2302 Great Northern Drive
P O Box 2747
Fargo, ND 58108-2747
(701) 241-8632
dave.sederquist@xcelenergy.com

March 13, 2017

—VIA ELECTRONIC FILING—

Darrell Nitschke
Executive Secretary
North Dakota Public Service Commission
State Capitol
600 East Boulevard
Bismarck, North Dakota 58505-0480

RE: COMMENTS RECEIVED IN MINNESOTA DOCKET
APPLICATION FOR CONSIDERATION OF A RESOURCE TREATMENT FRAMEWORK TO ADDRESS JURISDICTIONAL COST ALLOCATION ISSUES
CASE NOS. PU-12-813, PU-13-706, PU-13-707, PU-13-708, PU-13-742, PU-13-743, PU-13-194, PU-13-195

Dear Mr. Nitschke:

Northern States Power Company, doing business as Xcel Energy, submits the attached comments that were filed in the Minnesota Application for Consideration of a Resource Treatment Framework (RTF) to Address Jurisdictional Cost Allocation Issues (MPUC Docket No. E002/M-16-223) pursuant to a Notice Seeking Comment on Procedural Schedule filed by the Minnesota Public Utilities Commission on February 21, 2017 (attached). Comments were received by the following entities:

- MN Department of Commerce (Department)
- Office of Attorney General Office (OAG)
- Otter Tail Power Company (OTP)
- Northern States Power Company

The OAG's comments included all OAG IRs and North Dakota and South Dakota DRs that have been requested and filed to date in both Minnesota and North Dakota RTF Applications. Based on the fact that the NDPSC has received a copy of all IRs/DRs submitted in this case thus far, the IRs/DRs that were submitted by the OAG have not been included with this submission.

Enclosed please find an original and one copy of the Comments as filed.

Please contact me at (701) 241-8632 or dave.sederquist@xcelenergy.com if you have any questions regarding this filing.

Sincerely,

DAVID H. SEDERQUIST
SR. CONSULTANT, REGULATION/FINANCE

180 PU-13-195 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT
Northern States Power Company
David Sederquist

177 PU-13-743 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

165 PU-13-742 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

161 PU-13-708 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

162 PU-13-707 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

162 PU-13-706 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

305 PU-12-813 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

163 PU-13-194 Filed 03/13/2017 Pages: 65
Comments received and filed in MN Application for Consideration of RFT

Minnesota Public Utilities Commission

Daniel P. Wolf, Executive Secretary

NOTICE SEEKING COMMENT ON PROCEDURAL SCHEDULE

Issued: February 21, 2017

In the Matter of Xcel Energy's Jurisdictional Cost Allocation Matters

PUC Docket Number/s: E-002/M-16-223

Comment Period: Comment period closes March 9, 2017 at 4:30pm

Comments must be received by 4:30pm on the close date

Comments received after comment period closes may not be considered

Project Background: On January 3, 2017, Xcel Energy filed with the Minnesota Public Utilities Commission (Commission) its Application for Consideration of a Resource Treatment Framework to Address Jurisdictional Cost Allocation Issues (the RTF). Simultaneously, Xcel filed the RTF with the North Dakota Public Service Commission. In the RTF, Xcel evaluates two potential structures to separate its North Dakota utility operations from the rest of its Midwest system to address on-going jurisdictional cost allocation issues:[1] (1) Pseudo Separation and (2) Legal Separation. Xcel proposes an approximately 18-month evaluation period for parties and the Commission to review the Company's recommendation. While Xcel envisions a June/July 2018 date for a Commission order, Xcel notes that the commission's order will not constitute a final determination of the structure that Xcel will pursue to address the jurisdictional cost allocation issues in the RTF. Commission staff is seeking comment on Xcel's proposed procedural schedule and other issues.

Topics Open for Comment:

- Is Xcel's RTF filing sufficiently clear in the determination it is seeking from the Commission?
- Is Xcel's RTF filing sufficiently complete to continue with discovery and comments, or is there critical supplemental information that Xcel should provide before discovery and comment are filed?
- Is Xcel's proposed schedule, shown on page 60 of its January 3, 2017 RTF Application, reasonable and practicable in light of the above questions about the clarity and completeness of the filing?
- Comments should specifically identify any necessary scheduling adjustments.

[1] The proposed utility operation separation is intended to be North Dakota and the rest of the Midwest system, however Xcel noted in the filing that other states may request similar treatment.

- Any other related issues or concerns.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: mn.gov/puc, select *eFiling*, and follow the prompts.

Send U.S. Mail to Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul MN 55101. Please include the Commission's docket number in all communications.

Full Case Record: See all documents filed in this docket via the Commission's website - mn.gov/puc, select *Search eDockets*, enter the year (*16*) and the docket number (*223*), select *Search*.

Subscribe to receive email notification when new documents are filed in this docket at mn.gov/puc, select *Subscribe*, and follow the prompts.

Questions about this docket or Commission process and procedure? Contact Commission staff, Sean Stalpes, at sean.stalpes@state.mn.us or 651-201-2252 or Tricia DeBleeckere, at tricia.debleeckere@state.mn.us or 651-201-2254.

Change your mailing preferences: Email docketing.puc@state.mn.us or call 651-201-2204

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-296-0406 (voice). Persons with hearing loss or speech disabilities may call us through their preferred Telecommunications Relay Service.

MINNESOTA DEPARTMENT OF COMMERCE

85 7TH PLACE EAST, SUITE 280
SAINT PAUL, MINNESOTA 55101-2198
MN.GOV/COMMERCE
651.539.1600 FAX: 651.539.1574
AN EQUAL OPPORTUNITY EMPLOYER

March 8, 2017

Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: **Comments of the Minnesota Department of Commerce, Division of Energy Resources**
Docket No. E002/M-16-223

Dear Mr. Wolf:

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

> Application for Consideration of a Resource Treatment Framework to Address Jurisdictional Cost Allocation Issues.

The Application was filed in Minnesota on January 2, 2017 by:

> Aakash Chandarana
> Regional Vice President
> Northern States Power Company
> 414 Nicollet Mall
> Minneapolis, MN 55401

The Department recommends that the Minnesota Public Utilities Commission (Commission) **determine that the purpose of Xcel's request is clear, require that Xcel provide additional information, and determine that Xcel's proposed schedule is reasonable.** The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ STEVE RAKOW
Analyst Coordinator

/s/ NANCY CAMPBELL
Analyst Coordinator

SR/NC/lt
Attachment

MINNESOTA DEPARTMENT OF COMMERCE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. E002/M-16-223

I. INTRODUCTION

On February 26, 2014, the North Dakota Public Service Commission (NDPSC) issued an order that approved the *Revised Second Amended Settlement Agreement* (Settlement Agreement) between Northern States Power Company, doing business as Xcel Energy (NSP, Xcel or the Company) and the NDPSC Advocacy Staff.[1] Among other things, the Settlement Agreement provided a negotiated framework for the virtual modification or "restack" of Xcel's electric supply resources assigned as serving North Dakota. Through this restack Xcel would adjust rates in North Dakota to reflect a resource mix more consistent with North Dakota priorities. If such a framework was not developed, the Settlement Agreement provided financial penalties for Xcel.

According to the *Application for Consideration of a Resource Treatment Framework to Address Jurisdictional Cost Allocation Issues* (Report) the efforts to create a restack rate adjustment ultimately failed, leading Xcel and NDPSC Advocacy Staff to agree to the *First Revised Negotiated Agreement* (Negotiated Agreement); the Negotiated Agreement is discussed further below.

On September 16, 2015, the NDPSC issued an order denying Xcel's petition for an advanced determination of prudence for up to 100 MW of solar generation purchased through a power purchase agreement (PPA) with Aurora Distributed Solar, LLC, an affiliate of Geronimo Energy, LLC (Geronimo Solar PPA).

On October 20, 2015, Xcel filed with the Minnesota Public Utilities Commission (Commission) the Company's *Petition of Northern States Power Company for Approval of Cost Recovery of the North Dakota Share of the Costs of the Aurora Solar Power Purchase Agreement* (Aurora Petition) (Docket No. E002/M-15-330). The Aurora Petition requested that the Commission authorize recovery of the North Dakota share of the costs of the Geronimo Solar PPA from Xcel's Minnesota retail customers.

[1] See North Dakota Case No. PU-12-813, *et al*.

On March 9, 2016 the NDPSC approved the *First Revised Negotiated Agreement* (Negotiated Agreement) between Xcel and the NDPSC's Advocacy Staff. According to the NDPSC's order:

> The First Revised Negotiated Agreement includes the following key terms:
>
> - By the end of 2025, NSP will build or have located in eastern North Dakota a natural gas-fired electric generation facility with a capacity of at least 200 MW. The combustion turbine will be treated as an NSP System resource and its costs will be allocated to all states and customers served by the NSP System. If the combustion turbine is not in-service by December 31, 2025, NSP will refund to its North Dakota customers 50 percent of the revenues collected from North Dakota customers that exceed the revenues that would have been collected if North Dakota customers had paid an adjusted system average cost for fuel, and energy and associated capacity, for the six biomass PPAs identified in the Negotiated Agreement;
> - The costs and volumes of fifteen Community-Based Energy Development (C-BED) and two small solar PPAs will be excluded from the calculation of NSP's North Dakota Fuel Cost Recovery (FCR) Rider;
> - The costs of six key biomass PPAs and the Odell and Pleasant Valley wind projects will be recovered in North Dakota. The biomass resources provide approximately 145 MW of baseload-type capacity and energy for the entire NSP System and allow for continued fuel storage for NSP's nuclear fleet. The two wind projects provide low cost energy to the NSP System thereby reducing overall system costs;
> - NSP will extend its current rate case moratorium an additional year through 2017. In the Revised Second Amended Settlement Agreement, a four year rate plan was approved that included annual base rate increases of 4.9 percent in 2013, 2014, and 2015, and a rate freeze in 2016. The Negotiated Agreement extends this rate freeze through 2017. NSP will not file for an increase in base electric rates (on an interim or final level) to be effective before January 1, 2018.
> - Commission Staff and NSP agree to a rebuttable presumption that the 12-Coincident Peak jurisdictional allocation method is appropriate for allocating applicable system costs between North Dakota, South Dakota and Minnesota through the year 2025;

- Development of a Resource Treatment Framework (RTF) to be filed on or before January 1, 2017 to address the issue of divergent state energy policies. The parties propose the RTF be implemented on January 1, 2018.
- NSP and Commission Advocacy Staff agree to establish a principal that it would be inequitable to allocate environmental attributes to the North Dakota jurisdiction from a generation resource where costs are not recoverable from the North Dakota jurisdiction.

On April 13, 2016, the Commission issued its *Order Denying Recovery of North Dakota-related Purchased-power Costs* (Order) in Docket Nos. E002/M-15-330 and E002/M-16-223. Among other things, the Commission's Order:

(1) denied Xcel's petition to recover a portion of the North Dakota jurisdictional costs of the Aurora Power Purchase Agreement from Xcel's Minnesota ratepayers; and
(2) required Xcel to make a compliance filing within 60 days outlining options and recommendations for Xcel to address and resolve jurisdictional-cost-allocation disputes among the states served by Xcel's system.

On June 13, 2016, Xcel filed the Company's *Compliance Filing on Jurisdictional Cost Issues* (Compliance Filing) Docket Nos. E002/M-15-330 and E002/M-16-223). Xcel's Compliance Filing provided information related to coordination of resource selections in states served by the Northern States Power Company integrated system (NSP System). Xcel's Compliance Filing stated that the Company was:

> …working toward development of a[n] RTF that provides the necessary framework to manage outcomes in the states we serve. The Company will file this RTF with the Minnesota and North Dakota Commissions by January 1, 2017.

On June 14, 2016, the Commission issued its *Notice of Xcel's Jurisdictional Cost Allocation Compliance Filing and Comment Period Information* stating that no comment period was being established regarding the Compliance Filing.

On January 2, 2017, Xcel filed the Report with the Commission. The Report outlines a path that no longer selects future resources on the basis of a wholly integrated NSP System; rather, Xcel recommends a framework in which Minnesota and North Dakota would gradually become more independent of each other with respect to future resource selection. While not offering a mechanism by which any such discussion would occur, the Report asks each Commission to engage in dialogue with the goal of achieving consensus on the future structure of the NSP System.

On February 21, 2017, the Commission issued its *Notice Seeking Comment on Procedural Schedule* (Notice). The Notice indicated that the topics open for comment included:

- Is Xcel's RTF filing sufficiently clear in the determination it is seeking from the Commission?
- Is Xcel's RTF filing sufficiently complete to continue with discovery and comments, or is there critical supplemental information that Xcel should provide before discovery and comment are filed?
- Is Xcel's proposed schedule, shown on page 60 of its January 3, 2017 RTF Application, reasonable and practicable in light of the above questions about the clarity and completeness of the filing?
- Comments should specifically identify any necessary scheduling adjustments.
- Any other related issues or concerns.

Below are the Comments of the Department regarding the issues listed in the Notice.

II. DEPARTMENT ANALYSIS

A. SUMMARY OF XCEL'S REPORT

The Report recommends "a framework that would allow Minnesota and North Dakota to gradually become more independent of one other with respect to future resource selection." However, the Report also states:

> To be clear, we are not seeking orders that will allow us to finalize an end state through this Application. Rather, we seek consensus on (a) the structure the NSP System will take over the long term; and (b) each state's responsibility for the Legacy System in which it has participated for generations.[2]

Xcel's Report concludes that "the most robust and equitable RTF will address past disagreements first, then gradually move away from a fully-integrated resource portfolio serving all states and toward development of separate generation portfolios serving North Dakota and the remainder of the NSP System as NSP System resources are retired or added in the future."

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[2] In footnotes 2 and 3 of the Report, Xcel defines the "Legacy System" as all of the generating resources of the NSP System after a reasonable allocation of the disputed resources. The disputed resources are more specifically identified in the Report's Schedule 3 but generally are the Company's:

(1) PPAs with community-based energy development (CBED) and small solar resources;
(2) biomass PPAs;
(3) PPAs to meet Minnesota's solar energy standard;
(4) Mankato Energy Center expansion (MEC II) PPA; and
(5) PPAs with solar gardens developed under Minnesota Statutes § 216B.1691, subd. 2f (collectively, Disputed Resources).

Based on the NDPSC's decision in Case No PU-15-95 and the Commission's decision in Docket No. E002/M-15-330, Xcel does not consider the Geronimo Solar PPA to be a disputed resource.

To accomplish this goal, Xcel's Report outlines five points:

1. All currently anticipated and past resource selection and other disagreements will be permanently addressed and the Legacy System established.
2. All NSPM states will continue to be served by the Legacy System and all of our customers will enjoy the benefits and bear the burdens of the Legacy System.
3. With respect to future new resource additions, the Company will be able to assess and propose resources for North Dakota and the remainder of the NSP System separately.
   a. When a resource need arises in North Dakota, that need will be met by a resource sized for, dedicated to serve only, and fully recovered in North Dakota.
   b. When a resource need arises in, or new resources are otherwise planned for, the remainder of the NSP System, those resources will be sized for, dedicated to serve only, and fully recovered in the remainder of the NSP System. Consequently, our North Dakota jurisdiction will not obtain the benefits or pay the costs associated with new NSP System resource additions.
   c. Xcel Energy may propose particular future resources to be utilized concurrently by North Dakota and the remainder of the NSP System should circumstances warrant, and will propose cost-sharing arrangements at that time.
4. Over time, the generation portfolio serving North Dakota and the remainder of the NSP System will materially separate as units of the NSP System retire or expire.
5. South Dakota may elect to join North Dakota under this framework or remain part of the NSP System consistent with its own outlooks.

Each enumerated item in our RTF presents multiple questions and sub-questions that need to be resolved to distill this framework into an implementable solution.

To establish the Legacy System, Xcel's Report states that a reasonable approach would be:

- All Disputed Resources except for the MEC II PPA will be allocated to the remainder of the NSP System and not North Dakota;
- The necessary accelerated depreciation due to the mismatch of book life in North Dakota as compared to the remainder of

> the NSP System for Sherco Units 1 & 2 will be allocated to and recovered from the remainder of the NSP System;
> - No portion of costs or savings associated with the Company's proposed new wind projects[8] will be allocated to North Dakota, but rather will be fully allocated to the remainder of the NSP System; and
> - North Dakota's allocated share of the MEC II PPA will be recovered in North Dakota.
>
> [8] Pursuant to our most recent Minnesota IRP, the MPUC ordered the Company to acquire at least 1000 MW of wind by 2020. On October 24, 2016, in Docket No. E002/M-16-777, the Company notified the MPUC that it intends to acquire at least 750 MW of wind resources based on its self-build proposal and its most recent wind request for proposal (RFP) process. *See In the Matter of the Petition of Xcel Energy for Approval of the Acquisition of Wind Generation from the Co.'s 2016-2030 Integrated Res. Plan*, Docket No. E002/M-16-777, PETITION at 1 (MPUC Oct. 24, 2016). Based on the results of the Company's wind RFP process, it appears likely that we will propose 1500 MW to be added from our self-build and RFP selections, with supplemental information supporting our proposal forthcoming in the first quarter of 2017.

Xcel's Report discusses four potential structures that can support the Company's RTF. The first structure is referred to as "Pseudo Separation."

> Separate the generation portfolios serving North Dakota and the remainder of the NSP System, without changing the corporate structure of NSPM, by assigning the benefits and burdens of a resource to the states that support it and developing separate resources for nonapproving states should they be needed.
> ...
> Pseudo Separation therefore requires new cost recovery and accounting methods to be developed, implemented, and managed over time.

The second structure is referred to as "Legal Separation."

> Legal Separation would involve creation of a separate operating company for North Dakota. This more complete separation eliminates the need for future agreement or compromise between the states, but is more complex and costly to implement at the outset.

The third structure is referred to as "Regulatory Alignment."

> Better align the resource selection processes of the states to reach consensus on resource selection. Should a state direct the acquisition of a particular resource that is not approved by the other states, then all costs of the resource will be recovered from only the approving states or the Company will not move forward with that particular resource.

The fourth structure is referred to as "Proxy Pricing."

> States that reject a particular resource will pay a "proxy price" for that resource to better align the costs of a particular resource with that state's resource selection outlook.

Finally, the Report notes that Xcel's "purpose in this proceeding is to solve two fundamental questions: (1) what structure will the integrated NSP System take in the future; and (2) what resources will continue to be shared as part of the Legacy System, which includes addressing the Disputed Resources." Should the Commission and NDPSC approve a common framework, Xcel would seek to obtain the necessary approvals and implement the RTF as quickly as is reasonable. If a Pseudo Separation is the outcome, Xcel would implement the necessary ratemaking and cost allocation changes in rate cases in Minnesota and potentially in North Dakota, likely in 2020. If a Legal Separation is the outcome, Xcel would resolve issues such as assignment of transmission agreements and creation of a tariff with the Federal Energy Regulatory Commission (FERC) and seek approvals in the necessary regulatory forums (Minnesota, North Dakota, FERC, and others by approximately 2020).

B. IS XCEL'S REQUESTED DETERMINATION SUFFICIENTLY CLEAR?

The Notice requested comments on the question "Is Xcel's RTF filing sufficiently clear in the determination it is seeking from the Commission?" As noted above, the Report stated Xcel is:

> ...not seeking orders that will allow us to finalize an end state through this Application. Rather, we seek consensus on (a) the structure the NSP System will take over the long term; and (b) each state's responsibility for the Legacy System in which it has participated for generations.

Therefore, it is clear that Xcel is not seeking a determination from the Commission at this time. Rather, the Company appears to be attempting to use the Commission's process in the short term to bring Minnesota into the North Dakota rate-case proceeding and in the long term to screen the alternatives presented to determine the alternative(s) that may be acceptable to both the NDPSC and the Commission. In essence, Xcel seeks through the process for each state to eliminate alternatives that it considers unworkable to see if there is an alternative on which both states can agree. Subsequent filings from Xcel would

propose to implement any such alternative if there can be agreement between or among the states.

C. IS XCEL'S REPORT SUFFICIENTLY COMPLETE?

The Notice requested comments on the question "Is Xcel's RTF filing sufficiently complete to continue with discovery and comments, or is there critical supplemental information that Xcel should provide before discovery and comment are filed?" At this time, the Department recommends that Xcel:

1. address the option of an Interchange Agreement between North Dakota system and the Minnesota system, similar to how Xcel's Wisconsin subsidiary relates to the rest of Xcel's system;
2. provide the cost impact of the Regulatory Alignment, Proxy Pricing, and Interchange Agreement alternatives;[3]
3. provide in a spreadsheet all costs and benefits for all five options (Pseudo Separation, Legal, Regulatory Alignment, Proxy Pricing and Interchange Agreement), include all assumptions and calculations for each cost and benefit, identify if items are one-time or ongoing costs or benefits, and address at a minimum the following categories of costs and benefits for all five options:
   a. actual separation of assets[4]
   b. additional accounting,
   c. additional information technology,
   d. finance costs,
   e. service company allocations,
   f. transmission costs,
   g. transaction costs,
   h. dedicated oversight additional Administrative and General costs,
   i. regulatory complexity costs,
   j. any other costs or benefits.
4. narratively address changes in accounting and reporting necessary to implement each of the proposals; and
5. narratively address regulatory costs (for example, with the Commission, the Department, etc.) due to accounting and reporting complexity caused by each of these proposed and future changes.

D. IS XCEL'S PROPOSED SCHEDULE REASONABLE?

The Notice requested comments on the question "Is Xcel's proposed schedule, shown on page 60 of its January 3, 2017 RTF Application, reasonable and practicable in light of the above questions about the clarity and completeness of the filing?" The Notice also stated that "Comments should specifically identify any necessary scheduling adjustments."

[3] Note that on pages 50 to 54 of Xcel's Report the Company provides a cost analysis for Pseudo Separation and for Legal Separation, but not for the other options.
[4] For example the impacts of the resources split shown on Table 9 page 51 of Xcel's filing.

The Report's proposed schedule for Minnesota is:

- January-March 2017: Ongoing discovery and outreach
- April 1, 2017: Intervenor Comments
- May 1, 2017: NSP Reply Comments (may be reflected in NSP North Dakota Direct Testimony)
- June 30, 2017: Intervenor Reply Comments
- September 15, 2017: NSP Reply Comments
- November/December 2017: Cross Reply Comments
- March/April 2017: Oral Argument and Deliberations
- June/July 2018: MPUC Order

The Department concludes that, starting with the May 1, 2017 filing of testimony, the Company's proposed schedule is generally reasonable. However, Intervenors should not file comments until Xcel provides the information listed above and any other information requested by the Commission or Commission Staff. Moreover, Xcel's schedule does not include the usual "surrebuttal" round of comments. Thus, the Department recommends that the Commission use a procedural schedule such as the following:

- June 1, 2017: NSP Supplemental Comments
- September 1, 2017: Intervener Comments
- October 16, 2017: NSP Rebuttal Comments
- November 15, 2017: Intervener Surrebuttal Comments
- December 15, 2017: Cross Reply Comments
- March/April 2017: Oral Argument and Deliberations
- June/July 2018: MPUC Order

There are two alternative procedural approaches that the Department considered and rejected. The first alternative approach assumed that, if a non-contested case approach is preferred, fewer rounds of comments may be needed and that substantial, additional information would be requested by the Commission, Commission Staff and interested parties. For such an alternative, a potential schedule would start with Xcel filing supplemental information on July 1, 2017. That date would enable the Minnesota processes to start with the same information base as the North Dakota process, as Xcel's proposed May 1, 2017 filing in North Dakota could be included in the July 1, 2017 filing in Minnesota. While the dates are merely given to provide guidance as to time required, the process would include:

- supplemental filing (July 1, 2017);
- comments (November 1, 2017),
- reply comments (January 1, 2018),
- oral argument and deliberation (March/April 2018), and
- Commission order (June/July 2018).

This alternative schedule follows the Commission's resource planning process, allowing extensive time for discovery and outreach by parties while still arriving at a decision at approximately the same time as Xcel's proposed schedule. In addition, if the Commission determines that information is missing, it could be included in the July 1, 2017 Xcel filing.

The second alternative schedule assumes that the Commission orders a contested case approach to be followed. This alternative schedule follows the typical 10-month schedule for a rate case but with the same dates for oral argument and Commission order as assumed by Xcel's Report. Again, the dates are merely given to provide guidance as to typical times required. The process would include:

- direct testimony (September 1, 2017);
- rebuttal testimony (October 1, 2017);
- surrebuttal testimony (October 15, 2017);
- evidentiary hearing (starting October 22, 2017);
- initial brief (November 27, 2017);
- reply brief (December 11, 2017);
- Administrative Law Judge order (January 22, 2017);
- oral argument and deliberation (March/April 2018), and
- Commission order (June/July 2018).

After reviewing the options, the Department recommends that the Commission use Xcel' s proposed schedule, with a supplemental filing in Minnesota in May 2017 followed by three rounds of comments. The issues are of sufficient complexity that more than the two rounds of comments envisioned by the resource planning process may be needed. For example, Xcel's most recent resource plan involved more than the standard two rounds of comments/reply comments to resolve issues regarding competitive bidding. If the Commission prefers a contested case, the Department would not object; however, it is not clear at this time that the additional complexity and formality that a contested case entails would better enable achieving a reasonable outcome.

III. DEPARTMENT RECOMMENDATION

The Department recommends that the Commission determine that:

1) The purpose of Xcel's request is clear.

2) Xcel's filing would be more useful if Xcel provided the following information:

   - address the option of an Interchange Agreement between North Dakota system and the Minnesota system, similar to how Xcel's Wisconsin subsidiary relates to the rest of Xcel's system;
   - provide the cost impact of the Regulatory Alignment, Proxy Pricing, and Interchange Agreement alternatives;

- provide in a spreadsheet all costs and benefits for all five options (Pseudo Separation, Legal, Regulatory Alignment, Proxy Pricing and Interchange Agreement), include all assumptions and calculations for each cost and benefit, identify if items are one-time or ongoing costs or benefits, and address at a minimum the following categories of costs and benefits for all five options:
  - actual separation of assets,
  - additional accounting,
  - additional information technology,
  - finance costs,
  - service company allocations,
  - transmission costs,
  - transaction costs,
  - dedicated oversight and additional Administrative and General costs,
  - regulatory complexity costs,
  - any other costs or benefits.
- narratively address changes in accounting and reporting necessary to implement each of the proposals; and
- narratively address regulatory costs (for example, with the Commission, the Department, etc.) due to accounting and reporting complexity caused by each of these proposed and future changes.

3) The issues for Minnesota ratepayers can be addressed through a comment process. Assuming use of such a process, and considering the comments above, the following schedule would be reasonable:

- June 1, 2017: NSP Supplemental Comments
- September 1, 2017: Intervener Comments
- October 16, 2017: NSP Rebuttal Comments
- November 15, 2017: Intervener Surrebuttal Comments
- December 15, 2017: Cross Reply Comments
- March/April 2017: Oral Argument and Deliberations
- June/July 2018: MPUC Order

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
Comments

Docket No. E002/M-16-223

Dated this 8th day of March 2017

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Aafedt	daafedt@winthrop.com	Winthrop & Weinstine, P.A.	Suite 3500, 225 South Sixth Street Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Alders	james.r.alders@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ryan	Barlow	Ryan.Barlow@ag.state.mn.us	Office of the Attorney General-RUD	445 Minnesota Street Bremer Tower, Suite 1400 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
James J.	Bertrand	james.bertrand@stinson.com	Stinson Leonard Street LLP	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
William A.	Blazar	bblazar@mnchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

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Jeanne	Cochran	Jeanne.Cochran@state.mn.us	Office of Administrative Hearings	P.O. Box 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Corey	Conover	corey.conover@minneapolismn.gov	Minneapolis City Attorney	350 S. Fifth Street City Hall, Room 210 Minneapolis, MN 554022453	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carl	Cronin	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Leigh	Currie	lcurrie@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Dammel	joseph.dammel@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St. Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, Fifth Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street, 1400 BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brian	Draxten	bhdraxten@otpco.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380498	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Rebecca	Eilers	rebecca.d.eilers@xcelenergy.com	Xcel Energy	414 Nicollet Mall - 401 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy	7650 Edinborough Way Suite 725 Edina, MN 55435	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	1313 5th St SE #303 Minneapolis, MN 55414	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Emma	Fazio	emma.fazio@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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_16-223_Official List PUC 16-223
Stephen	Fogel	Stephen.E.Fogel@XcelEnergy.com	Xcel Energy Services, Inc.	816 Congress Ave, Suite 1650 Austin, TX 78701	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Karen	Gados	karen@mysunshare.com	SunShare, LLC	1441 18th Street Suite 400 Denver, CO 80202	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, Minnesota 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Gonzalez	Janet.gonzalez@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Michael	Hoppe	il23@mtn.org	Local Union 23, I.B.E.W.	932 Payne Avenue St. Paul, MN 55130	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Jazynka	jjazynka@energyfreedomcoalition.com	Energy Freedom Coalition of America	101 Constitution Ave NW Ste 525 East Washington, DC 20001	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2265 Roswell Road Suite 100 Marietta, GA 30062	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Sarah	Johnson Phillips	sjphillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mark J.	Kaufman	mkaufman@ibewlocal949.org	IBEW Local Union 949	12908 Nicollet Avenue South Burnsville, MN 55337	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Hudson	Kingston	hkingston@mncenter.org	MN Center for Environmental Advocacy	26 East Exchange Street, Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paul J.	Lehman	paul.lehman@xcelenergy.com	Xcel Energy	414 Nicollect Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Matthew P	Loftus	matthew.p.loftus@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paula	Maccabee	Pmaccabee@justchangelaw.com	Just Change Law Offices	1961 Selby Ave Saint Paul, MN 55104	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peter	Madsen	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Bremer Tower, Suite 1800 445 Minnesota Street St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Brian	Meloy	brian.meloy@stinson.com	Stinson,Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carol A.	Overland	overland@legalectric.org	Legalectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeff	Oxley	jeff.oxley@state.mn.us	Office of Administrative Hearings	600 North Robert Street St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Amanda	Rome	amanda.rome@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapoli, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Inga	Schuchard	ischuchard@larkinhoffman.com	Larkin Hoffman	8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ron	Spangler, Jr.	rlspangler@otpco.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Byron E.	Starns	byron.starns@stinson.com	Stinson Leonard Street LLP	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael I	Storch	mike.storch@enel.com	Enel North America, Inc.	1 Tech Drive North Andover, MA 01810	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James M.	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Adam	Wattenbarger	awattenbarger@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Scott M.	Wilensky	scott.wilensky@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Cam	Winton	cwinton@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel A	Yarano	dyarano@fredlaw.com	Fredrikson & Byron PA	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION

Nancy Lange	Chair
Dan Lipschultz	Vice Chair
Matt Schuerger	Commissioner
Katie Sieben	Commissioner
John Tuma	Commissioner

In the Matter of Xcel Energy's Filing on Jurisdictional Cost Issues

DOCKET NO. E-002/M-16-223

COMMENTS OF THE OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General-Residential Utilities and Antitrust Division ("OAG") respectfully submits these Comments in response to the Notice Seeking Comment on Procedural Schedule issued on February 21, 2017, regarding Northern States Power Company's ("Xcel" or "the Company") Resource Treatment Framework ("RTF") Application. In its Notice, the Commission requests comments on 1) whether Xcel's RTF Application is "sufficiently clear in the determination it is seeking from the Commission," 2) whether it is sufficiently complete to continue with discovery or if supplemental information is required, 3) whether Xcel's proposed schedule is reasonable and practical, and 4) whether any specific scheduling adjustments should be made.

I. XCEL'S RTF FILING IS NOT SUFFICIENTLY CLEAR OR COMPLETE.

The Company states at the outset of its Application that it is "not seeking orders that will allow [it] to finalize an end state."[1] Instead, it is seeking 1) consensus on the long-term structure of the utility, and 2) each state's responsibility for the legacy system in which it has participated for generations.[2] After careful review of Xcel's application, however, there are several ways in

[1] Application for Consideration of a Resource Treatment Framework to Address Jurisdictional Cost Allocation Issues, *In the matter of Northern States Power Company, A Minnesota Corporation D/B/A Xcel Energy Jurisdictional Cost Allocation Matters*, Docket No. E-002/M-16-223 (Dec. 31, 2016) at 2 [hereinafter RTF Application].
[2] *Id.*

which it is unclear what, specifically, Xcel is asking the Commission to do, how it believes the Commission should proceed, or what justification Xcel has provided for its positions.

First, Xcel is seeking to achieve "consensus" from the various authorities that regulate it, but to do so without orders establishing a final structure. It is unclear how that could be accomplished. Information Requests served by North Dakota Public Service Commission Staff, obtained by the OAG through discovery, raise concerns regarding ex parte communications.[3] Given the laws in both states regarding ex parte communication and open meetings, it is unclear at this time how it would be possible for the two commissions to communicate directly with each other in the way that would be necessary to reach "consensus." Parallel dockets in three states, kept in isolation from each other, may not be the most effective way to move forward. As such, it is not clear what Xcel is asking the Minnesota Commission to actually *do* in "reaching consensus."

Second, one of the matters raised in the Application is how Xcel's Midwestern utility should be organized in the future. Xcel presents four possibilities, and it seems that the Company focuses on two of them—pseudo separation and legal separation. But Xcel has not identified the outcome that it believes would be best. While the Commission may have the authority to oversee or approve corporate restructuring for Xcel, it is not clear, at this time, that it is the Commission's responsibility to direct Xcel on how it should structure its business.

Third, another major issue raised in the Application is how the costs and benefits of the "Legacy" system, as Xcel refers to it, should be allocated among the different states that the Company serves. It appears that Xcel has provided a specific proposal and an analysis of the PVRR of its proposal. But the Company has not provided a policy justification to support its

[3] Attachment B, NDPSC Data Request No. 2. The North Dakota PSC asked Xcel, "How does the Company plan to achieve tis when to date, there hasn't been consensus between North Dakota and Minnesota and now because this is a contested case in both states, any discussion between Minnesota and North Dakota is ex parte communication?"

proposal for Minnesota ratepayers to pay for costs that were approved to support customers in other jurisdictions, or compared its present value analysis to the status quo should North Dakota choose to exit the NSP system.

Fourth, to the extent that the Company believes it must make changes to its organization, the Company has not advanced any explanation as to why those costs should be recovered from ratepayers in Minnesota. In the past, Xcel decided that it would provide service to multiple jurisdictions as part of an integrated system. It appears that Xcel now believes that a different structure would be more beneficial. While the Commission *may*, in the future, decide that ratepayers should share in the costs of a corporate reorganization, at this time Xcel has not provided any explanation as to why it would be reasonable for ratepayers to bear those costs alone.

Finally, Xcel's Application appears to assume that the various commissions that regulate the Company will be able to achieve perfect consensus on how to move forward. Given the policy disagreements and various interests in the Company's service territory, however, it is at least possible that consensus will remain out of reach. It is entirely unclear, based on Xcel's Application, what the Company would or could do next if consensus does not materialize. It is important for the Commission to have a complete understanding of all possible outcomes of this process before taking up any substantive decision-making.

These are a few examples of areas where Xcel's Application is unclear, and where Xcel should provide more clarity about what course of action it wants to take, and what it is asking the Commission to do.

II. XCEL'S PROPOSED SCHEDULE IS NOT REASONABLE.

Xcel's proposed schedule for the RTF process does not provide sufficient time for parties to evaluate the proposal. These Comments are due March 9, 2017. After reviewing these and

other parties' procedural comments, the Commission will presumably respond to the procedural comments by determining whether the filing is sufficient to allow the process to go forward and defining the scope of the initial Intervenor Comments. According to the RTF Application, those substantive comments will be due on April 1, 2017. Given the complexity of the issues and the potential need for additional discovery once the Commission has defined the scope of the proceeding, it is extremely unlikely that the Commission would receive useful substantive comments on this timeline.

Given the concerns outlined above, it may be reasonable for the Commission to give Xcel an opportunity to supplement its Application, or withdraw the Application with a plan to file something different in the future. Once Xcel provides a timetable for doing so, the Commission can establish a schedule that provides parties with sufficient time to review and provide substantive comments. Based on Xcel's Application, it does not appear that the Company intends to take any action in the near future that would be jeopardized by proceeding in a careful and deliberative manner.

III. THE COMMISSION SHOULD CONSIDER WHETHER IT WANTS TO RECEIVE INFORMATION REQUESTS.

Xcel's Application involves significant resource planning issues similar to an Integrated Resource Planning docket. One unique feature of Integrated Resource Planning dockets is that information requests are filed with the Commission so that the Commission has access to more information. Since it appears that Xcel's objective in this case is for the Commission to reach consensus with authorities in other states, it may be helpful for the Commission and its staff to have access to as much information as possible in this proceeding, just as in a resource planning docket.

The OAG has served its own information requests on Xcel, and has also obtained information requests that the North Dakota and South Dakota commissions have served on Xcel. All of this information may be of interest to the Commission. The OAG has attached all of the information requests it has received to date to these comments,[4] but suggests that if the Commission considers this information helpful, the Commission could consider whether to order Xcel to file information requests with the Commission on a rolling basis.

Dated: March 9, 2017

Respectfully submitted,

LORI SWANSON
Attorney General
State of Minnesota

s/ **Ryan P. Barlow**
RYAN P. BARLOW
Assistant Attorney General
Atty. Reg. No. 0393534

s/ **Joseph C. Meyer**
JOSEPH C. MEYER
Assistant Attorney General
Atty. Reg. No. 0396814

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 296-7575 (Voice)
(651) 296-9663 (Fax)

ATTORNEYS FOR OFFICE OF THE ATTORNEY GENERAL – RESIDENTIAL UTILITIES AND ANTITRUST DIVISION

[4] Attachment A includes all Information Requests served by the OAG. Attachment B includes all Information Requests from the North Dakota PSC. Attachment C includes all Information Requests from the South Dakota PUC. The Trade Secret Attachment collects all of the Trade Secret information that is redacted from Attachment A, Attachment B, and Attachment C. The OAG did not include the attachments to Information Request SDPUC 1-002 because the size of the files made e-filing impractical and the OAG's Comments do not specifically refer to the content of that Information Request. The response to Information Request SDPUC 1-002 includes a narrative description of each of the attachments. If the Commission would like to receive any of those attachments, the OAG can provide them in a different format.

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON
ATTORNEY GENERAL

SUITE 1400
445 MINNESOTA STREET
ST. PAUL, MN 55101-2131
TELEPHONE: (651) 296-7575

March 9, 2017

Mr. Daniel Wolf, Executive Secretary
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101-2147

Re: ***In the Matter of Xcel Energy's Filing on Jurisdictional Cost Issues***
MPUC Docket No. E-002/M-16-223

Dear Mr. Wolf:

Enclosed and e-filed in the above-referenced matter please find Comments of the Minnesota Office of the Attorney General – Residential Utilities and Antitrust Division.

By copy of this letter all parties have been served. An Affidavit of Service is also enclosed.

Sincerely,

s/ Ryan Barlow

RYAN P. BARLOW
Assistant Attorney General

(651) 757-1473 (Voice)
(651) 296-9663 (Fax)

Enclosure

AFFIDAVIT OF SERVICE

Re: ***In the Matter of Xcel Energy's Filing on Jurisdictional Cost Issues***
MPUC Docket No. E-002/M-16-223

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, JUDY SIGAL, hereby state that on the 9th day of March, 2017, I efiled with eDockets ***Comments of the Office of the Attorney General – Residential Utilities and Antitrust Division*** and served the same upon all parties listed on the attached service list by email, and/or United States Mail with postage prepaid, and deposited the same in a U.S. Post Office mail receptacle in the City of St. Paul, Minnesota.

s/ Judy Sigal
Judy Sigal

Subscribed and sworn to before me
this 9th day of MArch, 2017

s/ Patricia Jotblad
Notary Public

My Commission expires: January 31, 2020.

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Aafedt	daafedt@winthrop.com	Winthrop & Weinstine, P.A.	Suite 3500, 225 South Sixth Street Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Alders	james.r.alders@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ryan	Barlow	Ryan.Barlow@ag.state.mn.us	Office of the Attorney General-RUD	445 Minnesota Street Bremer Tower, Suite 1400 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
James J.	Bertrand	james.bertrand@stinson.com	Stinson Leonard Street LLP	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
William A.	Blazar	bblazar@mnchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

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Jeanne	Cochran	Jeanne.Cochran@state.mn.us	Office of Administrative Hearings	P.O. Box 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Corey	Conover	corey.conover@minneapolismn.gov	Minneapolis City Attorney	350 S. Fifth Street City Hall, Room 210 Minneapolis, MN 554022453	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carl	Cronin	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Leigh	Currie	lcurrie@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Dammel	joseph.dammel@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St. Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, Fifth Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street, 1400 BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brian	Draxten	bhdraxten@otpco.com	Otter Tail Power Company	P.O. Box 496 215 Sou h Cascade Street Fergus Falls, MN 565380498	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Rebecca	Eilers	rebecca.d.eilers@xcelenergy.com	Xcel Energy	414 Nicollet Mall - 401 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy	7650 Edinborough Way Suite 725 Edina, MN 55435	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	1313 5th St SE #303 Minneapolis, MN 55414	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Emma	Fazio	emma.fazio@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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_16-223_Official List PUC 16-223
Stephen	Fogel	Stephen.E.Fogel@XcelEnergy.com	Xcel Energy Services, Inc.	816 Congress Ave, Suite 1650 Aus in, TX 78701	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Karen	Gados	karen@mysunshare.com	SunShare, LLC	1441 18th Street Suite 400 Denver, CO 80202	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, Minnesota 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Gonzalez	Janet.gonzalez@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Michael	Hoppe	il23@mtn.org	Local Union 23, I.B.E.W.	932 Payne Avenue St. Paul, MN 55130	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Jazynka	jjazynka@energyfreedomcoalition.com	Energy Freedom Coalition of America	101 Constitution Ave NW Ste 525 East Washington, DC 20001	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2265 Roswell Road Suite 100 Marietta, GA 30062	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Sarah	Johnson Phillips	sjphillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mark J.	Kaufman	mkaufman@ibewlocal949.org	IBEW Local Union 949	12908 Nicollet Avenue South Burnsville, MN 55337	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Hudson	Kingston	hkingston@mncenter.org	MN Center for Environmental Advocacy	26 East Exchange Street, Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paul J.	Lehman	paul.lehman@xcelenergy.com	Xcel Energy	414 Nicollect Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Matthew P	Loftus	matthew.p.loftus@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paula	Maccabee	Pmaccabee@justchangelaw.com	Just Change Law Offices	1961 Selby Ave Saint Paul, MN 55104	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peter	Madsen	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Bremer Tower, Suite 1800 445 Minnesota Street St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

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Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7 h St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Brian	Meloy	brian.meloy@stinson.com	Stinson,Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Joseph	Meyer	joseph.meyer@ag.state mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carol A.	Overland	overland@legalectric.org	Legalectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeff	Oxley	jeff.oxley@state.mn.us	Office of Administrative Hearings	600 North Robert Street St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Amanda	Rome	amanda.rome@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapoli, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Inga	Schuchard	ischuchard@larkinhoffman.com	Larkin Hoffman	8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ron	Spangler, Jr.	rlspangler@otpco.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Byron E.	Starns	byron.starns@stinson.com	Stinson Leonard Street LLP	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael I	Storch	mike.storch@enel.com	Enel North America, Inc.	1 Tech Drive North Andover, MA 01810	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James M.	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 Sou h Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Lisa	Veith	lisa.veith@ci.stpaul mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Adam	Wattenbarger	awattenbarger@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 Sou h Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Scott M.	Wilensky	scott.wilensky@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Cam	Winton	cwinton@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7 h Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel A	Yarano	dyarano@fredlaw.com	Fredrikson & Byron PA	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

215 South Cascade Street
PO Box 496
Fergus Falls, Minnesota 56538-0496
218 739-8200
www.otpco.com (web site)

March 9, 2017

Mr. Daniel P. Wolf
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: In the Matter of Xcel Energy's Jurisdictional Cost Allocation Matters
Docket No. E002/M-16-223
Comments

Dear Mr. Wolf:

Otter Tail Power Company serves retail customers in Minnesota, North Dakota, and South Dakota. Our mix of customers by jurisdiction is approximately 50 percent in Minnesota, 40 percent in North Dakota, and 10 percent in South Dakota.

Otter Tail Power Company and the regulatory commissions in the three states we serve have not experienced the same jurisdictional cost allocation issues addressed in this docket. So Otter Tail Power Company does not see a need for the Commission to open a similar investigation for Otter Tail Power Company—and the Commission should not apply to Otter Tail Power Company any findings in the current Xcel Energy investigation.

Again, Otter Tail Power Company does not see a need to separate our utility operations into state-specific operating companies. Moreover, such a separation would result in increased rates for our customers in each of the states we serve.

Otter Tail has electronically filed this document with the Commission and is serving a copy on all persons on the official service list for this docket. A Certificate of Service is also enclosed.

If you have any questions regarding this filing, please contact me at pbeithon@otpco.com or (218) 739-8607

Sincerely,

/s/ PETE BEITHON
Pete Beithon
Manager, Regulatory Recovery

kaw
Enclosures
By electronic filing
c: Service List

CERTIFICATE OF SERVICE

RE: **In the Matter of Xcel Energy's Jurisdictional Cost Allocation Matters**
Docket No. E002/M-16-223

I, Kim Ward, hereby certify that I have this day served a copy of the following, or a summary thereof, on Daniel P. Wolf and Sharon Ferguson by e-filing, and to all other persons on the attached service list by electronic service or by First Class Mail.

Otter Tail Power Company
Comments

Dated this **9th** day of **March, 2017**.

/s/ Kim Ward
Kim Ward, Regulatory Filing Coordinator
Otter Tail Power Company
215 South Cascade Street
Fergus Falls MN 56537
(218) 739-8268

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Aafedt	daafedt@winthrop.com	Winthrop & Weinstine, P.A.	Suite 3500, 225 South Sixth Street Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Alders	james.r.alders@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ryan	Barlow	Ryan.Barlow@ag.state.mn.us	Office of the Attorney General-RUD	445 Minnesota Street Bremer Tower, Suite 1400 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
James J.	Bertrand	james.bertrand@stinson.com	Stinson Leonard Street LLP	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
William A.	Blazar	bblazar@mnchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

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Jeanne	Cochran	Jeanne.Cochran@state.mn.us	Office of Administrative Hearings	P.O. Box 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Corey	Conover	corey.conover@minneapolismn.gov	Minneapolis City Attorney	350 S. Fifth Street City Hall, Room 210 Minneapolis, MN 554022453	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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Emma	Fazio	emma.fazio@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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_16-223_Official List PUC 16-223
Stephen	Fogel	Stephen.E.Fogel@XcelEnergy.com	Xcel Energy Services, Inc.	816 Congress Ave, Suite 1650 Austin, TX 78701	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Karen	Gados	karen@mysunshare.com	SunShare, LLC	1441 18th Street Suite 400 Denver, CO 80202	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2265 Roswell Road Suite 100 Marietta, GA 30062	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paul J.	Lehman	paul.lehman@xcelenergy.com	Xcel Energy	414 Nicollect Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Matthew P	Loftus	matthew.p.loftus@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paula	Maccabee	Pmaccabee@justchangelaw.com	Just Change Law Offices	1961 Selby Ave Saint Paul, MN 55104	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peter	Madsen	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Bremer Tower, Suite 1800 445 Minnesota Street St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Brian	Meloy	brian.meloy@stinson.com	Stinson,Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carol A.	Overland	overland@legalectric.org	Legalectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeff	Oxley	jeff.oxley@state.mn.us	Office of Administrative Hearings	600 North Robert Street St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Amanda	Rome	amanda.rome@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapoli, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Inga	Schuchard	ischuchard@larkinhoffman.com	Larkin Hoffman	8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ron	Spangler, Jr.	rlspangler@otpco.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Byron E.	Starns	byron.starns@stinson.com	Stinson Leonard Street LLP	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael I	Storch	mike.storch@enel.com	Enel North America, Inc.	1 Tech Drive North Andover, MA 01810	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James M.	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Adam	Wattenbarger	awattenbarger@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Scott M.	Wilensky	scott.wilensky@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Cam	Winton	cwinton@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel A	Yarano	dyarano@fredlaw.com	Fredrikson & Byron PA	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

Xcel Energy®
RESPONSIBLE BY NATURE™

414 Nicollet Mall
Minneapolis, MN 55401

1-800-895-4999
xcelenergy.com

March 9, 2017

Daniel P. Wolf **–Via Electronic Filing–**
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101

RE: COMMENTS
IN THE MATTER OF XCEL ENERGY'S JURISDICTIONAL COST ALLOCATION MATTERS
DOCKET NO. E002/M-16-223

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy (Xcel Energy or the Company), submits to the Minnesota Public Utilities Commission (Commission) these brief comments in response to the Commission's February 21, 2017, NOTICE SEEKING COMMENT ON PROCEDURAL SCHEDULE for our Application for Consideration of a Resource Treatment Framework (RTF) to Address Jurisdictional Cost Allocation Issues (RTF Application) in the above-referenced docket (Notice).

Xcel Energy has reviewed the Department's March 8, 2017 Comments in response to the Commission's Notice. We generally agree with the Department's comments and will work to provide the additional information they have requested. The Company also concurs with the Department that a different schedule is required than as filed by the Company in its Report. While we considered a schedule that delayed the start of the comment process to August 1, 2017, the Department's suggested schedule starting on June 1, 2017, presents a reasonable alternative.

As the Company noted, our goal for the Report is to facilitate a dialogue so that there is an opportunity for interested states to reach consensus on this issue. To that end, we will work with the North Dakota Public Service Commission and its Staff on a

procedural schedule that strives to stay on a similar course. We will update the Commission on the outcome of our discussions in North Dakota as appropriate.

We have electronically filed this document with the Commission, and copies have been served on the parties on the attached service list. Please contact me at (612) 215-4663 or aakash.chandarana@xcelenergy.com if you have any questions.

SINCERELY,

/s/

AAKASH H. CHANDARANA
REGIONAL VICE-PRESIDENT
RATES AND REGULATORY AFFAIRS

cc: Service List

CERTIFICATE OF SERVICE

I, Jim Erickson, hereby certify that I have this day served copies of the foregoing document on the attached list of persons.

xx by depositing a true and correct copy thereof, properly enveloped with postage paid in the United States mail at Minneapolis, Minnesota

xx electronic filing

Docket Nos. E002/M-16-223

Dated this 9th day of March 2017

/s/

_____

Jim Erickson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Aafedt	daafedt@winthrop.com	Winthrop & Weinstine, P.A.	Suite 3500, 225 South Sixth Street Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Alders	james.r.alders@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Gail	Baranko	gail.baranko@xcelenergy.com	Xcel Energy	414 Nicollet Mall7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ryan	Barlow	Ryan.Barlow@ag.state.mn.us	Office of the Attorney General-RUD	445 Minnesota Street Bremer Tower, Suite 1400 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
James J.	Bertrand	james.bertrand@stinson.com	Stinson Leonard Street LLP	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
William A.	Blazar	bblazar@mnchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Christina	Brusven	cbrusven@fredlaw.com	Fredrikson Byron	200 S 6th St Ste 4000 Minneapolis, MN 554021425	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Canaday	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Suite 1400 445 Minnesota St. St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeanne	Cochran	Jeanne.Cochran@state.mn.us	Office of Administrative Hearings	P.O. Box 64620 St. Paul, MN 55164-0620	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
John	Coffman	john@johncoffman.net	AARP	871 Tuxedo Blvd. St, Louis, MO 63119-2044	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Corey	Conover	corey.conover@minneapolismn.gov	Minneapolis City Attorney	350 S. Fifth Street City Hall, Room 210 Minneapolis, MN 554022453	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carl	Cronin	Regulatory.records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Leigh	Currie	lcurrie@mncenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Dammel	joseph.dammel@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St. Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James	Denniston	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	414 Nicollet Mall, Fifth Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street, 1400 BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Brian	Draxten	bhdraxten@otpco.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380498	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Rebecca	Eilers	rebecca.d.eilers@xcelenergy.com	Xcel Energy	414 Nicollet Mall - 401 7th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Betsy	Engelking	betsy@geronimoenergy.com	Geronimo Energy	7650 Edinborough Way Suite 725 Edina, MN 55435	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
John	Farrell	jfarrell@ilsr.org	Institute for Local Self-Reliance	1313 5th St SE #303 Minneapolis, MN 55414	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Emma	Fazio	emma.fazio@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
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_16-223_Official List PUC 16-223
Stephen	Fogel	Stephen.E.Fogel@XcelEnergy.com	Xcel Energy Services, Inc.	816 Congress Ave, Suite 1650 Austin, TX 78701	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Karen	Gados	karen@mysunshare.com	SunShare, LLC	1441 18th Street Suite 400 Denver, CO 80202	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Edward	Garvey	garveyed@aol.com	Residence	32 Lawton St Saint Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Allen	Gleckner	gleckner@fresh-energy.org	Fresh Energy	408 St. Peter Street Ste 220 Saint Paul, Minnesota 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Gonzalez	Janet.gonzalez@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Michael	Hoppe	il23@mtn.org	Local Union 23, I.B.E.W.	932 Payne Avenue St. Paul, MN 55130	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Julia	Jazynka	jjazynka@energyfreedomcoalition.com	Energy Freedom Coalition of America	101 Constitution Ave NW Ste 525 East Washington, DC 20001	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Alan	Jenkins	aj@jenkinsatlaw.com	Jenkins at Law	2265 Roswell Road Suite 100 Marietta, GA 30062	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Sarah	Johnson Phillips	sjphillips@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mark J.	Kaufman	mkaufman@ibewlocal949.org	IBEW Local Union 949	12908 Nicollet Avenue South Burnsville, MN 55337	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Hudson	Kingston	hkingston@mncenter.org	MN Center for Environmental Advocacy	26 East Exchange Street, Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Thomas	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael	Krikava	mkrikava@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 S 8th St Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peder	Larson	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	8300 Norman Center Drive Suite 1000 Bloomington, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paul J.	Lehman	paul.lehman@xcelenergy.com	Xcel Energy	414 Nicollect Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Matthew P	Loftus	matthew.p.loftus@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapolis, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Paula	Maccabee	Pmaccabee@justchangelaw.com	Just Change Law Offices	1961 Selby Ave Saint Paul, MN 55104	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Peter	Madsen	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Bremer Tower, Suite 1800 445 Minnesota Street St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kavita	Maini	kmaini@wi.rr.com	KM Energy Consulting LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Mary	Martinka	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	414 Nicollet Mall 7th Floor Minneapolis, MN 55401	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Brian	Meloy	brian.meloy@stinson.com	Stinson,Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Joseph	Meyer	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Bremer Tower, Suite 1400 445 Minnesota Street St Paul, MN 55101-2131	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Moeller	dmoeller@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Andrew	Moratzka	andrew.moratzka@stoel.com	Stoel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
David	Niles	david.niles@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, Minnesota 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Carol A.	Overland	overland@legalectric.org	Legalectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Jeff	Oxley	jeff.oxley@state.mn.us	Office of Administrative Hearings	600 North Robert Street St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Kevin	Reuther	kreuther@mncenter.org	MN Center for Environmental Advocacy	26 E Exchange St, Ste 206 St. Paul, MN 551011667	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Amanda	Rome	amanda.rome@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 5 Minneapoli, MN 55401	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Richard	Savelkoul	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	332 Minnesota Street Ste W2750 St. Paul, MN 55101	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Inga	Schuchard	ischuchard@larkinhoffman.com	Larkin Hoffman	8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Janet	Shaddix Elling	jshaddix@janetshaddix.com	Shaddix And Associates	Ste 122 9100 W Bloomington Frwy Bloomington, MN 55431	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Ken	Smith	ken.smith@districtenergy.com	District Energy St. Paul Inc.	76 W Kellogg Blvd St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Ron	Spangler, Jr.	rlspangler@otpco.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Byron E.	Starns	byron.starns@stinson.com	Stinson Leonard Street LLP	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Michael I	Storch	mike.storch@enel.com	Enel North America, Inc.	1 Tech Drive North Andover, MA 01810	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
James M.	Strommen	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Lisa	Veith	lisa.veith@ci.stpaul.mn.us	City of St. Paul	400 City Hall and Courthouse 15 West Kellogg Blvd. St. Paul, MN 55102	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Adam	Wattenbarger	awattenbarger@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Scott M.	Wilensky	scott.wilensky@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Samantha	Williams	swilliams@nrdc.org	Natural Resources Defense Council	20 N. Wacker Drive Ste 1600 Chicago, IL 60606	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Joseph	Windler	jwindler@winthrop.com	Winthrop & Weinstine	225 South Sixth Street, Suite 3500 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223
Cam	Winton	cwinton@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_16-223_Official List PUC 16-223
Daniel A	Yarano	dyarano@fredlaw.com	Fredrikson & Byron PA	200 S 6th St Ste 4000 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223

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Patrick	Zomer	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_16-223_Official List PUC 16-223