

April 14, 2023

**PUBLIC DOCUMENT**

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

RE: **PUBLIC Comments of the Minnesota Department of Commerce, Division of Energy Resources**  
Docket No. E015/AA-21-312

Dear Mr. Seuffert:

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

Minnesota Power's Petition for Approval of the Annual Automatic Adjustment True-Up  
Report of the Forecasted Fuel and Purchased Energy Rates for the Calendar Year 2022.

Hillary A. Creurer, Regulatory Compliance Administrator with Minnesota Power, filed the Petition on March 1, 2023.

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

Sincerely,

/s/ ANDREW GOLDEN  
Financial Analyst

/s/ NANCY CAMPBELL  
Financial Analyst Coordinator, CPA

AG/NC/ar  
Attachment



## Before the Minnesota Public Utilities Commission

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

Docket No. E015/AA-21-312

#### I. INTRODUCTION

On March 1, 2023, Minnesota Power (MN Power or the Company) filed its Annual Automatic Adjustment 2022 True-Up Report (Petition) of the Company's Fuel and Purchased Energy (FPE) rates for calendar year 2022 with the Minnesota Public Utilities Commission (Commission). The Company submitted its [Petition](#)<sup>1</sup> pursuant to the Commission's [Order](#)<sup>2</sup> and the applicable reporting requirements provided for in Minn. R. 7825.2800 to 7825.2840. MN Power requests the Commission approve the 2022 true-up for the Company's Forecasted Fuel and Purchased Energy rates and find the Company's filing complies with the applicable reporting requirements.

On December 2, 2021, the Commission authorized MN Power to implement its 2022 Fuel Clause Adjustment (FCA) forecast based on forecasted sales of 8,763,862 MWh and forecasted fuel costs of \$229,065,935.<sup>3</sup>

On June 30, 2022, the Company submitted a [proposal](#) to increase the approved monthly fuel cost rates for August through December 2022 by \$36.0 million. The proposed increase represented an over 15% increase over the original forecasted fuel costs of \$229,065,934.<sup>4</sup> The Company stated the main driver of the under-collection is higher than forecasted MISO market costs, including congestion costs. The Company proposed to increase rates for August through December 2022 by annualizing the known under-collected fuel costs of approximately \$15.0 million through May 2022, resulting in the proposed rate adjustment of approximately \$36.0 million.<sup>5</sup>

In the instant Petition, the Company's actual 2022 sales were 8,962,240 MWh (2% greater than forecasted) and actual fuel costs were \$285,985,742 (8% greater than originally forecasted).<sup>6</sup> MN Power proposed a 2022 FCA true-up amount of approximately \$13.3 million,<sup>7</sup> in addition to the \$36 million increase already applied August through December 2022.

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<sup>1</sup> Link to Trade Secret version of Petition.

<sup>2</sup> Commission [Order](#) (June 12, 2019) in Docket No. E999/CI-03-802.

<sup>3</sup> Commission [Order](#) (December 2, 2021) in Docket No. E015/AA-21-312.

<sup>4</sup> Proposed, annualized increase to fuel costs of \$36,052,884 / Forecasted fuel costs of \$229,065,934 = 15.74%.

<sup>5</sup> Company's Proposal Rate Adjustment (June 30, 2022) in Docket No. E015/AA-21-312.

<sup>6</sup> Petition, p. 4.

<sup>7</sup> Petition, pp. 1-2.

## II. DEPARTMENT ANALYSIS

The Minnesota Department of Commerce, Division of Energy Resources (Department) reviewed MN Power'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 FPE rates, and (3) whether the Petition complies with the reporting requirements set forth in the applicable Minnesota Rules and Commission Orders. MN Power's FPE 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

[M.S. § 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 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 [Order](#) approved certain reforms to the FCA mechanism.<sup>8</sup> Specifically, Order Point 1 of the *Order* approved the Department's FCA reform proposals as follows:

- a. The Commission will set recovery of the electric utility's fuel, power purchase agreement, 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. Each electric utility will be allowed to track any changes in \$/MWh fuel clause 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. The emphasis is on the overall average actual \$/MWh even if actual monthly costs vary from expected monthly costs.
- f. Each electric utility will refund any over-collections and show the prudence of costs before recovering under-collections. If annual revenues collected 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.

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<sup>8</sup> Commission [Order](#) (December 19, 2017) in Docket No. E999/CI-03-802.

The Commission's December 12, 2018 [Order](#) 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 Rule 7825.2600, subpart 3, which requires 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 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>9</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 their generators, including the annual difference between production costs and corresponding prevailing market prices.

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<sup>9</sup> In the March 1, 2019 joint comments, Attachment 1 corresponds to MN Power.

- Tariff changes reflected in Attachments 4, 5, and 6 of the March 1, 2019 joint comments<sup>10</sup> in Docket No. E999/CI-03-802.

The instant Petition provides the true-up between the Company's actual fuel/purchased power cost recovery through its FPE and the actual corresponding fuel/purchased power costs incurred by MN Power for the period of January 1 – December 31, 2022.

#### *B. PURPOSE OF MN POWER'S PETITION*

In its Petition, MN Power: (1) demonstrated the Company's fuel/purchased power costs for 2022 were reasonable and prudent<sup>11</sup>, (2) requested Commission approval to recover in a true-up the under collected \$13.3 million in fuel costs over a 12-month period beginning the first month after Commission approval, and (3) requested Commission approval of the FCA true-up compliance reporting required by Minn. R. 7825.2800 – 7825.2840 and applicable Commission orders<sup>12</sup>. The Department discusses each of these three areas in the following sections.

On June 30, 2022, MN Power [petitioned](#) the Commission for Approval of the Annual Forecasted Rates for its Rider for Fuel and Purchased Energy Charge related to Docket Nos. E015/AA-19-302 and E015/AA-21-312. In its June 30, 2022 Petition, MN Power stated the primary drivers impacting the 2022 fuel costs is higher than forecasted market pricing and the associated impacts on congestion cost between generation and load. The Company stated projected market prices increased approximately 195% since MN Power submitted its original forecast in May 2021.<sup>13</sup>

After a 30-day notice period, no party objected to the rate adjustment requested on June 30, 2022 and MN Power increased the approved monthly fuel cost rates for August through December 2022 by \$36.0 million, in accordance with the Commission's [Order](#) dated June 12, 2019.<sup>14</sup>

#### *C. PRUDENCY AND REASONABLENESS OF MN POWER'S ACTUAL 2022 FUEL/PURCHASED POWER COSTS*

MN Power stated the primary driver impacting 2022 fuel costs and the under collection was higher than forecasted market pricing and the associated impacts on congestion costs between generation and load.<sup>15</sup>

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<sup>10</sup> In the March 1, 2019 joint comments, Attachment 4 corresponds to MN Power and reflects the Company's current FPE Rate Schedule as approved by the Commission's June 12, 2019 *Order* in Docket No. E999/CI-03-802.

<sup>11</sup> Petition, pp. 4-8.

<sup>12</sup> Petition, pp. 3-4.

<sup>13</sup> Company's Proposal at 3 (June 30, 2022) in Docket No. E015/AA-21-312.

<sup>14</sup> Petition, p. 1.

<sup>15</sup> Petition, p. 4.

Customer sales increased 2 percent over forecasted sales mainly due to increased Large Power Taconite sales. MN Power explained the increase in Large Power Taconite sales did not drive increased FCA costs, but that these increases were primarily from increased market prices.<sup>16</sup> Inter-System sales also increased, mainly due to increased MISO market sales, but are removed from fuel adjustment clause Total Sales of Electricity.<sup>17</sup> While total Inter-System Sales increased, actual 2022 Customer Inter-System Sales were 51,787 MWh lower than forecast. The Company explained this was due to Silvery Bay Power-North Shore Mining idling operations from April through December 2022, resulting in lower than forecasted Economy and Non-Firm energy sales.<sup>18</sup> The Company further explained actual costs for Inter-System Sales were greater than forecast for both Customer and Market Sales was due to increases in market prices in 2022.<sup>19</sup>

Several Generation Costs and Purchase Costs categories increased:

- **Generation** – MN Power saw an increase in generation during 2022. The higher energy production at MN Power’s thermal generation fleet as well as Hibbard Renewable Energy Center was a result of being called upon by MISO more frequently because of the higher-than-forecasted market prices. Also, Boswell Unit 3 transitioned to economic dispatch in July 2021 and was dispatched a majority of 2022. The company’s Laskin facility was also due to MISO dispatching the units for reliability purposes.<sup>20</sup>

Increased market prices resulted in increased MISO Market Purchase costs, which were \$29.67 million higher than forecasted.<sup>21</sup> Energy prices were up significantly, but in addition to increased prices, MN Power purchased more than forecasted because hydro purchases were greater than forecasted amounts.<sup>22</sup>

MN Power forecasted \$99,074,420 purchases from Manitoba Hydro with actual market purchases reported from Manitoba Hydro of \$115,956,880.<sup>23</sup> In response to the Department’s Information Request No. 13<sup>24</sup>, the Company attributed the difference between the forecast and actual purchased energy from Manitoba Hydro to procuring more energy than forecasted at a slightly higher cost due to the variable energy piece in the MHEB 133 Purchase Power Agreement.

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<sup>16</sup> Department Attachment 5.

<sup>17</sup> Petition, p. 5.

<sup>18</sup> Department Attachment 1.

<sup>19</sup> Department Attachment 2.

<sup>20</sup> Petition, pp. 5-6.

<sup>21</sup> Petition Attachment No. 2, p. 10.

<sup>22</sup> Department Attachment 3.

<sup>23</sup> Petition, Attachment No. 2, p. 10.

<sup>24</sup> Department Attachment 3.

MN Power also forecasted \$0 purchases from MacQuarie Energy with actual market purchases reported from MacQuarie Energy of \$1,765,300.<sup>25</sup> In response to the Department's Information Request No. 13<sup>26</sup>, the Company attributed the difference between the forecast and actual purchased energy from MacQuarie because the company had not signed a purchase agreement with MacQuarie when the forecast was prepared and filed on May 1, 2021. MN Power said the energy was procured in 2022 to cover outages at Boswell 3 and 4 from May to July 2022, and the costs were reasonable due to higher market prices and volatility for the market, which were outside MN Power's control.

MN Power also forecasted \$0 purchases from Shell Energy North America with actual market purchases reported from Shell Energy of \$13,701,400.<sup>27</sup> In response to the Department's Information Request No. 13<sup>28</sup>, the Company attributed the difference between the forecast and actual purchased energy from Shell Energy, similar to MacQuarie, was due to the purchase not signed when the forecast was prepared and in May 2021. MN Power said the purchase was procured in 2022 to serve a Non-Firm Retail Customer. The Company further explained the purchase was dedicated to this customer so the costs were not included in Inter-System Sales and not charged to rate payers.

- **MISO Charges and Market Prices** – Power markets continued to experience major price volatility due to coal supply concerns surrounding a possible rail strike and a changing grid. The concerns resulted in a significant increase in both natural gas and power market prices. Natural gas prices increased 66 percent in 2022 compared to 2021.<sup>29</sup>

MN Power reported significantly higher MISO charges for congestion, Financial Transmission Rights (FTRs), and Auction Revenue Rights (ARRs) in 2022. In response to Department Information Request No. 15, the Company stated:

During 2022 Minnesota Power saw increased price differential between generation and load. The leading drivers were higher congestion cost for Minnesota Power's thermal generation assets and wind assets (North Dakota and Minnesota). The North Dakota wind congestion costs were also exacerbated by forced and scheduled outages on the HVDC line. Note that Minnesota Power's HVDC line effectively makes the North Dakota wind portfolio look like it is located in northeast Minnesota, reducing the congestion cost to deliver wind to load. When the HVDC line is in planned or forced outage, Minnesota Power loses the ability to mitigate congestion costs to deliver North Dakota wind to load.<sup>30</sup>

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<sup>25</sup> Petition, Attachment No. 2, p. 10.

<sup>26</sup> Department Attachment 3.

<sup>27</sup> Petition, Attachment No. 2, p. 10.

<sup>28</sup> Department Attachment 3.

<sup>29</sup> Petition, Page 6 and Attachment 2, p. 25

<sup>30</sup> Department Attachment 5.

MN Power expects to continue to see elevated levels of Day ahead and Real Time congestion in 2023 and 2024, primarily due to new resources that were brought online in 2021, although level of congestion is difficult to predict.<sup>31</sup>

With respect to MISO and the Organization of MISO States (OMS) reviewing FTR and AAR underfunding concerns, the Department asked MN Power what it is doing to manage its exposure of congestion costs. MN Power stated:

Minnesota Power participates in MISO's annual ARR allocation and annual FTR auction as well as the multi-period monthly auctions to help manage Day Ahead congestion costs between generation and load. Minnesota Power also participates in MISO's Reserved Source Point ("RSP") process in an attempt to better align its ARR portfolio with how it now serves load with additional renewable resources. Minnesota Power is also active in the MISO stakeholder process as efforts are currently being discussed to assist Load Serving Entities in mitigating congestion costs as generation portfolio changes no longer match the initial MISO ARR allocation that was performed over 15 years ago.<sup>32</sup>

The following table summarizes and compares select energy sales and cost data relevant to MN Power's 2022 FCA true-up:

**Table 1: Comparison of Select Forecasted to Actual Data for  
MN Power's 2022 Fuel Clause Adjustment True-up<sup>33</sup>**

Data Description	2022 Forecast (A)	2022 Actual (B)	Dollar Difference (B-A)	Percentage Difference (B-A)/A
MWh Sales Subject to FPE	8,763,862	8,962,240	198,378	2.26%
Total Cost of Fuel/Purchased Power	\$265,118,819	\$285,985,742	\$20,866,923	7.87%
Average Fuel/Purchased Power Cost per MWh	\$30.25	\$31.91	\$1.66	5.49%

Table 1 shows MN Power's relevant 2022 MWh sales were approximately 2 percent greater than forecasted and the Company's total system actual fuel/purchased power costs recoverable through the FPE for 2022 were about 8 percent more than the forecasted 2021 costs. Table 1 also shows the average fuel and purchase power costs were about 5.5 percent higher than forecasted on a per MWh basis.

The cost and offsetting credit/revenue components of the Company's actual and forecasted 2022 fuel/purchased power costs recoverable through the FPE can be broken into several major categories, as summarized in the following table:

<sup>31</sup> Department Attachment 5.

<sup>32</sup> Department Attachment 5.

<sup>33</sup> Data in Table 1 retrieved from Tables 1 and 2 on pp. 4 – 5 of Petition.



**Table 2: MN Power's Forecasted and Actual 2022 Fuel/Purchased Power Costs and Offsetting Credits/Revenues by Major Category<sup>34</sup>**

Fuel/Purchased Power Cost, Credit, or Revenue Category	2022 Initial Forecast (A)	2022 Actual (B)	Dollar Difference (B-A)	Percentage Difference (B-A)/A
Plant Generation Costs	87,497,496	130,269,082	42,771,586	48.88%
Plus: Purchased Power Costs	210,911,146	262,867,849	51,956,703	24.63%
Plus: MISO Charges	18,239,651	59,750,884	41,511,233	227.59%
Less: MISO Schedule 16, 17, & 24	(107,186)	(406,916)	(299,730)	-279.64%
Less: Fuel Cost Recovered through Inter System Sales	88,073,950	167,749,176	79,675,226	90.46%
Less: Costs Related to Solar	-	83	\$83	N/A
Plus: Time of Generation and Solar Energy Adjustment	384,405	440,270	55,865	14.53%
Significant Events Filing <sup>35</sup>	36,052,884	-	-	N/A
<b>Total Cost of Fuel</b>	<b>265,118,819</b>	<b>285,985,742</b>	<b>20,866,923</b>	<b>7.87%</b>
Total FPE or FCA Sales (MWh)	8,763.9	8,962.3	198.4	2.26%
Average Cost of Fuel	30.25	31.91	1.66	5.49%

Table 2 shows MN Power's actual 2022 plant generation and purchased power costs, the two largest components of the total net fuel/purchased costs, were substantially greater than forecasted. MN Power provided data in its Petition showing the average MISO market price was [TRADE SECRET DATA HAS BEEN EXCISED] than forecasted.<sup>36</sup> The higher energy market prices combined with higher sales caused higher generation and purchased power costs for 2022.

Table 2 also shows MISO charges were significantly greater than forecasted (\$59.75 million actual compared to \$18.24 million forecasted, or 227.6 percent higher).

MN Power explained that customer sales increased by approximately 198,378 MWhs, or 2 percent, over forecasted sales mainly due to increased Large Power Taconite sales.<sup>37</sup> Inter System sales also increased by 832,716 MWhs, or 26.5 percent, over forecasted sales mainly due to increased MISO market sales. However, inter system sales and related costs are removed from the Total Sales of Electricity as they are non-FCA MWhs.

<sup>34</sup> Data in Table 2 retrieved from Table 1 on p. 4 in Petition.

<sup>35</sup> High Voltage Direct Current (HVDC) Transmission Line, Petition, p. 1.

<sup>36</sup> Petition, p. 6 on Table 4.

<sup>37</sup> Petition, p. 5.

**Table 3: MN Power Sales Reconciliation Difference  
between Forecasted and Actual 2022 Sales<sup>38</sup>**

<b>2022 Sales (MWh)</b>	<b>Forecasted Sales (A)</b>	<b>Actual Sales (B)</b>	<b>Difference (B-A)</b>	<b>% Difference (B-A)/A</b>
<b>Total Sales of Electricity</b>	<b>11,917,313</b>	<b>12,948,280</b>	<b>1,030,967</b>	<b>8.65%</b>
Residential	1,033,882	1,063,695	29,813	2.88%
Commercial	1,188,275	1,181,292	(6,983)	-0.59%
Large Power Taconite	3,925,163	4,297,541	372,378	9.49%
Large Power Paper and Pulp	485,003	490,030	5,027	1.04%
Large Power Pipeline	316,335	305,030	(11,305)	-3.57%
Other Miscellaneous	332,806	341,716	8,910	2.68%
Municipals	1,498,638	1,299,049	(199,589)	-13.32%
<b>Inter System Sales</b>	<b>3,137,211</b>	<b>3,969,927</b>	<b>832,716</b>	<b>26.54%</b>
Customer intersystem Sales	872,711	820,924	(51,787)	-5.93%
Market Sales	2,260,131	3,140,614	880,483	38.96%
Station Service	4,369	8,390	4,021	92.03%
Sales due to Retail and Resale Loss of Load	-	-	-	N/A
<b>Less: Solar Generation &amp; Purchases</b>	<b>16,240</b>	<b>16,112</b>	<b>(128)</b>	<b>-0.79%</b>
<b>Total Fuel Clause Sales</b>	<b>8,763,862</b>	<b>8,962,241</b>	<b>198,379</b>	<b>2.26%</b>

MN Power experienced higher sales than forecasted, but also higher MISO Charges, plant generation costs, and purchased power costs in 2022. Total cost of fuel was nearly 8 percent higher than forecasted in 2022.<sup>39</sup> Based on MN Power's actual experience in 2022, the Department concludes it is reasonable the Company's actual 2022 fuel/purchased costs recoverable through the FCA were more than those forecasted. The Department notes that most of the reasons for increased fuel costs, including higher gas and energy market prices as well as higher MISO charges, were mostly beyond MN Power's control, although continued cost controls and efficiency are important to keep fuel costs reasonable. The Department recommends the Commission find MN Power's actual 2022 fuel/purchased power costs recoverable through the FCA were reasonable.

#### *D. MN POWER'S 2022 FUEL CLAUSE ADJUSTMENT TRUE-UP*

In its Petition, MN Power requests recovery of \$13,267,902 in FCA under collections attributed to under collected 2022 fuel costs, with recovery over a 12-month period effective the first of the month following Commission approval.<sup>40</sup>

<sup>38</sup> Data in Table 3 retrieved from Table 2, on p. 5 of Petition.

<sup>39</sup> Instant comments, Table 2.

<sup>40</sup> Petition, p. 1.

**Table 4: Over/(Under) Collection Calculation<sup>41</sup>**

2022 Actual Collections from Customers	\$231,771,476
Less: Actual Costs and Actual Sales	\$245,039,378
Remaining Under Collection = Net 2022 FCA True-Up Amount	(\$13,267,902)

The Department concludes MN Power correctly calculated its 2022 FCA/FPE Rider under collection of \$13.3 million. The Department considers the Company's proposal to collect the amount from customers effective over the 12-month period beginning the first month following Commission approval reasonable.

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

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

- Minn. R. 7825.2800 – 7825.2840, as revised on pages 3 – 4 and approved in Point 1 of the Commission's [Order](#).<sup>42</sup>
  - MN Power filed its Petition on March 1, 2023.
- Annual FCA true-up general reporting guidelines, as outlined on page 7 and approved in Point 5 of the Commission's [Order](#).<sup>43</sup>
  - MN Power's filing included a submittal letter.
  - MN Power's filing included comparison of 2022 forecast and 2022 actual, including variances by month<sup>44</sup> of the following:
    - retail fuel and purchased energy adjustment
    - sales for 2022
    - MISO costs
    - unit outage information
  - MN Power's filing included an explanation of why the forecasted rate differed from actual costs and why it is reasonable for ratepayers to pay more.<sup>45</sup>
- Annual FCA true-up reporting compliance matrix specific to MN Power as shown in Attachment 1 of the March 1, 2019 [joint comments](#) and approved in Point 7 of the Commission's [Order](#).<sup>46</sup>
  - MN Power's filing included:
    - Fuel & Energy Source Procurement and Energy Dispatching Policies, Attachment No. 11.

<sup>41</sup> Data retrieved from Petition, Attachment No. 2, p. 2.

<sup>42</sup> Commission's [Order](#) (June 12, 2019) in Docket No. E999/CI-03-802.

<sup>43</sup> Commission's [Order](#) (June 12, 2019) in Docket No. E999/CI-03-802.

<sup>44</sup> Petition, Attachment 2.

<sup>45</sup> Petition, p. 4-9.

<sup>46</sup> Commission's [Order](#) (June 12, 2019) in Docket No. E999/CI-03-802.

- Independent Auditor's Report, Attachment No. 1.
- Annual Report of Automatic Adjustment Charges, Attachment No. 2.
- Notice of Reports Availability, Attachment No. 12.
- Monthly MISO Day 2 Charges and Allocation, Attachment No. 3.
- Annual and Daily Ancillary Services Market Charges and Summary, Attachment No. 6.
- Auction Revenue Rights (ARR) Process Information, Attachment No. 4
- Generation Facilities Maintenance Expenses, Attachment No. 10
- Report Addressing the PPA with Manitoba Hydro, Attachment No. 7
- Offsetting Revenues and/or Compensation Received by Investor-Owned Utilities, Attachment No. 9
- Plant Outage Reporting, Attachment No. 5
- Wind Curtailment Reporting, Attachment No. 8

The Department's review of MN Power's Generation Maintenance Expenses and correlation to incremental forced outage costs compliance filing is discussed below.

*1. 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)*

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.<sup>47</sup>

This requirement stems from the drastic increase in investor-owned utilities (IOUs) outage costs during FYE06 and FYE07. When a plant experiences a forced outage, the utility must replace the megawatt hours the plant would have produced if it had been operating, usually through wholesale market purchases. The cost of those market purchases flows through the 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 Intervenors 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 schedule work" (Order 06-1208, p. 5).

The Department attempted a detailed review of MN Power's Generation Maintenance Expenses and correlation to incremental forced outage costs for 2022. Since the prior FCA filing, the Company has had a new rate case approved in Docket No. E015/GR-21-335, which includes a new generation

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<sup>47</sup> Commission's [Order](#) (February 6, 2008) in Docket No. E999/AA-06-1208.

maintenance expense approved by the Commission. In the instant compliance filing, MN Power did not update the operations and maintenance expenses using the figures from the new rate case.

The Department requests MN Power provide in Reply Comments the approved generation maintenance expense from its new rate case and provide the actual 2022 Minnesota jurisdiction generation maintenance expenses.

The Department reviewed MN Power's incremental forced outage costs for 2022 as reported on MN Power's Attachment No. 5. MN Power's incremental forced outage costs of \$12,295,389 were significantly higher than MN Power's forecasted incremental forced outage costs of negative \$2,477,676 million, largely due to higher energy market prices and increased forced outage days for Boswell 4. Boswell 4 experienced 71.4 forced outage days in 2022, which was 59.4 days more than the 12 forecasted by the Company, compared to forced outages at Boswell 3 only 3.7 days higher than forecast. The Department reviewed MN Power's explanations for plant outages as provided in MN Power's Attachment 5, Plant Outages, and found MN Power's explanations to be reasonable. As a result, the Department will accept MN Power's forced outage costs for the 2022 true-up. However, the Department will carefully review MN Power's generation maintenance expense level in the open general rate case and correlation to incremental forced outage costs in future FCA forecasts and true-up filings.

The Department concludes MN Power's Petition complies with the applicable reporting requirements and recommends the Commission approve the compliance reporting portions of the Company's Petition, subject to our review of MP's generation maintenance expenses in the Company's Reply Comments.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

Based on our review, the Department concludes (1) MN Power's actual fuel/purchased power costs for 2022 were reasonable and prudent, (2) MN Power correctly calculated its 2022 FCA/FPE Rider under-collection of \$13,267,902, and (3) MN Power's Petition complies with the applicable reporting requirements, subject to our review of MP's generation maintenance expenses in the Company's Reply Comments. Therefore, the Department recommends the Commission take the following actions:

- Find MN Power's actual 2022 fuel/purchased power costs recoverable through the FCA/FPE rider were reasonable and prudent for 2022.
- Find MN Power correctly calculated its 2022 FCA/FPE Rider under-collection of \$13,267,902.
- Allow MN Power to collect \$13,267,902 in the 12-month period following approval by the Commission.
- Approve the compliance reporting portions of MN Power's Petition, subject to our review of MP's generation maintenance expenses in the Company's Reply Comments.

The Department also requests MN Power provide the following in its Reply Comments:

- Approved generation maintenance expense in its new rate case in Docket No. E015/GR-21-335 for the Minnesota jurisdiction.
- Actual 2022 generation maintenance expense for the Minnesota jurisdiction.



Minnesota Department of Commerce  
85 7th Place East | Suite 280 | St. Paul, MN 55101  
Information Request

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Docket Number: E015/AA-21-312  
Requested From: Minnesota Power  
Type of Inquiry: Financial

☒ Nonpublic ☐ Public  
Date of Request: 3/09/2023  
Response Due: 3/20/2023

SEND RESPONSE VIA EMAIL TO: [Utility.Discovery@state.mn.us](mailto:Utility.Discovery@state.mn.us) as well as the assigned analyst(s).

Assigned Analyst(s): Nancy Campbell & Andrew Golden

Email Address(es): nancy.campbell@state.mn.us & andrew.golden@state.mn.us

Phone Number(s): 651-539-1821 & 651-539-1819

**ADDITIONAL INSTRUCTIONS:**

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---

<b>Request Number:</b>	<b>11</b>
Topic:	Intersystem Sales
Reference(s):	Annual True-Up Report, Attachment 2, Page 2 of 29

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**Request:**

- A. Please explain why Customer Inter-System Sales were 51,787 lower than forecasted.

**Response:**

- A. Please see Attachment 2, Page 17 & 27 of 29 in Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for a breakdown and explanation of the lower Customer Inter-System Sales. The biggest driver in the decrease in Customer Inter-System Sales was the decrease in Economy and Non-Firm energy between forecast and actuals. Economy and Non-Firm actual sales were [TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS] lower than forecast due to Silver Bay Power-North Shore Mining idling operations from April through December 2022.

---

To be completed by responder

Response Date: March 29, 2023  
Response by: Ryan LaCoursiere  
Email Address: rlacoursiere@mnpower.com  
Phone Number: 218-355-3678



Minnesota Department of Commerce  
85 7th Place East | Suite 280 | St. Paul, MN 55101  
Information Request

Docket Number: E015/AA-21-312  
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---

<b>Request Number:</b>	<b>12</b>
Topic:	Intersystem Sales
Reference(s):	Annual True-Up Report, Attachment 2, Page 17 of 29

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**Request:**

- A. Please explain why the actual costs for Total Inter-System Sales- Customer are \$18,090,272 greater than forecast for 2022?
- B. Please explain why the actual costs for Inter-System Sales – Market Sales are \$35,981,598 greater than forecast for 2022?

**Response:**

- A. Please see Attachment 2, Page 17 of 29 and Pages 27 and 28 of 29 in Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for a breakdown and explanation of the higher actual Customer Inter-System Sale fuel costs. The driver of the increase in actual fuel costs was an increase in market prices seen in 2022 compared to forecast. Market prices were [TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS] more than forecast which increased the fuel costs of Customer Inter-System Sales. Also, IPS and RFPS sales were up [TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS] due to the increase in Taconite load in 2022.

Also, starting January 1, 2022, all municipal customers except for SWL&P, Nashwauk, and Hibbing Public Utilities signed new contracts which includes sales that are considered Inter-System Sales.

---

To be completed by responder

Response Date: March 29, 2023  
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Phone Number: 218-355-3678





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These contracts were not known at the time of the 2022 forecast filing on May 1, 2021.

Customer Inter-System Sale fuel costs are removed in the FAC Calculation and reduce costs to customers.

- B. Please see Attachment 2, Pages 17 & 28 of 29 in Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for a breakdown and explanation of the higher actual Market Inter-System Sale fuel costs. As mentioned in response A, market prices were higher than forecast which also increased actual Market Inter-System Sale fuel costs. Minnesota Power had **[TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS]** more MISO Market Sales and the price was **[TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS]** higher due to the increase in market prices. Increased market prices resulted in increased Minnesota Power owned generation output. Any company generation not needed to cover load is sold back to the MISO Market as a MISO Market Sale. Also any purchases that are not needed to cover load are sold back to the MISO Market as a MISO Market Sale.

Market Inter-System Sale fuel costs are removed in the FAC Calculation and reduce costs to customers.

---

To be completed by responder

Response Date: March 29, 2023  
Response by: Ryan LaCoursiere  
Email Address: rlacoursiere@mnpower.com  
Phone Number: 218-355-3678



Minnesota Department of Commerce  
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**Docket Number:** E015/AA-21-312  
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<b>Request Number:</b>	<b>13</b>
<b>Topic:</b>	Purchase Power - Market
<b>Reference(s):</b>	Annual True-Up Report, Attachment 2, Page 10 & 14 of 29

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**Request:**

Minnesota Power's Total Purchase Power actual 2022 costs were \$51,956,703 higher than forecasted. The majority of the higher Purchase Power costs was in the Purchase Power Market categories. Please address the following questions regarding Purchase Power Market costs:

- A. Please explain why Total Purchase Power Market Actual were \$53,555,010 higher than forecasted and why this cost is reasonable to charge ratepayers through the 2022 FCA true-up?
- B. Please explain why "Manitoba Hydro" was forecasted to be \$99,074,420 total cost, but actual total cost was \$115,956,880 for 2022? Please explain why this is reasonable to charge ratepayers through the 2022 FCA true-up? Please explain the variable cost arrangement referenced on Page 25 of Attachment 2.
- C. Please explain why "MacQuarie Energy" was forecasted to be \$0 total cost, but actual total cost was \$1,765,300 for 2022? Please explain why this is reasonable to charge ratepayers through the 2022 FCA true-up?
- D. Please explain why "Market Purchase" was forecasted to be \$28,672,500, but actual total cost was \$58,340,567 for 2022? Please explain why this is reasonable to charge ratepayers through the 2022 FCA true-up? Please explain the higher than forecasted MISO Market prices in 2022 referenced on Page 26 of Attachment 2.
- E. Please explain why "Shell Energy North America" was forecasted to be \$0, but actual total cost was \$13,701,400. Please explain why this is reasonable to charge ratepayers through the 2022 FCA true-up?

---

To be completed by responder

**Response Date:** March 29, 2023  
**Response by:** Ryan LaCoursiere  
**Email Address:** rlacoursiere@mnpower.com  
**Phone Number:** 218-355-3678



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**Response:**

- A. Increased market prices increased the cost to purchase energy from counterparties and the MISO market in 2022. Please refer to "Table 4: Average Market Price Comparison" on page 6 of Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for a comparison of Average Market Prices between the 2022 forecast and 2022 actuals. The increase in market prices significantly contributed to Minnesota Power's purchase costs exceeding forecast by of \$53,355,010. Minnesota Power does not have control over MISO market prices and if Minnesota Power needs to purchase from the market to cover load, the purchases will be priced at these higher market prices. Please see responses B, C, D, and E for the individual drivers of the increase in purchase power costs.
- B. Please see Attachment 2, Page 25 of 29 in Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for an explanation of the higher Manitoba Hydro actual costs. The main driver of the higher Manitoba Hydro costs is due to Minnesota Power procuring [TRADE SECRET DATA BEGINS [REDACTED] TRADE SECRET DATA ENDS] more than forecasted. This is due to the variable energy piece in the MHEB 133 Purchase Power Agreement which states whenever Manitoba Hydro has extra generation to sell, they can send that energy to Minnesota Power to purchase. Minnesota Power procured more energy from Manitoba Hydro than what was forecasted due to the variable energy piece explained above. These costs are reasonable due to the terms of the Manitoba Hydro contract as approved in Docket No. E015/M-11-938.
- C. A MacQuarie purchase was not signed when the forecast was prepared and filed on May 1, 2021 but was procured in 2022 to cover outages at Boswell 3 and 4 from May-July 2022. Please see Attachment 5, Pages 16 through 19 of 22 in Minnesota Power's 2022 Annual True Up Report and Rate Adjustment

---

To be completed by responder

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Response by: Ryan LaCoursiere  
Email Address: rlacoursiere@mnpower.com  
Phone Number: 218-355-3678



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---

Proposal filed March 1, 2023 (AA-21-312) for an explanation of the outages. These costs are reasonable due to the higher market prices and volatility of the market, which are outside of Minnesota Power's control. Minnesota Power procured energy from a counterparty to cover the lost company generation due to the forced outage and to mitigate exposure to the MISO market.

- D. Please refer to response A. above for an explanation of the higher market prices which increased MISO Market purchase costs, why it is reasonable to charge to ratepayers and a reference to Table 4 which compared the forecasted market price to actuals.
- E. A Shell Energy North America purchase was not signed when the forecast was prepared and filed on May 1, 2021 but was procured in 2022 to Serve a Non-Firm Retail Customer. At the time the forecast was prepared and filed, Minnesota Power filed a placeholder labeled "Purchase to Serve Non-Firm Retail Customer" on Attachment 1 Page 10 of 13 in Minnesota Power's 2022 Annual Forecast of Automatic Adjustment Charges filed May 3, 2021 (AA-21-312). For actuals, a purchase was made with Shell Energy North America to serve the Non-Firm Retail customer. This purchase is dedicated to the Non-Firm Retail customer so the costs are removed in the Inter-System Sales section and are not charged to rate payers.

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To be completed by responder

**Response Date:** March 29, 2023  
**Response by:** Ryan LaCoursiere  
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**Phone Number:** 218-355-3678



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Information Request

**Docket Number:** E015/AA-21-312  
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<b>Request Number:</b>	<b>15</b>
<b>Topic:</b>	MISO Charges
<b>Reference(s):</b>	Annual True-Up Report, Attachment 3, Page 16 of 17

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**Request:**

For Congestion, FTRs & ARRs categories of MISO Charges for 2022, MN Power forecasted \$2,079,539.76 in revenues, but actuals were costs of \$36,026,833.44, or \$38,106,373.19 higher than forecasted.

- A. Please explain all the reasons for why MISO charges for congestion, FTRs and ARRs were so high for 2022.
- B. Does MN Power expect MISO charges for congestion, FTRs and ARRs to be an ongoing problem and continue at 2022 levels in 2023 and 2024, or does the Company expect this to be limited to 2022 (and 2021)? Please explain.

**Response:**

- A. \$34.2 million of the increase is due to Day Ahead and Real Time congestion portion of the Generation to Load LMP differential for energy used to serve load. During 2022 Minnesota Power saw increased price differential between generation and load. The leading drivers were higher congestion cost for Minnesota Power's thermal generation assets and wind assets (North Dakota and Minnesota). The North Dakota wind congestion costs were also exacerbated by forced and scheduled outages on the HVDC line. Note that Minnesota Power's HVDC line effectively makes the North Dakota wind portfolio look like it is located in northeast Minnesota, reducing the congestion cost to deliver wind to load. When the HVDC line is in planned or forced outage, Minnesota Power loses the ability to mitigate congestion costs to deliver North Dakota wind to load.

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To be completed by responder

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- 
- B. It is expected that Minnesota Power will continue to see elevated levels of Day Ahead and Real Time congestion in 2023 and 2024 primarily due to new resources that were brought online in 2021. The level of congestion is difficult to predict and is highly dependent on power prices which are closely correlated to natural gas prices, planned and forced transmission outages, system reconfiguration, and intermittent generation levels from Minnesota Power's renewable portfolio. Minnesota Power participates in MISO's annual ARR allocation and annual FTR auction as well as the multi-period monthly auctions to help manage Day Ahead congestion costs between generation and load. Minnesota Power also participates in MISO's Reserved Source Point ("RSP") process in an attempt to better align its ARR portfolio with how it now serves load with additional renewable resources. Minnesota Power is also active in the MISO stakeholder process as efforts are currently being discussed to assist Load Serving Entities in mitigating congestion costs as generation portfolio changes no longer match the initial MISO ARR allocation that was performed over 15 years ago.

---

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<b>Request Number:</b>	<b>16</b>
<b>Topic:</b>	Sales Comparison
<b>Reference(s):</b>	Annual True-Up Report, Table 2, Sales Comparison

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**Request:**

Table 2 - Sales Comparison for 2022 shows Total Fuel Clause Sales were 198,378 MWhs higher than forecasted, and Large Power Taconite sales were the majority of the higher sales as a result of being 372,378 MWhs higher than forecasted

- A. Should Large Power Taconite customers pay a greater share of 2022 FCA true-up since these customers were largely the reason for the higher FCA costs? Please explain your response.
- (a) Will the Large Power Taconite customers pay for most of the 2022 FCA true-up based on the way the Company will charge the 2022 true-up? Please explain your response.

**Response:**

A. The increase in FCA costs was primarily due to the increase in Market prices and was not due to the increase in Industrial Sales. The increased Market prices increased the cost to purchase energy from the MISO market and increased MISO charges in 2022. Please refer to "Table 4: Average Market Price Comparison" on page 6 of Minnesota Power's 2022 Annual True Up Report and Rate Adjustment Proposal filed March 1, 2023 (AA-21-312) for a comparison of Average Market Prices between the 2022 forecast and 2022 actuals.

---

To be completed by responder

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- 
- (a) The 2022 FCA True Up will be a rate that is applied to customer firm usage in 2023 and 2024 so Industrial customers will pay their appropriate share of the 2022 FCA True Up based on their firm energy usage and E8760 energy allocator

---

To be completed by responder

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**Email Address:** rlacoursiere@mnpower.com  
**Phone Number:** 218-355-3678



## **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. E015/AA-21-312**

Dated this **14<sup>th</sup>** day of **April 2023**

**/s/Sharon Ferguson**

[illegible]

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Steve W.	Chriss	Stephen.chriss@walmart.com	Wal-Mart	2001 SE 10th St.  Bentonville, AR 72716-5530	Electronic Service	No	OFF_SL_21-312_AA-21-312
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_21-312_AA-21-312
Riley	Conlin	riley.conlin@stoel.com	Stoel Rives LLP	33 S. 6th Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_21-312_AA-21-312
Sean	Copeland	seancopeland@fdlrez.com	Fond du Lac Band of Lake Superior Chippewa	1720 Big Lake Rd  Cloquet, MN 55720	Electronic Service	No	OFF_SL_21-312_AA-21-312
Hillary	Creurer	hcreurer@mnpower.com	Minnesota Power	30 W Superior St  Duluth, MN 55802	Electronic Service	No	OFF_SL_21-312_AA-21-312
Lisa	Daniels	lisadaniels@windustry.org	Windustry	201 Ridgewood Ave  Minneapolis, MN 55403	Electronic Service	No	OFF_SL_21-312_AA-21-312
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_21-312_AA-21-312
J.	Drake Hamilton	hamilton@fresh-energy.org	Fresh Energy	408 St Peter St Ste 350  Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-312_AA-21-312
Brian	Edstrom	briane@cubminnesota.org	Citizens Utility Board of Minnesota	332 Minnesota St Ste W1360 Saint Paul, MN 55101	Electronic Service	No	OFF_SL_21-312_AA-21-312

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ron	Elwood	relwood@mnlisap.org	Legal Services Advocacy Project	970 Raymond Avenue Suite G-40 Saint Paul, MN 55114	Electronic Service	No	OFF_SL_21-312_AA-21-312
Catherine	Fair	catherine@energycents.org	Energy CENTS Coalition	823 E 7th St  St Paul, MN 55106	Electronic Service	No	OFF_SL_21-312_AA-21-312
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_21-312_AA-21-312
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