

April 11, 2023

**PUBLIC DOCUMENT**

Will Seuffert  
Executive Secretary  
Minnesota Public Utilities Commission  
121 7<sup>th</sup> Place East, Suite 350  
Saint Paul, Minnesota 55101-2147

RE: **PUBLIC Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E017/AA-21-311

Dear Mr. Seuffert:

Attached are the **PUBLIC** Comments of the Minnesota Department of Commerce, Division of Energy Resources (Department), in the following matter:

Otter Tail Power Company's Petition for Approval of the Annual Forecasted Rates for its Energy Adjustment Rider 2022 True-Up, Rate Schedule 13.01.

Stuart Tommerdahl, Manager of Regulatory Administration with Otter Tail Power Company, filed the Petition on February 28, 2023

The Department recommends the Minnesota Public Utilities Commission (Commission) approve Otter Tail Power Company's Petition. The Department is available to answer any questions the Commission may have in this matter.

Sincerely,

/s/ FELICIA CULLEN  
Financial Analyst

FC/ja  
Attachment



## Before the Minnesota Public Utilities Commission

### PUBLIC Comments of the Minnesota Department of Commerce Division of Energy Resources

Docket No. E017/AA-21-311

#### I. INTRODUCTION

On February 28, 2023, Otter Tail Power Company (Otter Tail or the Company) filed its 2022 true-up rate for the Company's Energy Adjustment Rider (EAR) (Petition) with the Minnesota Public Utilities Commission (Commission). The Company submitted its Petition pursuant to the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802 and the applicable reporting requirements provided for in the rules that govern the automatic adjustment of charges, Minnesota Rules 7825.2800 to 7825.2840. Otter Tail requests the Commission approve the 2022 true-up for the Company's EAR and find the Company's filing complies with the applicable reporting requirements.

#### II. DEPARTMENT ANALYSIS

The Minnesota Department of Commerce, Division of Energy Resources (Department) reviewed Otter Tail's Petition to determine (1) whether the Company's actual 2022 energy costs were reasonable and prudent, (2) whether the Company correctly calculated the 2022 true-up for its Energy Adjustment rates, and (3) whether the Petition complies with the reporting requirements set forth in the applicable Minnesota Rules and Commission Orders. Otter Tail's EAR and Fuel Clause Adjustment (FCA) refer to essentially the same cost recovery mechanism and are used interchangeably throughout the instant comments.

##### A. SUMMARY OF RECENT FUEL CLAUSE ADJUSTMENT REFORM

Minnesota Statutes § 216B.16, subd. 7 authorizes the Commission to allow a public utility to automatically adjust charges for the cost of fuel. Prior to 2020, utilities would (1) adjust their FCA rates monthly to reflect, on a per kWh basis, deviations from the base cost of energy established in the utility's most recent general rate case, and (2) file monthly and annual reports to be reviewed for accuracy and prudence.

In 2003, the Commission initiated an investigation (Docket No. E999/CI-03-802) to explore possible changes to the FCA and invited stakeholders to comment on the purpose, structure, rationale, and relevance of the FCA. The Commission's December 19, 2017 *Order* in Docket No. E999/CI-03-802 approved certain reforms to the FCA mechanism. Specifically, Order Point 1 of the December 19, 2017 *Order* approved the Department's FCA reform proposals as follows:

- a. The Commission will set recovery of the utility's fuel, power purchase agreements, and other related costs (fuel rates) in a rate case or an annual fuel clause adjustment filing unless a utility can show a significant unforeseen impact.
- b. Each electric utility will publish the monthly fuel rates in advance of each year to give customers notice of the next year's monthly electric fuel rates.
- c. The monthly fuel clause adjustment will not operate – each electric utility will charge an approved monthly rate.
- d. Utilities will be allowed to track any changes in \$/MWh fuel costs that occur over the year and there will be no carrying charge on the tracker.
- e. Annually, each electric utility will report actual \$/MWh fuel costs in each month by fuel type (including identification of costs from specific power purchase agreements) and compare the annual revenue based on the fuel rates set by the Commission with annual revenues based on actual costs for the year.
- f. Each electric utility will refund any over-collections and show prudence of costs before allowing recovery of under-collections. If annual revenues collected (\$/MWh) are higher than total actual costs, the utility must refund the over-collection through a true-up mechanism. If annual revenues collected are lower than total actual costs, the utility must show why it is reasonable to charge the higher costs (under-collections) to ratepayers through a true-up mechanism.

The Commission's December 12, 2018 *Order* in Docket No. E999/CI-03-802 modified the FCA reform previously approved in the Commission's December 19, 2017 *Order* in the same docket. In particular, the December 12, 2018 *Order*:

- Established a January 1, 2020 implementation date for the FCA reform.
- Required the utilities, following the implementation of the FCA reform, to file an annual true-up by March 1 of each year following the relevant calendar year.
- Discontinued the requirement for utilities to submit monthly automatic adjustment filings.
- Granted the relevant utilities a variance to Minnesota Rules 7825.2600, subp. 3, which requires that the FCA be applied to base recovery of fuel costs on a monthly basis. Under the new FCA

process, the monthly FCA would be irrelevant, because, instead, the Commission would use an annual forecast of fuel costs to adjust base fuel rates annually.

The Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802 provided additional details to finalize the FCA reform. Specifically, the June 12, 2019 *Order* approved, among other things:

- Variances to Minnesota Rules 7825.2800 through 7825.2840 to accommodate the new FCA process by modifying the filing deadlines contained in these rules.
- A procedural schedule, as shown in Appendix A of the *Order*.
- A threshold of plus or minus 5 percent of all FCA costs and revenues to determine whether an event qualifies as a significant, unforeseen impact that may justify an adjustment to the approved fuel rates. Utilities are permitted to implement revised rates following a 30-day notice period, subject to a full refund, if no party objects to the revised rates.
- Tracking under- or over-recovered FCA costs as regulatory assets or liabilities, respectively, using FERC Account 182.3.
- Information requirements for the annual forecast and true-up filings for all electric utilities, including the reporting requirement changes outlined in Attachments 1, 2, and 3 of the March 1, 2019 joint comments<sup>1</sup> in Docket No. E999/CI-03-802 and the requirement that the annual true-up filings include a complete analysis and discussion of the consequences of self-commitment and self-scheduling of generators, including the annual difference between production costs and corresponding prevailing market prices.
- Tariff changes reflected in Attachments 4, 5, and 6 of the March 1, 2019 joint comments<sup>2</sup> in Docket No. E999/CI-03-802.
- Discontinuation of Otter Tail's reporting of Part D, Section 5 (MISO Day 1); Part E, Section 10, Attachment G (UCAP); Part H, Section 6, Attachments N and O (generation deliverability and IRP-related); and Part H, Section 8 (transformers).

The June 12, 2019 *Order* also permitted utilities to provide wind curtailment reporting as part of their annual true-up filings and required Otter Tail Power to submit, no later than January 31, 2020, a single true-up filing covering the period of July 1, 2018 through December 31, 2019. The Commission directed the Company to apply the per kWh charge/credit resulting from the under-/over-recovery of this 18-month true-up to the applicable monthly rates for the period of March 1, 2020 through February 28,

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<sup>1</sup> In the March 1, 2019 joint comments, Attachment 2 corresponds to Otter Tail Power.

<sup>2</sup> In the March 1, 2019 joint comments, Attachment 5 corresponds to Otter Tail Power and reflects the Company's current EAR Rate Schedule, Section 13.01, as approved by the Commission's June 12, 2019 *Order* in Docket No. E-999/CI-03-802 (Attachment 4 to the instant Petition is the approved fifteenth revision of the Company's EAR tariff).

2021. If any balance from this 18-month true-up remained on February 28, 2021, Otter Tail would be required to include that remaining balance in its subsequent annual true-up under the FCA reform.

On May 1, 2020, in Docket No. E017/AA-20-462, Otter Tail filed its initial petition requesting approval of its annual forecast for its EAR. The Company's Rate Schedule Section 13.01 provides for the EAR. In its May 1, 2020 filing, the Company forecasted 5,070,631 MWhs in sales and \$106,475,294 in total system fuel/purchased power costs, for an average fuel/purchased power cost per MWh of \$20.998.<sup>3</sup> Subsequently, in reply comments filed August 14, 2020 in the same docket, Otter Tail revised its forecasted 2021 system fuel/purchased power costs to \$102,058,949, an estimate which reduced the average fuel/purchased power cost per MW to \$20.891.<sup>4</sup> The Commission approved Otter Tail's 2021 forecast, as revised in the Company's August 14, 2020 reply comments, in its December 31, 2020 *Order* in Docket No. E017/AA-20-462.

Pursuant to the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802, on January 30, 2020, Otter Tail filed a compliance report in Docket No. E017/M-03-30 with the required July 1, 2018 through December 31, 2019 FCA true-up. This true-up showed a refund due to customers of \$1,410,325, which corresponded to a credit of \$0.0005 per kWh. Otter Tail applied the credit to the monthly rates charged for sales subject to EAR/FCA during the period of March 1, 2020 through February 28, 2021. In its May 22, 2020 *Order* in Docket No. E017/M-03-30, the Commission approved the Company's compliance report and annual true-up credit of \$0.0005 per kWh.

On May 14, 2020, in Docket No. E017/AA-19-297, Otter Tail submitted a filing requesting approval to reduce its fuel cost charges to customers for the period of July through September 2020. The Company requested the reduction to account for its over-collection of \$3,676,903<sup>5</sup> through the EAR/FCA between January and March 2020. In its July 13, 2020 *Order* in the same docket, the Commission approved the \$3,676,903 refund, thereby reducing Otter Tail's July through September 2020 EAR rates by \$0.0057 per kWh. On October 12, 2020, in Docket No. E017/AA-19-297, Otter Tail requested approval to refund an additional \$8,383,674<sup>6</sup> to account for the Company's EAR/FCA over-collections between April and September 2020. In its November 16, 2020 *Order* in the same docket, the Commission approved the \$8,383,674 refund, thereby reducing to the Company's January to June 2021 EAR/FCA rates by \$0.0061 per kWh.

On February 26, 2021, Otter Tail filed its 2020 True-Up of Energy Adjustment compliance filing seeking approval to refund (\$1,246,144) of estimated remaining over-recoveries from 2020 and Otter Tail's prior year true-up period. Otter Tail proposed a reduction of the September 2021 through August 2022 EAR by a rate of (\$0.0005) per kWh. The Commission approved Otter Tail's compliance filing authorizing the refund over the four-month period of September 1 through December 2021 with a reduction to EAR by a rate of (\$0.0014) per kWh.

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<sup>3</sup> See Table 2 of Otter Tail's initial May 1, 2020 filing in Docket No. E017/AA-20-462.

<sup>4</sup> See Table 1 of Otter Tail's August 14, 2020 filing in Docket No. E017/AA-20-462.

<sup>5</sup> Attachment 1 of Otter Tail's May 14, 2020 filing in Docket No. E017/AA-19-297.

<sup>6</sup> Attachment 1 of Otter Tail's October 12, 2020 filing in Docket No. E017/AA-19-297.

On March 1, 2022, Otter Tail filed its 2021 FCA/EAR true-up filing in Docket No. E017/AA-20-462, seeking approval to collect \$700,126 of estimated remaining over-recoveries from 2021 and Otter Tail's prior year true-up periods. Otter Tail proposed the collection of under-recoveries over a four-month period from September 1, 2022 through December 31, 2022 with a true-up charge factor of \$0.0008 per kWh. The Commission approved Otter Tail's compliance filing authorizing the collection over the four-month period of September 1 through December 2022 with an increase to EAR by a rate of \$0.0008 per kWh.

On July 27, 2022, Otter Tail filed a supplemental filing proposing a revision to its 2022 EAR rates for September through December, 2022. The supplemental filing was in response to higher than forecasted energy costs due to higher gas prices and wholesale energy market prices, to reduce the year-end under-collection, which they were projecting to be \$10.1 million.<sup>7</sup> Per Ordering Point 3 in Docket No. E999/CI-03-802 and Ordering Point 6 in the Commission's December 2, 2021 Order in Docket No. E017/AA-21-311, no party objected following a 30-day notice period, so Otter Tail implemented the revised rates.<sup>8</sup>

The current Petition provides the true-up between the Company's actual fuel/purchased power cost recovery through its EAR/FCA and the actual corresponding fuel/purchased power costs incurred by Otter Tail for the period of January 1 through December 31, 2022.

*B. PURPOSE OF OTTER TAIL'S PETITION*

Otter Tail explained the purpose of the current Petition is to (1) demonstrate Otter Tail's fuel and purchased power costs to serve its customers for 2022 were reasonable and prudent; (2) request Commission approval of the Company's 2022 FCA true-up and the resulting proposed true-up collection factor of \$0.0036 per kWh, to be applied to sales subject to the EAR/FCA over the period of September 1, 2023 through August 31, 2024,<sup>9</sup> and (3) request Commission approval of the EAR/FCA true-up compliance reporting required by Minnesota Rules 7825.2800 – 7825.2840 and applicable Commission orders.<sup>10</sup> The Department discusses each of these three areas in the following sections.

*C. PRUDENCY AND REASONABLENESS OF OTTER TAIL'S ACTUAL 2021 FUEL/PURCHASED POWER COSTS*

Otter Tail's proposed true-up in this filing is a combination of an under-collection in 2022 of \$9,408,291 and a minor under-collection from 2021 of \$3,592, resulting in a total under-collection of \$9,411,883. Otter Tail's actual 2022 fuel/purchased power costs were higher than the forecasted costs that were approved and used to set the corresponding energy adjustment rates for 2022. According to the Company, it under-recovered 2022 fuel/purchased power costs primarily because:

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<sup>7</sup> See the July 27, 2022 *Other-Supplemental Filing*, page 1 in the instant docket.

<sup>8</sup> See the July 27, 2022 *Other-Supplemental Filing*, page 1 in the instant docket.

<sup>9</sup> See true-up factor and notes for item (9) in Petition Attachment 1.

<sup>10</sup> Petition, pages 5 and 8.

- Higher-than-expected energy usage resulted in the Company having higher-than-forecasted energy sales for 2022.<sup>11</sup> Otter Tail stated it saw material load growth in sales for all jurisdictions across its system and attributed higher sales to weather since heating degree days (HDD) were 112.5% of normal and cooling degree days (CDD) were 113.5% of normal in 2022.<sup>12</sup>
- Actual 2022 energy market prices were significantly higher and gas prices were higher than those incorporated into Otter Tail's 2022 forecast.<sup>13</sup>

The following table summarizes and compares select energy sales and cost data relevant to Otter Tail's 2022 EAR/FCA true-up:

**Department Table 1: Comparison of Select Actual and Forecasted Total Company Data for Otter Tail's 2022 Fuel Clause Adjustment True-up<sup>14</sup>**

<i>Data Description</i>	<i>2022 Actual (A)</i>	<i>2022 Forecast (B)</i>	<i>Percentage Difference (A-B)/B</i>
MWh Sales Subject to Cost of Energy (COE)	5,575,424	5,009,474	11.30%
Total Cost of Fuel/Purchased Power	\$144,347,469	\$104,111,271	38.65%
Average Fuel/Purchased Power Cost Per MWh	\$25.890	\$20.783	24.58%

Department Table 1 shows Otter Tail's relevant 2022 MWh sales were 11.30% higher than forecasted and the Company's total system actual fuel/purchased power costs recoverable through the EAR/FCA for 2022 were 38.65% higher than the forecasted 2022 costs. Of the \$144,347,469 in actual 2022 fuel/purchased power costs, \$66,169,690 are allocated to Minnesota.<sup>15</sup>

The Company's actual and forecasted 2022 fuel/purchased power costs and offsetting credits/revenues can be broken into several major categories, as summarized in the following table:

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<sup>11</sup> Petition, page 11.

<sup>12</sup> Petition, page 11.

<sup>13</sup> Petition, page 8.

<sup>14</sup> Data in Department Table 1 retrieved from Petition Table 1.

<sup>15</sup> Petition, pages 4-5 and Attachment 1.

**Department Table 2: Otter Tail's Actual and Forecasted Total Company 2022 Fuel/Purchased Power Costs and Offsetting Credits/Revenues by Major Category<sup>16</sup>**

<i>Fuel/Purchased Power Cost, Credit, or Revenue Category</i>	<i>2022 Actual (A)</i>	<i>2022 Forecast (B)</i>	<i>Percentage Difference (A-B)/B</i>
Plant Generation Costs	\$64,941,756	\$43,409,256	49.6%
Purchased Power Costs <sup>17</sup>	\$119,095,331	\$68,415,446	74.1%
Wholesale Market Costs/(Credits)	(\$17,994,424)	\$195,434	(9,281.8%)
Wind Curtailment Costs	\$752,133	\$135,545	454.9%
Credit for Fuel Costs of Asset-Based Sales	(\$12,303,307)	(\$4,501,599)	173.3%
Revenue Margin on Asset-Based Sales	(\$5,359,005)	(\$3,173,156)	68.9%
MISO Ancillary Services Market Revenue	(\$261,428)	(\$369,656)	-29.3%
<i>Total Costs, Net Credits and Revenues</i>	<i>\$144,347,469</i>	<i>\$104,111,271</i>	<i>38.6%</i>

Department Table 2 shows Otter Tail's actual 2022 plant generation and purchased power costs, the two largest components of the Company's total net fuel/purchased power costs, were substantially greater than forecasted. Otter Tail provided data in its Petition showing average actual on-peak and off-peak Locational Marginal Pricing (LMP) for 2022 were 99.4% and 90.5% higher than predicted, respectively.<sup>18</sup> The Company explained the increased LMP: "Contributing factors included weather, domestic economic recovery from the COVID pandemic driving up demands, as well as increased global demands and uncertainty following the events in the Ukraine."<sup>19</sup>

Because purchased power costs were so much greater than forecasted, the Department sent some information requests to Otter Tail asking for an explanation and received the following response:<sup>20</sup>

There are several factors which contributed to the increased cost of market purchases in 2022 relative to the forecasted costs Otter Tail estimated when initial forecasted rates were developed back in early 2021. As noted in the Initial Filing, those factors include changes in overall load (sales) relative to forecasted, the increase in the volume of purchases from the market, and finally, the change in the forecasted market prices (LMPs) compared to what happened to actual market prices in 2022.

Otter Tail has little control over the market price of natural gas. Gas production and storage levels, as well as actual and forecasted demand for gas, have a big impact on the price. In addition, actual and forecasted

<sup>16</sup> Data in Department Table 2 retrieved from Petition Attachment 2.

<sup>17</sup> Includes purchase power agreements, shared loads, Bilateral purchases, MISO and SPP Market purchases.

<sup>18</sup> Petition, Table 1.

<sup>19</sup> Petition, page 13.

<sup>20</sup> See Department attachment 1 for full response.



weather, as well as other factors such as geopolitical events, also impact gas markets and associated price. Otter Tail is required to serve its load and does so through existing generation resources and purchases from the market, which in 2022, saw increased volatility that was difficult to predict.

Otter Tail experienced higher energy costs during 2022, which contributed to the Company's actual 2022 fuel/purchased power costs being significantly higher than forecasted. The higher-than-expected credits and revenues in 2022 mitigated the extent of Otter Tail's under-recovery for the year. Based on Otter Tail's actual experience in 2022, the Department concludes it is reasonable the Company's actual 2022 fuel/purchased costs recoverable through the EAR/FCA were more than those forecasted.

**D. OTTER TAIL'S 2022 FUEL CLAUSE ADJUSTMENT TRUE-UP**

As noted earlier in the instant comments, the Company filed a supplemental filing proposing a revision to its 2022 EAR rates for September through December, 2022. This was in response to higher than forecasted energy costs to reduce the year-end under-collection amount. As of February 28, 2023, the Company had an estimated remaining under-recovery amount of \$3,592 for 2021. Additionally, as reflected in Department Table 3, the Company had under-collections of \$9,408,291 in 2022. Therefore, in the instant Petition, Otter Tail requests approval to collect from customers, the total under-recovery of \$9,411,883. Otter Tail's 2022 true-up calculation, which shows how the Company arrived at the proposed collection amount and true-up charge, is summarized in the following table:

**Department Table 3: Otter Tail's 2022 Fuel Clause Adjustment True-Up and Refund Amount<sup>21</sup>**

<i>True-Up Component</i>	<i>Amount</i>
Recovery from Fuel Clause Adjustment/Energy Adjustment Rider (A)	\$57,457,933
Recovery for 2021 True-Up (B)	<u>\$(696,535)</u>
Total Recovery (A + B) = (C) for 2022	\$56,761,399
Actual Cost of Energy Allocable to Minnesota (D)	<u>\$66,169,690</u>
Over or (Under) Recovery (C – D) = (E)	\$(9,408,291)
Estimated Remaining Amount to be Collected for the Previously Approved 2021 True-Up (H) <sup>22</sup>	<u>\$(3,592)</u>
<i>Proposed Refund to Customers (E – F – G + H) = (I)</i>	<b><u>\$(9,411,883)</u></b>
Forecasted Applicable kWh Sales for September 2023 - August 2024 (J)	2,582,795,225
<i>Proposed True-Up Charge Factor (I / J)</i>	<b><u>\$(0.0036)</u></b>

<sup>21</sup> Data in Department Table 3 retrieved from Petition Attachment 1.

<sup>22</sup> The \$3,592 is Otter Tail's estimate of the remaining amount to be refunded, as of February, 2023.

Otter Tail requests the proposed \$0.0036 true-up charge be effective September 1, 2023 through August 31, 2024. The Department verified Otter Tail's 2022 true-up calculation followed the true-up methodology provided for in the Company's approved EAR Rate Schedule, Section 13.01.<sup>23</sup> Specifically, the Department confirmed Otter Tail's 2022 EAR/FCA true-up calculation:<sup>24</sup>

- Was based on a historical twelve-month period (January 1 through December 31, 2022)
- Compared the actual and approved forecasted costs and credits/revenues to arrive at the under-recovered amount.
- Divided the under-recovered amount by the forecasted Minnesota kWh subject to the EAR/FCA (forecasted kWh for the proposed twelve-month period during which the true-up factor would be applied, September 2023 through December 2024) to arrive at the true-up factor per kWh.

The Department concludes Otter Tail correctly calculated its 2022 EAR/FCA true-up and the proposed true-up charge amount is reasonable. We recommend the Commission approve the Company's proposed net true-up under-recovery amount of \$9,411,883 with a corresponding true-up charge of \$0.0036 to be effective on September 1, 2023.

#### *E. COMPLIANCE WITH REPORTING REQUIREMENTS*

The Department verified the instant Petition included the information required per the following:

- Minnesota Rules 7825.2800 - 7825.2840, as revised on pages 3 - 4 and approved in Point 1 of the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802.
- Annual FCA true-up general reporting guidelines, as outlined on page 7 and approved in Point 5 of the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802.
- Annual FCA true-up reporting compliance matrix specific to Otter Tail, as shown in Attachment 2 of the March 1, 2019 joint comments and approved in Point 7 of the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802.<sup>25</sup>

The Department concludes Otter Tail's Petition complies with the applicable reporting requirements and recommends the Commission approve the compliance reporting portions of the Company's Petition.

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<sup>23</sup> Petition Attachment 4 contains the EAR Rate Schedule, Section 13.01.

<sup>24</sup> Otter Tail's 2021 true-up calculation is shown in Petition Attachment 1.

<sup>25</sup> Point 7 of the Commission's June 12, 2019 *Order* in Docket No. E-999/CI-03-802 also stated that "each Electric Utility shall provide a complete analysis and discussion of the consequences of self-commitment and self-scheduling of their generators, including the annual difference between production costs and corresponding prevailing market prices." The Company provided this analysis and discussion in its March 1, 2021 filing in Docket No. E999/CI-19-704.

*F. MAINTENANCE EXPENSES OF GENERATION PLANTS AND CORRELATION TO INCREMENTAL FORCED OUTAGE COSTS (IN THE MATTER OF THE REVIEW OF THE 2005 AAA OF CHARGES FOR ALL ELECTRIC UTILITIES, DOCKET NO. E999/AA-06-1208)*

In its February 6, 2008 *Order* in Docket No. E999/AA-06-1208, the Commission required all electric utilities subject to automatic adjustment filing requirements, except for Dakota Electric, to include in future annual automatic adjustment filings the actual expenses pertaining to maintenance of generation plants, with a comparison to the generation maintenance budget from the utility's most recent rate case. The Commission established this reporting requirement in response to the dramatic increase in investor-owned utility outage costs during fiscal years 2006 and 2007.

When a generation plant experiences a forced outage, the utility must replace the megawatt hours that plant would have otherwise produced. The utility typically replaces these lost megawatt hours through wholesale market purchases. The cost of those market purchases flows through the EAR/FCA, directly to ratepayers. The high outage costs incurred by investor-owned utilities in fiscal years 2006 and 2007 raised questions as to whether the utilities were (1) maintaining plants appropriately to prevent forced outages, and (2) spending as much on plant maintenance as they were charging to their customers in base rates. The Commission agreed with the Department and the Large Power Intervenor that "utilities have a duty to minimize unplanned facility outages through adequate maintenance and to minimize the costs of scheduled outages through careful planning, prudent timing, and efficient completion of scheduled work."<sup>26</sup>

The Department summarizes Otter Tail's generation maintenance expenses for select years in the following table:

**Department Table 4: Comparison of Otter Tail's Generation Maintenance Expense<sup>27</sup>**  
**(\$ Millions)**

<i>Approved Annual Generation Maintenance Expense per 2021 Rate Case Test Year</i>	<i>Actual Average 2021 – 2022 Generation Maintenance Expense</i>	<i>Difference</i>
\$19.9	\$20.4	2%

Department Table 4 shows that Otter Tail's actual 2022 generation maintenance expenses were approximately 2% higher than the \$19.9 million provided for in the Company's base rates approved in Docket No. E017/GR-20-719.

The Department compared Otter Tail's forecasted to actual planned outages, which were generally consistent except for a longer than expected planned outage for Coyote. The Department review Otter Tail's forced outages and noted the Company has ten forced outages in excess of 24 hours in 2022 – four at Big Stone and six at Coyote Station. Otter Tail estimates the aggregate cost of the replacement power for the ten forced outages was **[TRADE SECRET DATA HAS BEEN EXCISED]**. Of that **[TRADE**

<sup>26</sup> Commission's February 6, 2008 *Order* in Docket No. E999/AA-06-1208, page 5.

<sup>27</sup> Data in Department Table 4 retrieved from Petition Attachment 12.

**SECRET DATA HAS BEEN EXCISED]**<sup>28</sup> was associated with an extended outage due to a bearing #7 vibration/exciter issue at Big Stone Plant, which began November 5, 2023 and extended into the beginning of 2023.<sup>29</sup>

The Department sent an information request asking Otter Tail to provide more information regarding the cause, duration, and change in energy costs associated with the Big Stone outage event. Otter Tail's response was extensive and concluded there were no human errors or avoidable incidents identified as the cause of the outage event. Additionally, Otter Tail provided an attachment with the calculations estimating the cost of replacement power.<sup>30</sup>

As discussed elsewhere in this filing, market prices were higher in 2022 at the times of the outages. The Department concludes the Company's replacement power costs corresponding to the 2022 generation forced outages were reasonable under the circumstances.

Because (1) the amount of generation maintenance expense is linked to a utility's forced outages, (2) utilities have an incentive to minimize generation maintenance expense between rate cases, and (3) utilities do not have a strong incentive to minimize the replacement power costs for which they receive flow through recovery, the Department intends to continue to monitor the difference between investor-owned utilities' actual and approved generation maintenance expenses in future FCA true-up filings.

### III. CONCLUSION AND RECOMMENDATIONS

Based on our review, the Department concludes (1) Otter Tail's actual fuel/purchased power costs for 2022 were reasonable and prudent, (2) Otter Tail correctly calculated its 2022 fuel clause adjustment true-up and the resulting true-up under-collection amount of \$9,411,883 is reasonable, and (3) Otter Tail's Petition complies with the applicable reporting requirements. Therefore, the Department recommends the Commission take the following actions:

- Find that Otter Tail's actual 2022 fuel/purchased power costs recoverable through the EAR/FCA were reasonable and prudent for 2022.
- Approve Otter Tail's EAR/FCA 2022 true-up and the resulting under-recovery amount of \$9,411,883 and charge of \$0.0036.
- Allow Otter Tail to collect the \$9,411,883 true-up under-recovery over a twelve-month period, from September 1, 2023 through August 31, 2024.
- Approve the compliance reporting portions of Otter Tail's Petition.

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<sup>28</sup> Petition, Appendix A Section 6, pages 3-4.

<sup>29</sup> Petition, page 17 and Appendix A Section 6, page 4.

<sup>30</sup> See Department attachment 2 for full response.

OTTER TAIL POWER COMPANY  
Docket No: E017-AA-21-311

Response to: MN Department of Commerce

Analyst: Felicia Cullen

Date Received: March 09, 2023

Date Due: March 20, 2023

Date of Response: March 20, 2023

Responding Witness: Stuart Tommerdahl, Manager, Regulatory Administration, 218 739-8279

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Information Request:

Otter Tail Power's Total Company Purchased Power actual 2022 costs were \$50,679,750 higher than forecasted. Please address the following questions regarding Purchased Power Market costs:

- A. Please explain why Total Purchase Power Market Actuals were \$45,314,809 higher than forecasted and why this cost is reasonable to charge ratepayers through the 2022 FCA true-up?
- B. Please explain why "Market Purchases" were forecasted to be \$40,993,166, but actual total cost was \$86,307,975 for 2022. Please explain why this is reasonable to charge ratepayers through the 2022 FCA true-up.

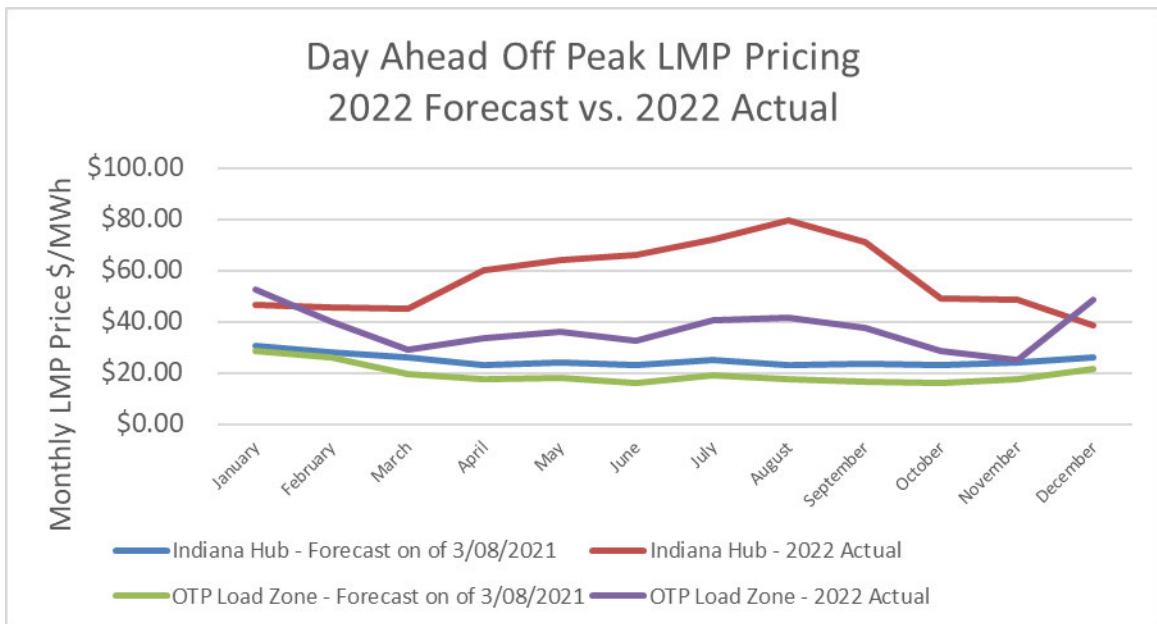
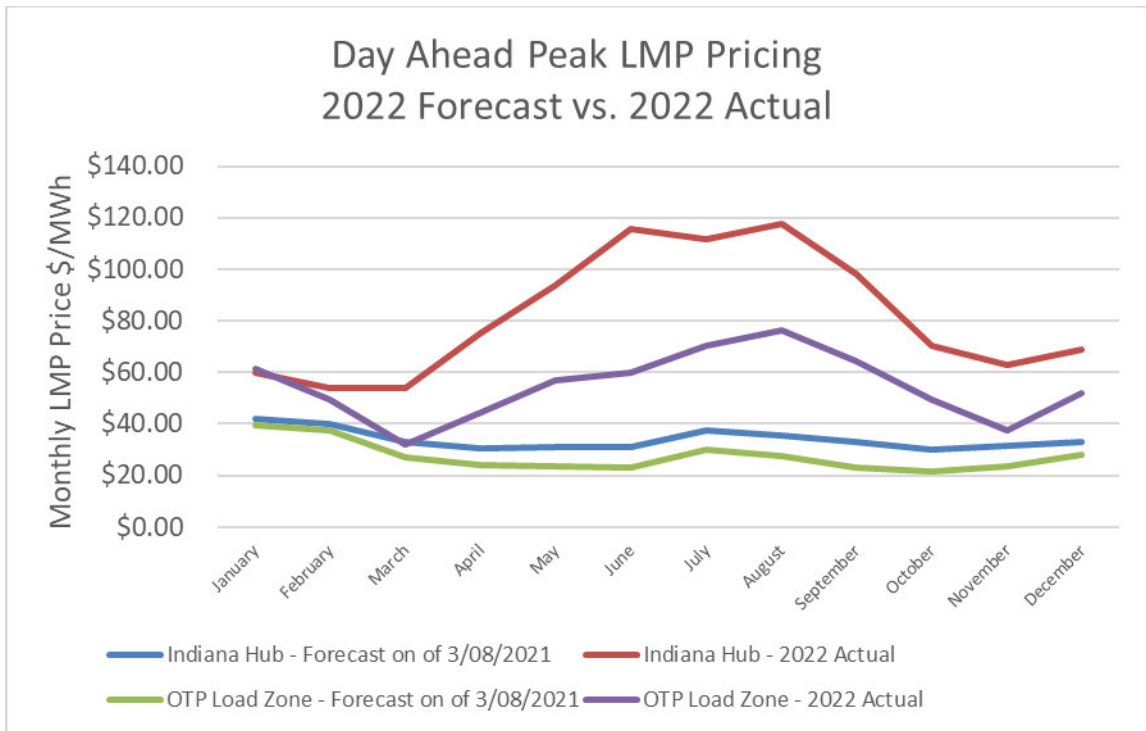
Attachments: 0

Response:

The information marked in the table below includes volume and average market price data that is generally not made public. (the "Protected Data"). The Protected Data has economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons and is subject to the efforts by OTP to protect the information from public disclosure. The Protected Data therefore: (1) constitutes trade secret information, as defined in Minn. Stat. § 13.37, subd. 1(b); (2) is classified as nonpublic data pursuant to Minn. Stat. § 13.37, subd. 2; (3) is also not public data, as defined in Minn. Stat. § 13.02, subd. 8a; and (4) is protected data under Minn. R. 7829.0100, subp. 19a(A).

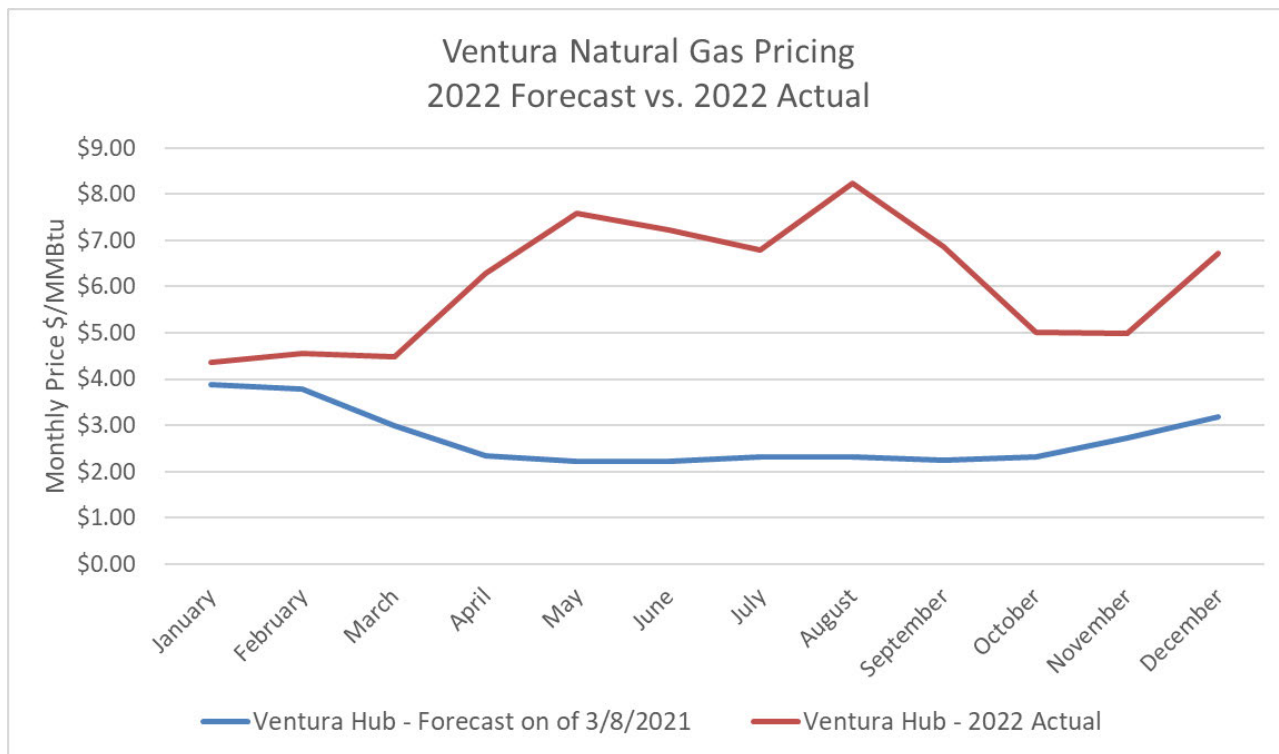
- A. There are several factors which contributed to the increased cost of market purchases in 2022 relative to the forecasted costs Otter Tail estimated when initial forecasted rates were developed back in early 2021. As noted in the Initial Filing, those factors include changes in overall load (sales) relative to forecasted, the increase in the volume of purchases from the market, and finally, the change in the forecasted market prices (LMPs) compared to what happened to actual market prices in 2022. Further discussion on these points follows:

The charts reflecting the overall change in LMP prices for 2022 relative to forecasted prices, as shared on page 15 of Otter Tail’s true-up filing, also help illustrate the fact that market prices were significantly higher than forecasted for 2022. Those two charts are again provided here for convenience.



The increase in the cost of market purchases can be directly tied to increased natural gas prices in 2022. During 2022, natural gas prices increased significantly beginning in April, as illustrated by the red line in the graph of Ventura Hub pricing below, with prices hovering between \$7 and \$8 per MMBtu over the summer months and never dropping below \$5 the rest of the year. Otter Tail's initial forecast utilized the forward prices

reflected in the blue line in the graph, which generally assumed gas prices would be in the \$2-3 per MMBTU range much of the year.



In the MISO market, natural gas generating units are often the marginal units which set LMP prices within MISO. As such, when the cost of natural gas increases for these generators, that cost translates into higher LMP prices.

Otter Tail's natural gas generating units, Solway and Astoria Station, as summarized in the table below, are clear examples of how the increased cost of gas in 2022 would drive increased cost per MWh of generation from natural gas units within MISO, which often set LMP prices as marginal units in the market. As illustrated below from data found in Attachment 3, line 26 on pages 73, 75, and 77 of the True-up filing, Otter Tail's forecasted generation from natural gas units was approximately \$29.60 per MWh, but actual cost per MWh in 2022 was \$77.06 per MWh, a 160 percent increase.

	Forecast	Actual	Change	% Change
Total Cost of Natural Gas Generation	\$ 5,518,913	\$ 20,099,117	\$ 14,580,204	264.19%
Natural Gas Generation (MWhs)	186,480.00	260,836.93	74,356.92	39.87%
Avg Cost per MWh	\$ 29.60	\$ 77.06	47.46	160.37%

Otter Tail has little control over the market price of natural gas. Gas production and storage levels, as well as actual and forecasted demand for gas, have a big impact on the price. In addition, actual and forecasted weather, as well as other factors such as



geopolitical events, also impact gas markets and associated price. Otter Tail is required to serve its load and does so through existing generation resources and purchases from the market, which in 2022, saw increased volatility that was difficult to predict.

B. See response to A.

OTTER TAIL POWER COMPANY  
Docket No: E017-AA-21-311

Response to: MN Department of Commerce

Analyst: Felicia Cullen

Date Received: March 09, 2023

Date Due: March 20, 2023

Date of Response: March 22, 2023

Responding Witness: Stuart Tommerdahl, Manager, Regulatory Administration, 218 739-8279

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Information Request:

- A. Please provide additional information regard the cause of the November 5, 2022 to January 1, 2023 Big Stone plant outage.
- B. Please provide any reports or root cause analysis of this outage event.
- C. Where there any human errors or other avoidable incidents that occurred as part of this outage event? Please explain.
- D. Why was this outage so long - 56.3 days?
- E. Please provide supporting calculation for the “Change in Energy Costs” related to this outage event.

Attachments: 1

Attachment 1 to IR MN-DOC-019\_PUBLIC.pdf

Response:

Attachment 1 to IR MN-DOC-019 contains economic data including the dispatch offer price of the generating unit (the “Protected Data”). The Protected Data has economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons and is subject to the efforts by OTP to protect the information from public disclosure. The Protected Data therefore: (1) constitutes trade secret information, as defined in Minn. Stat. § 13.37, subd. 1(b); (2) is classified as nonpublic data pursuant to Minn. Stat. § 13.37, subd. 2; (3) is also not public data, as defined in Minn. Stat. § 13.02, subd. 8a; and (4) is protected data under Minn. R. 7829.0100, subp. 19a(A).

- A. On November 5, 2022, while the plant was operating, a sudden increase in bearing vibration on the exciter end of the generator was observed. The exciter system is used to control the strength of the generator rotor’s electric field. The exciter rotor is a large component that connects to the flanged end of the generator rotor. The vibration monitoring on the bearings that support the exciter rotor is what first gave the indication of a problem. Following detection of the vibration, the plant was then shut down to mitigate any potential for further damage or issues due to the uncertainty of the cause of the vibration.

Otter Tail consulted with Siemens, the original equipment supplier (who acquired Westinghouse), to explore options as we investigated the issue. Significant work was undertaken to search for an indication of an issue that would cause vibration, such as a loose component or a failed component that was cracked or otherwise damaged. By November 8<sup>th</sup>, and after consultation with our co-owners, the decision was made to pursue a used exciter rotor that Siemens indicated would be available to use if it could be certified for use at the Siemens shop. The questionable Big Stone exciter rotor could then be inspected at the Siemens shop, possibly refurbished, while the Big Stone Plant could get back in service as quickly as possible. Both Siemens and the co-owners were in frequent discussion in trying to explore reasonable options to getting the unit back in service as soon as possible. Even though no clear indications of a failed component were found, Otter Tail, the Big Stone Plant co-owners, or Siemens did not favor putting the unit back in service with the questionable exciter rotor. The risk to the plant equipment and the safety of the personnel operating the plant are always at the forefront of difficult decisions like this. Around November 21, 2022, Siemens informed Otter Tail that the potential spare rotor was not able to be certified. Unfortunately, during Siemens' certification process, the potential replacement rotor was found to have defects and ultimately determined that it could not be used.

Otter Tail, the Big Stone Co-owners, and Siemens, working together, determined the possible next steps. All parties were working extensively to find a solution to the complex problem given the approaching winter season and the need to have the plant in-service. Given that completely rebuilding the exciter rotor could take 6-12 months, the possibility of bringing a mobile static exciter to be retrofitted to the Big Stone generator was suggested as a possible solution by Siemens. There are very few of these types of units available from Siemens and they are used in these cases to get a unit back in service as quickly as possible if a failure of the excitation system occurs. There was also experience from the co-ownership group with this type of solution, which gave collective confidence to bringing Big Stone back on-line as quickly as possible. Installing a mobile exciter quickly is no small feat. The equipment must be brought to the plant (it is not small) and significant work in removing the original rotating exciter equipment with the static exciter equipment was undertaken. Work began connecting the mobile exciter to the generator which involved completely removing the existing Big Stone Plant exciter and base to allow for the mobile exciter to be connected. Connection involved procuring necessary materials for the installation, providing necessary power supplies, bypassing existing control circuits/logic, while retaining control and equipment protections.

After significant effort by both Big Stone Plant and Siemens personnel the installation of the temporary mobile exciter was completed, and on December 9, 2022, startup with the mobile exciter was initiated. Due to vibration readings that were unexpected, the unit was shut down before reaching full speed. Siemens was consulted for purposes of gathering data for balance calculations upon subsequent restart. During that subsequent restart, a radial lead on the generator liberated from the generator shaft and the unit was again shut down. The radial lead is part of the electrical circuit between the exciter and generator, it

is attached to the generator rotor axial lead (the spinning portion of the generator). Disassembly and inspection of the damage from the radial lead issue commenced to determine what repairs and associated materials would be needed and the estimated lead time to complete those repairs. The radial lead is approximately 5 pounds and is an electrical connection that can be considered as a threaded connection that secures into the generator shaft with an electrical connecting lead to the exciter system. The radial lead copper strap, nut and retaining wedges came free from the generator shaft at 3400 rpm (revolutions per minute). These parts became projectiles; the radial lead and copper strap struck a handrail near the turbine deck and caused significant impact damage to the steel handrail. While the damage caused on the handrail was not a significant issue related to generation output, the event was a significant safety event and if personnel had been in the vicinity, it could have been the cause of a serious injury. Due to the extensive effort and hours of the personnel that were working, the decision was made by plant management to send all personnel home (it happened on a Friday) until Monday, where all could regroup and come up with an adjusted plan.

In subsequent days, it was determined that the axial leads in the generator, which the radial lead (which came free) connects, must be removed from the generator shaft, and inspected to ensure safe operation of the Big Stone generator.

At this writing in March 2023, Big Stone has been back on-line since mid-February. However, even at that, and after the events described above, Otter Tail has contracted with a third party (Brush Group) to refurbish the original exciter rotor and the minimum time to complete this work is 5-6 months (since work has not yet commenced, it cannot be said with certainty what will be found or the exact duration for refurbishment).

- B. A root cause analysis for the Nov 5, 2022 event involved review of the vibration data and initial inspection of the exciter. A third-party contractor (Brush Group) will be conducting a forensic discovery during the refurbishment of the exciter, which is currently planned for the April/May 2023 timeframe.
- C. No human errors or other avoidable incidents have been identified as cause for the outage event.
- D. The actual outage extended until early February 2023 with start-up activities beginning February 7, 2023, and the plant coming back online February 9, 2023. See additional detail in Response to A., above. The outage restoration was impacted by the availability of qualified contract labor and long lead times for materials to repair the damaged equipment following the December 9, 2022, event.
- E. See Attachment 1 to IR MN-DOC-019 for the calculation estimating the cost of replacement power.

## **CERTIFICATE OF SERVICE**

I, Sharon Ferguson, 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  
Public Comments**

**Docket No. E017/AA-21-311**

Dated this **11<sup>th</sup>** day of **April 2023**

**/s/Sharon Ferguson**

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Tom	Boyko	tboyko@eastriver.coop	East River Electric Power Coop.	211 S. Harth Ave  Madison, SD 57042	Electronic Service	No	OFF_SL_21-311_AA-21-311
Ray	Choquette	rchoquette@agp.com	Ag Processing Inc.	12700 West Dodge Road PO Box 2047 Omaha, NE 68103-2047	Electronic Service	No	OFF_SL_21-311_AA-21-311
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_21-311_AA-21-311
Jason	Decker	jason.decker@llojbwe.net	Leech Lake Band of Ojibwe	190 Sailstar Drive NW  Cass Lake, MN 56633	Electronic Service	No	OFF_SL_21-311_AA-21-311
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Rate Case Inbox	Rate Case Inbox	mnratescase@otpc.com	Otter Tail	N/A	Electronic Service	No	OFF_SL_21-311_AA-21-311
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