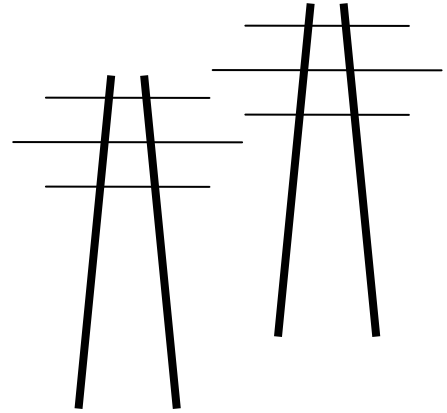


# Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617  
Energy Consultant—Transmission, Power Plants, Nuclear Waste  
overland@legalelectric.org

1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638



January 25, 2016

Jeffrey Oxley  
Administrative Law Judge  
Office of Administrative Hearing  
P.O. Box 64620  
St. Paul, Minnesota 55164-0620

U.S. Mail and eFiled

RE: Second Petition for Intervention  
Northern States Power Company Rate Case  
PUC Docket No. E002/CI-15-826

Dear Judge Oxley:

Attached please find Second Petition for Intervention of Carol A. Overland (as individual) and No CapX 2020.

Please let me know if you have any questions or require anything further.

Very truly yours,

Carol A. Overland  
Attorney at Law

Enclosure: Second Petition for Intervention

cc: Parties and others eServed via eDockets

**CERTIFICATE OF SERVICE**

**In the Matter of the Application of  
Northern States Power Company, doing  
business as Xcel Energy, for Authority to  
Increase Rates for Electric Service in the  
State of Minnesota**

**OAH Docket No. 19-2500-33074  
PUC Docket No. E002/GR-15-826**

---

I, Carol A. Overland, hereby certify that I have this day, served copies of the attached No CapX 2020 and Carol A. Overland Second Petition for Intervention by electronic filing eService, and U.S. Mail to ALJ Oxley at OAH.

Dated: January 25, 2016



---

Carol A. Overland  
Attorney at Law  
LEGALECTRIC  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
overland@legalelectric.org

#254617

Print Close

Service List Member Information

Electronic Service Member(s)

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Aafedt	David	daafedt@winthrop.com	Winthrop & Weinstine, P.A.	Electronic Service	No
Anderson	Christopher	canderson@allete.com	Minnesota Power	Electronic Service	No
Anderson	Julia	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Archer	Alison C	alison.c.archer@xcelenergy.com	Xcel Energy	Electronic Service	No
Baranko	Gail	gail.baranko@xcelenergy.com	Xcel Energy	Electronic Service	No
Barlow	Ryan	Ryan.Barlow@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Bertrand	James J.	james.bertrand@stinson.com	Stinson Leonard Street LLP	Electronic Service	No
Blazar	William A.	wblazar@mnchamber.com	Minnesota Chamber Of Commerce	Electronic Service	No
Canaday	James	james.canaday@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Coffman	John	john@johncoffman.net	AARP	Electronic Service	No
Dammel	Joseph	joseph.dammel@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Daugherty	Jeffrey A.	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	Electronic Service	No
Denniston	James	james.r.denniston@xcelenergy.com	Xcel Energy Services, Inc.	Electronic Service	No
Dobson	Ian	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Eilers	Rebecca	rebecca.d.eilers@xcelenergy.com	Xcel Energy	Electronic Service	No
Fazio	Emma	emma.fazio@stoel.com	Stoel Rives LLP	Electronic Service	No
Ferguson	Sharon	sharon.ferguson@state.mn.us	Department of Commerce	Electronic Service	Yes
Fogel	Stephen	Stephen.E.Fogel@XcelEnergy.com	Xcel Energy Services, Inc.	Electronic Service	No
Garvey	Edward	garveyed@aol.com	Residence	Electronic Service	No
Gonzalez	Janet	Janet.gonzalez@state.mn.us	Public Utilities Commission	Electronic Service	Yes
Hoppe	Michael	il23@mtn.org	Local Union 23, I.B.E.W.	Electronic Service	No
Inge	Geoffrey	gbinge@KTMInc.com	U.S. Energy Services, Inc.	Electronic Service	No
Jenkins	Alan	aj@jenkinsatlaw.com	Jenkins at Law	Electronic Service	No
Jensen	Linda	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Johnson	Richard	Rick.Johnson@lawmoss.com	Moss & Barnett	Electronic Service	No
Johnson Phillips	Sarah	sjphillips@stoel.com	Stoel Rives LLP	Electronic Service	No
Kaufman	Mark J.	mkaufman@ibewlocal949.org	IBEW Local Union 949	Electronic Service	No
Kingston	Hudson	hkingston@mncenter.org	MN Center for Environmental Advocacy	Electronic Service	No
Koehler	Thomas	TGK@IBEW160.org	Local Union #160, IBEW	Electronic Service	No
Koeller	Mara	mara.n.koeller@xcelenergy.com	Xcel Energy	Electronic Service	No
Krikava	Michael	mkrikava@briggs.com	Briggs And Morgan, P.A.	Electronic Service	No
Larson	Douglas	dlarson@dakotaelectric.com	Dakota Electric Association	Electronic Service	No
Larson	Peder	plarson@larkinhoffman.com	Larkin Hoffman Daly & Lindgren, Ltd.	Electronic Service	No
Lindell	John	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Loftus	Matthew P	matthew.p.loftus@xcelenergy.com	Xcel Energy	Electronic Service	No
Maccabee	Paula	Pmaccabee@justchangelaw.com	Just Change Law Offices	Electronic Service	No
Madsen	Peter	peter.madsen@ag.state.mn.us	Office of the Attorney General-DOC	Electronic Service	Yes
Maini	Kavita	kmainsi@wi.rr.com	KM Energy Consulting LLC	Electronic Service	No
Marshall	Pam	pam@energycents.org	Energy CENTS Coalition	Electronic Service	No
Martinka	Mary	mary.a.martinka@xcelenergy.com	Xcel Energy Inc	Electronic Service	No
Meloy	Brian	brian.meloy@stinson.com	Stinson, Leonard, Street LLP	Electronic Service	No
Meyer	Joseph	joseph.meyer@ag.state.mn.us	Office of the Attorney General-RUD	Electronic Service	Yes
Moeller	David	dmoeller@allete.com	Minnesota Power	Electronic Service	No
Moratzka	Andrew	apmoratzka@stoel.com	Stoel Rives LLP	Electronic Service	No
Niles	David W.	david.niles@avantenergy.com	Minnesota Municipal Power Agency	Electronic Service	No
Overland	Carol A.	overland@legalelectric.org	Legalelectric - Overland Law Office	Electronic Service	No
Oxley	Jeff	jeff.oxley@state.mn.us	Office of Administrative Hearings	Electronic Service	Yes
Reuther	Kevin	kreuther@mncenter.org	MN Center for Environmental Advocacy	Electronic Service	No
Rome	Amanda	amanda.rome@xcelenergy.com	Xcel Energy	Electronic Service	No
Savelkoul	Richard	rsavelkoul@martinsquires.com	Martin & Squires, P.A.	Electronic Service	No
Schuchard	Inga	rschuchard@larkinhoffman.com	Larkin Hoffman	Electronic Service	No
Shaddix Elling	Janet	jshaddix@janetshaddix.com	Shaddix And Associates	Electronic Service	Yes
Smith	Ken	ken.smith@districtenergy.com	District Energy St. Paul Inc.	Electronic Service	No
Spangler, Jr.	Ron	rlspangler@otpc.com	Otter Tail Power Company	Electronic Service	No
Starns	Byron E.	byron.starns@stinson.com	Stinson Leonard Street LLP	Electronic Service	No
Strommen	James M.	jstrommen@kennedy-graven.com	Kennedy & Graven, Chartered	Electronic Service	No
Swanson	Eric	eswanson@winthrop.com	Winthrop Weinstine	Electronic Service	No
Thompson	SaGonna	Regulatory.records@xcelenergy.com	Xcel Energy	Electronic Service	No
Veith	Lisa	lisa.veith@ci.stpaul.mn.us	City of St. Paul	Electronic Service	No
Wattenbarger	Adam	awattenbarger@kennedy-graven.com	Kennedy & Graven, Chartered	Electronic Service	No
Wilensky	Scott M.	scott.wilensky@xcelenergy.com	Xcel Energy	Electronic Service	No
Williams	Samantha	swilliams@nrdc.org	Natural Resources Defense Council	Electronic Service	No
Windler	Joseph	jwindler@winthrop.com	Winthrop & Weinstine	Electronic Service	No
Winton	Cam	cwinton@mnchamber.com	Minnesota Chamber of Commerce	Electronic Service	Yes
Wolf	Daniel P	dan.wolf@state.mn.us	Public Utilities Commission	Electronic Service	Yes

Last Name	First Name	Email	Company Name	Delivery Method	View Trade Secret
Zomer	Patrick	Patrick.Zomer@lawmoss.com	Moss & Barnett a Professional Association	Electronic Service	No

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**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
for the  
MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of the Application of  
Northern States Power Company, doing  
business as Xcel Energy, for Authority to  
Increase Rates for Electric Service in the  
State of Minnesota**

**OAH Docket No. 19-2500-33074  
PUC Docket No. E002/GR-15-826**

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**PETITION FOR INTERVENTION**

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No CapX 2020 and Carol A. Overland hereby make this second Petition for Intervention as full parties, with all the rights of a party, in the above-captioned Northern States Power (hereinafter “NSP”) rate case docket, after the initial Petition, filed December 23, 2015, was denied without prejudice. No CapX 2020 and Carol A. Overland request leave to intervene as provided generally by Minn. R. 7829.0800 and specifically in Minn. R. 7843.0300, Subp. 7, and pursuant to the Commission’s Order of December 22, 2015, and Office of Administrative Hearings’ intervention rule, Minn. R. 1400.6200.

**I. OVERLAND AND NO CAPX 2020 ARE XCEL ENERGY RATEPAYERS**

**Carol A. Overland is an Xcel Energy ratepayer in the City of Red Wing,**

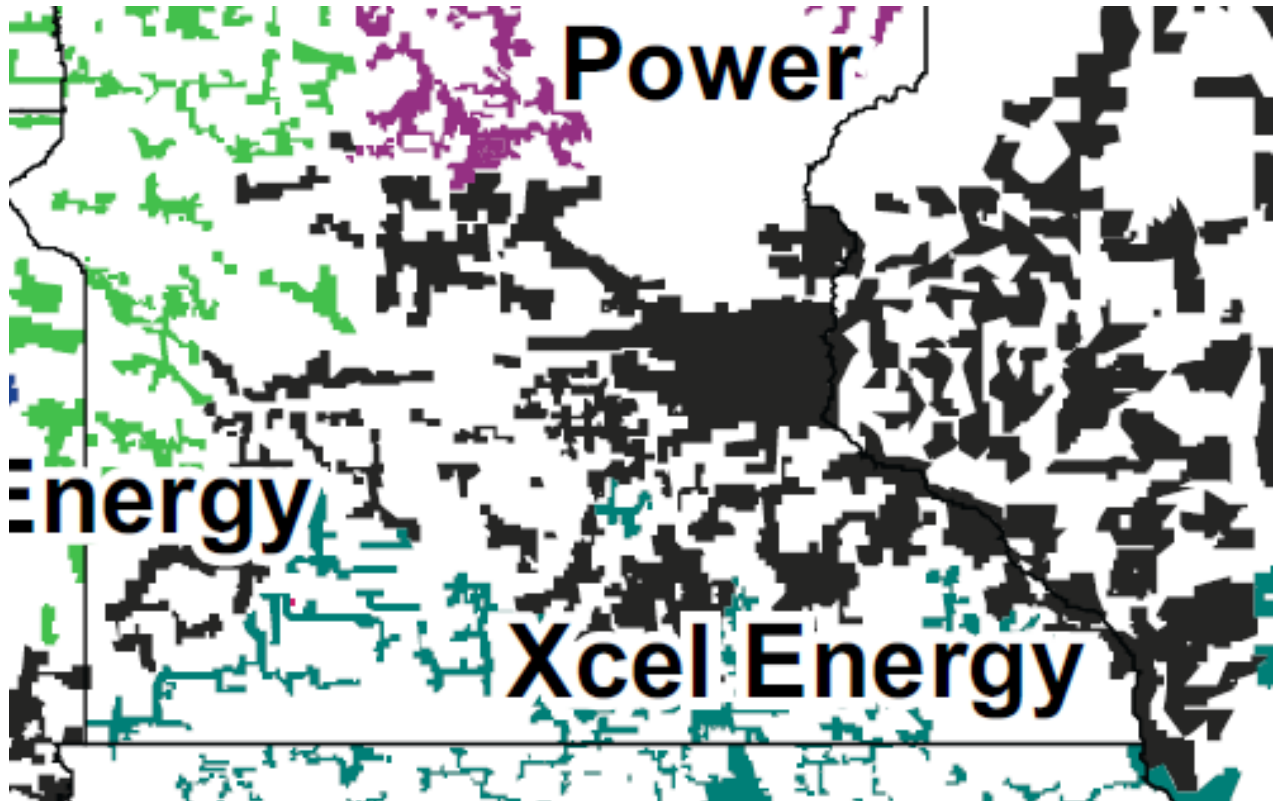
**Minnesota.**<sup>1</sup> Overland, as attorney for parties and participants in transmission proceedings before the Public Utilities Commission has an interest in transmission cost recovery, cost apportionment, state and federal jurisdiction, opposes a shift from CWIP to general rates as proposed by Xcel Energy, and opposes use of a multi-year rate based on Xcel Energy’s business

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<sup>1</sup> See Attachment, Overland’s most recent Xcel Energy statement.

plan rather than demonstrated costs.

No CapX 2020 is a Minnesota non-profit business organization<sup>2</sup> in good standing, established in August, 2008. **Members of No CapX 2020 are Xcel Energy ratepayers** specifically formed to intervene in the CapX 2020 Certificate of Need docket to address transmission issues related to CapX 2020 and subsequently to address transmission issues related to MISO's 17 project MVP Portfolio. **No CapX 2020's Board members are Xcel Energy ratepayers, and general members and supporters are primarily landowners affected by transmission who are scattered across Minnesota and in various parts of Xcel Energy service territory, focused in southeastern Minnesota and along the Mississippi River, in the Metro urban and exurban area, and in the far southwest part of the state.**<sup>3</sup>



<sup>2</sup> No CapX 2020 was organized under Minn. Stat. Ch. 317A, File No. 2964905-2, on August 11, 2008.

<sup>3</sup> See [Edison Electric Institute member companies service territories map](#), Xcel Energy service territory represented in black.

No CapX 2020 has intervened in many transmission dockets before the Minnesota Public Utilities Commission and Wisconsin Public Service Commission, including CapX 2020 Certificate of Need and Routing dockets, ITC Midwest Certificate of Need and Routing dockets, and regular participation in Commission rulemakings, notably Minn. R. Ch. 7849 (Need) and Minn. R. Ch. 7850 (Routing), ongoing for over two years, and has submitted comments in response to the OAH request for comments on a Minn. R. 1405 rulemaking. No CapX has also filed Amicus Briefs in Buy the Farm cases before the Court of Appeals and Supreme Court.

**II. OVERLAND AND NO CAPX 2020 INTERESTS WILL BE DIRECTLY AFFECTED BY THE OUTCOME OF THIS RATE CASE.**

Carol A. Overland (hereinafter “Overland”) **is, again, an Xcel Energy ratepayer in the City of Red Wing, Minnesota.** Overland’s interests are directly affected by the outcome of this proceeding as a ratepayer and specifically because Overland’s interest in this proceeding is in the impact on rates of transmission cost apportionment and rate recovery, state and federal jurisdiction and rate impacts of Xcel’s requested shift of transmission costs from CWIP to general rates, rate impacts of adoption of some or all of e21 Initiative as set forth in filings in this docket, and other interests including strong opposition to use of a multi-year rate plan.

Overland is a Minnesota attorney who for the last 20 years has focused on interests in the “big picture” of energy, need for transmission, and the role of bulk power transmission of coal generated electricity cross country. Overland has represented numerous individuals and organizations, including No CapX 2020, before the Commission in Certificate of Need, Routing, Power Plant Siting, Power Purchase Agreement, rulemaking, PPSA Annual Hearings, and other proceedings in various other jurisdictions and venues, from New Jersey’s Susquehanna-Roseland line, Delaware’s RFP docket with competing coal gasification, gas and wind and the DOE’s NEITC program with Green Delaware, the DOE §1222 proposal of Plains & Eastern Clean Line

through Arkansas, and monitoring the rehearing and settlement efforts in the PJM cost allocation docket at FERC. Overland has also regularly attended and participated in transmission planning groups, local government transmission planning and zoning, and in successful renewable energy grant writing. Overland has appeared before House and Senate Energy and other committees and argued against the legislative shift from state authority toward federal authority and regional transmission; statutory incentives for the regional transmission build-out; the construction work in progress rider; repeal of the “alternate site mandate” and utility exemptions from Ch. 117; and for equitable compensation in eminent domain proceedings which has an impact on transmission cost, and for a direct link between Renewable Energy Standard/Portfolio and shut down of fossil fuel, all of which have a direct impact on cost of electricity and rates.

This combined effort in this intervention pools interest, skills, resources and time to participate in this intensive rate case docket.<sup>4</sup>

**III. OVERLAND AND NO CAPX 2020 INTERESTS ARE DISTINCT FROM ANY OTHER PARTY, AND NO PARTICIPATING PARTY REPRESENTS THESE INTERESTS IN THIS CASE.**

Overland’s and No CapX 2020’s interests in this rate case are particularized due to participation in transmission dockets. These interests are beyond a general interest, and as above, focus on, but are not limited to, opposition to a shift to use of a Multi-Year Rate Plan, transmission and distribution cost apportionment and cost recovery, Xcel Energy’s request to shift transmission cost recovery from CWIP to general rates, and other transmission rate recovery issues. For example, particular interests of Overland and No CapX 2020 include:

- NSP claims that the CapX 2020 Fargo and Brookings projects are “in service” but does not claim that they are “used and useful.” No CapX has concerns as to whether they are indeed “used and useful.”

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<sup>4</sup> See, for example, Minnesota Center for Environmental Advocacy representation of parties and as intervenor in multiple dockets such as CapX 2020 CoN (06-1115) and previous Northern States Power rate case (13-868).



- NSP has requested to recover costs of CapX 2020 Brookings Project and Fargo Project in base rates, shifting from the construction work in progress Transmission Cost Recovery rider to general rates. NSP analogizes this rate recovery with the within-Minnesota MERP project, and now requests similar recovery in its Multi-Year Plan.
- Interest in rate recovery plan for the other CapX projects.
- Interest in prevention of double-recovery in TCR rider and general rates.
- MISO's FERC authorized rate of return is roughly 12.38%, and this rate of return is currently at issue at FERC. What rate would NSP seek under its Minnesota general rates?
- The Brookings CapX project is a "Multi-Value" project. No CapX is concerned about cost recovery for "Multi-Value" projects, which are projects that are presented as a portfolio where under a FERC approved MISO tariff each transmission zone is responsible for a percentage of the revenue requirement for the group of 17 projects, not just those within its zone area.
- Interest in the equity of rate recovery authorized by FERC under Schedule 26A, and others, and how this will be treated under the Commission's jurisdiction.
- NSP proposes recovery schemes that raise jurisdictional issues between Minnesota v/and FERC for MVP Portfolio projects.
- NSP argues that regional transmission expenses, in FERC Accounts 565, 566 and 575 "could be considered capital-related," or not, and revenue from shared facilities is reported in FERC 456, and the Commission should carefully scrutinize these accounts and any others and consider the different rate recovery schemes and allowed return.
- Life Cycle Management and Extended Power Uprate costs are at issue, and as a resident of Red Wing with standing to intervene in Nuclear Regulatory Commission dockets, in addition to being an Xcel Energy ratepayer, Overland has a unique interest in issues related to nuclear generation at the Prairie Island nuclear plant.

These and other issues are ones of concern to Overland and No CapX 2020, many of which were raised by intervenors and participants, including Overland and No CapX 2020, in other proceedings, but which were appropriately not addressed because the cost allocation scheme and rate recovery had not yet been set, and because those dockets were need and transmission

dockets, not a rate case. Overland and No CapX Petitions to intervene to address these and other issues in this rate case.

No CapX 2020 and Overland's interests are indeed unique, or "peculiar" and particular, a specific and targeted perspective taken from a position different than any other intervenors. Other likely intervenors, such as Wind on the Wires, Fresh Energy, Izaak Walton League, and MCEA have received millions of dollars to promote regulatory and legislative changes to facilitate transmission generally,<sup>5</sup> a shift to increased federal jurisdiction, to participate in development of FERC approved MISO tariffs for cost apportionment and cost recovery, and incentives for and promotion of the CapX 2020 and MISO MVP transmission build-out.<sup>6</sup> On the other hand, No CapX 2020 and Carol A. Overland, as individual and as attorney for intervenors, have opposed the transmission build-out, and opposed extraction of costs from Minnesota ratepayers, because construction of transmission is a revenue-seeking and driven activity, and an exercise which shifts the burden of construction and costs to other than those transmission owners and utilities benefitting from the construction and operation of transmission, and which facilitates construction of transmission for a private purpose, profit and economic benefit, rather than a public purpose. No CapX is interested in the shift of focus from native load to market transactions, and jurisdictional issues present in the subtle and not-so-subtle shifting toward legitimization of "regional" planning and federal transmission permitting and rate authority, and away from state and Commission authority.

Most of the other likely intervenors were participants in the Xcel driven e21 Initiative, where consensus was reached regarding a Multi Year Rate Plan and "performance outcomes."<sup>7</sup>

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<sup>5</sup> See Minnesota 2005 Session Laws Ch. 97 S.F. 1368, re: transmission only companies, CWIP, regional need, online: <https://www.revisor.mn.gov/laws/?year=2005&type=0&doctype=Chapter&id=97>

<sup>6</sup> See e.g., Merger Stipulation para. 4, December 15, 1999; Settlement Agreement TRANSLINK PUC Docket 02-2152; Wind on the Wires funding; RE-AMP funding.

<sup>7</sup> See e21 Final Report: [https://www.betterenergy.org/sites/www.betterenergy.org/files/e21\\_Initiative\\_Phase\\_I\\_Report\\_2014.pdf](https://www.betterenergy.org/sites/www.betterenergy.org/files/e21_Initiative_Phase_I_Report_2014.pdf).

*2) Shifting away from a regulatory system that rewards the sale of electricity and building large, capital-intensive power plants and other facilities toward one that rewards utilities for achieving an agreed-upon set of performance outcomes that the public and customers want (e.g., energy efficiency, reliability, affordability, emissions reductions, predictable rates, etc.)*

e21 Final Report, p. 9. Because an agreement is reached by a cherry picked group of funded participants does not mean that it is in the public interest and does not mean that there is no negative impact or a beneficial impact on ratepayers. It only means that there is sufficient incentive and effort to obtain “stakeholder” consensus, and nothing more. The participants in e21 represent interests other than those of Overland and No CapX 2020.

Overland was one of few to testify against the e21 Initiative before Senate and House Committees, and OAG-RUD testified against it as well, and though the room was packed with the usual intervenors in rate cases, the “participants” or “stakeholders” were SILENT and did not testify against it. Minn. Stat. §216B.16, Sub. 19. The e21 Final Report lists those participating in the effort that reached consensus on the Multi-Year Rate Plan, in particular, representatives of potential intervenors Fresh Energy and Wind on the Wires (and because MCEA is likely representing these and other “parties,” there can be no divergence of position without impermissible conflict). Overland, also representing No CapX 2020, participated in the Citizens’ League e21 effort and there strongly opposed e21 Initiative positions, which notably did NOT reach consensus and did not support the e21 legislation. Thus, the No CapX 2020 and Overland positions and perspective on transmission construction, cost apportionment, cost recovery, CWIP, FERC v. state jurisdiction, etc., are specific, particular, “peculiar,” and are very different from those of the “usual suspects” who may or may not intervene in this rate case docket.

Xcel relies also on participation by Commerce to object to No CapX 2020 and Overland participation, claiming that:

*Petitioners have also failed to demonstrate that their interests will not be adequately represented by the Department. As the Commission has recognized, concerns “common to the general ratepayers ... are properly represented by the Department,”.*

Previous Xcel Objection, p. 4. Commerce is indeed a party as an “intervenor as of right” and intervenes to address “concerns ‘common to the general ratepayers,’” although Xcel mistakenly cites to the Resource Planning rule. However, Overland and No CapX make no claim to represent the “general ratepayers” represented by Commerce, nor does Overland and No CapX claim to have the interests or concerns of Commerce. Conversely, No CapX and Overland have laid out multiple specific, or “peculiar” concerns not addressed by any other party. There is no inkling, much less any guarantee, that the Dept. of Commerce will advocate and represent the “peculiar” interests and perspective of No CapX 2020 and Overland, nor is there any inkling, much less any guarantee, that OAG-RUD will advocate and represent those interests. Worth noting is that Bill Grant, Deputy Commissioner of Energy and Telecommunications, Dept. of Commerce, was a participant<sup>8</sup> in the “e21 Initiative” and as a representative of Commerce was part of the consensus reached by that “e21 Initiative” group which included advocating adoption and promotion of a Multi-Year Rate Plan, not opposition to it. Grant directs the Energy activities of the Dept. of Commerce, and it is not clear whether Commerce participation will be in line with the e21 Initiative consensus or if it will vary from that position. Commerce does not represent the interests or perspective of Overland and No CapX 2020.

#### **IV. OVERLAND AND NO CAPX 2020 REQUEST FULL PARTY STATUS IN THIS RATE CASE.**

Under the provisions of Minn. R. 7829.0800 and Minn. R. 7843.0300, Subp. 7, and Minn. R. 1400.6200, No CapX 2020 makes this Petition for intervention as a full party, with all the

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<sup>8</sup> See p. 4, e21 Final Report:  
[https://www.betterenergy.org/sites/www.betterenergy.org/files/e21\\_Initiative\\_Phase\\_I\\_Report\\_2014.pdf](https://www.betterenergy.org/sites/www.betterenergy.org/files/e21_Initiative_Phase_I_Report_2014.pdf)

rights of a party, in the above-captioned proceeding. As ratepayers<sup>9</sup>, individuals, members, and organizations working with No CapX 2020 will be directly affected by the outcome of this proceeding. As participants in transmission need and routing dockets, where cost allocation and rate structure and recovery were at issue, these rate related issues were raised by parties but were appropriately not addressed because those dockets were not rate cases.

The interests of No CapX 2020 and Carol A. Overland are distinct from other intervenors due to our freedom from funding incentives and requirements to advocate certain issues and positions, non-participation in the e21 Initiative and consensus regarding its policies, and particularly promotion of transmission, transmission cost allocation and rate recovery schemes.

There are no Intervenors or parties requesting Intervention that could or would represent the distinct joint interests of No CapX.

Overland and No CapX meet the criteria for intervention and respectfully requests intervention as a full party, participating jointly, with all the rights of a party, in the above-captioned proceeding.

Respectfully submitted,

Dated: January 25, 2016



---

Carol A. Overland  
Attorney at Law  
Legalelectric  
1110 West Avenue  
Red Wing, MN 55066  
(612) 227-8638  
[overland@legalelectric.org](mailto:overland@legalelectric.org)

---

<sup>9</sup> This declaration that Overland and No CapX 2020 are ratepayers was in the original Petition to Intervene.



MAILING ADDRESS		ACCOUNT NUMBER	DUE DATE
CAROL A OVERLAND 1110 WEST AVE RED WING MN 55066-3125		51-4301241-3	01/28/2016
STATEMENT NUMBER	STATEMENT DATE	AMOUNT DUE	
484473817	12/30/2015	<b>\$262.54</b>	

**Your Account is Overdue - Please Pay Immediately**

**QUESTIONS ABOUT YOUR BILL?**

See our website: [xcelenergy.com](http://xcelenergy.com)  
 Email us at: [Customerservice@xcelenergy.com](mailto:Customerservice@xcelenergy.com)  
 Call 24 hours a day, 7 days a week  
 Please Call: 1-800-895-4999  
 Hearing Impaired: 1-800-895-4949  
 Español: 1-800-687-8778  
 Or write us at: XCEL ENERGY  
 PO BOX 8  
 EAU CLAIRE WI 54702-0008

**ACCOUNT BALANCE**

Previous Balance	As of 11/24	\$92.66
No Payments Received		\$0.00
Balance Forward		<b>\$92.66</b>
Current Charges		\$171.61
Non-Recurring Charges / Credits		-\$1.73 <b>CR</b>
<b>Amount Due</b>		<b>\$262.54</b>



**PREMISES SUMMARY**

PREMISES NUMBER	PREMISES IDENTIFIER	PREMISES DESCRIPTOR	CURRENT BILL
302842214	1110 WEST AVE		\$171.61
<b>Total</b>			<b>\$171.61</b>

**NON-RECURRING CHARGES/CREDITS SUMMARY**

DESCRIPTION	CURRENT BILL
Elec Interim Refund CR	-\$2.82 <b>CR</b>
Late Charge Assessed	\$1.09
<b>Total</b>	<b>-\$1.73 CR</b>

**INFORMATION ABOUT YOUR BILL**

Interim electric rates became effective Jan. 1, 2016. See the enclosed bill insert for details. Questions? Contact us at 1-800-895-4999 or [inquire@xcelenergy.com](mailto:inquire@xcelenergy.com).

RETURN BOTTOM PORTION WITH YOUR PAYMENT • PLEASE DO NOT USE STAPLES, TAPE OR PAPER CLIPS



ACCOUNT NUMBER	DUE DATE	AMOUNT DUE	AMOUNT ENCLOSED
51-4301241-3	01/28/2016	<b>\$262.54</b>	

Please see the back of this bill for more information regarding the late payment charge. Pay on or before the date due to avoid assessment of a late payment charge. Make your check payable to XCEL ENERGY

JANUARY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

----- manifest line -----



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XCEL ENERGY  
 P.O. BOX 9477  
 MPLS MN 55484-9477

