
David	Moeller	dmoeller@allte.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_21-436_21-436
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436
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_21-436_21-436
Mike	OConnor	moconnor@ibewlocal949.org	Local 949 IBEW	12908 Nicollet Ave S Burnsville, MN 55337	Electronic Service	No	OFF_SL_21-436_21-436
Greg	Palmer	gpalmer@greatermngas.com	Greater Minnesota Gas, Inc. & Greater MN Transmission, LLC	1900 Cardinal Ln PO Box 798 Faribault, MN 55021	Electronic Service	No	OFF_SL_21-436_21-436
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_21-436_21-436
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_21-436_21-436
Joseph L	Sathe	jsathe@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436
Elizabeth	Schmiesing	eschmiesing@winthrop.com	Winthrop & Weinstine, P.A.	225 South Sixth Street Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436

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Peter	Scholtz	peter.scholtz@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota Street St. Paul, MN 55101-2131	Electronic Service	No	OFF_SL_21-436_21-436
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_21-436_21-436
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	7400 Lyndale Ave S Ste 190 Richfield, MN 55423	Electronic Service	No	OFF_SL_21-436_21-436
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James M	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	150 S 5th St Ste 700 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436
Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_21-436_21-436
Amelia	VoHS	avohs@mncenter.org	Minnesota Center for Environmental Advocacy	1919 University Avenue West Suite 515 St. Paul, Minnesota 55104	Electronic Service	No	OFF_SL_21-436_21-436
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_21-436_21-436
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-436_21-436

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Donald	Wynia	donald.wynia@centerpointenergy.com	CenterPoint Energy	CenterPoint Energy 505 Nicollet Mall Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_21-436_21-436