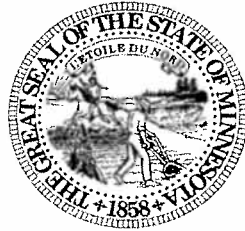


STATE OF MINNESOTA



MARK DAYTON  
GOVERNOR

NOTICE OF APPOINTMENT

**Dan Lipschultz**

208 Alberta Lane  
Little Canada, MN 55117  
County of Ramsey  
Congressional District 4

Because of the special trust and confidence I have in your integrity, judgment, and ability, I have appointed and commissioned you to have and to hold the office of:

**COMMISSIONER**

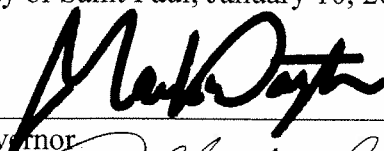
**PUBLIC UTILITIES COMMISSION**

Effective: February 14, 2014  
Term Expires: January 6, 2020

This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled by me or other lawful authority or by any law of this State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the Capitol in the City of Saint Paul, January 10, 2014.



  
Governor

  
Secretary of State

**RECEIVED**

JAN 10 2014

Replacing: Dennis O'Brien

President of the Senate

**STATE OF MINNESOTA  
OPEN APPOINTMENTS APPLICATION FOR SERVICE ON  
STATE AGENCIES, BOARDS, COUNCILS, COMMISSIONS or TASK FORCES**

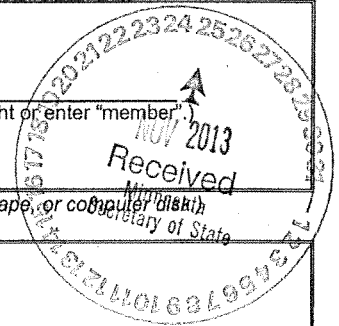
*All information on this form is available to the public upon request.*

**Part I - Tell us about the Position to which you are applying**

*Required Information (MN Stat § 15.0597 Subd. 5.)*

Agency Name: Public Utilities Commission  
(Name of board, council, commission or task force.)

Position Sought: Member  
(Membership position sought or enter "member")



*By request, this application will be made available in alternative format (for example, braille, large print, audio tape, or computer disk).*

**Part II - Tell us about Yourself**

*Required Information (MN Stat § 15.0597 Subd. 5.)*

Applicant Name: Dan Lipschultz  
(First Name) (Last Name)

Preferred Phone: (651) 470 - 7557

Preferred Mailing Address: 208 Alberta Lane  
(Preferred Mailing Address)

E-MAIL: lipocles@comcast.net

Little Canada, Minnesota 55117  
(City) (State) (Zip)

County: Ramsey

MN House of Rep Dist: 42B US House of Rep Dist: 4

Find your districts by using the Poll Finder at:  
<http://pollfinder.sos.state.mn.us/>

Have you ever been convicted of a felony:  
Yes        No X

Did the Appointing Authority suggest you submit your application? Yes        No X

*Please attach a cover letter, current resume, or other information that you feel would be helpful to the Appointing Authority.*

**Part III: OPTIONAL STATISTICAL INFORMATION**

*The following information is optional and voluntary (MN Stat §15.0597 Subd. 5.).  
Information is collected for, and compiled in, the annual report on the open appointments process pursuant to MN Stat §15.0597 Subd. 7.*

Sex: Female         
Male X

Age: 54

Disability: Yes         
No X

Political Party:  
X Democratic-Farmer-Labor  
       Independence  
       Republican  
       No Party Preference  
       Other       

Hispanic, Latino, or Spanish origin?  
Yes         
No X

Race:        African American or Black  
(Pick as many as apply)        American Indian or Alaska Native  
       Asian or Pacific Islander

X White or Caucasian  
       Other Race       

**Part IV: Signature and Submittal Instructions**

I swear that, to the best of my knowledge, the above information is correct and that I satisfy all legally prescribed qualifications for the position sought. (\*If another person or group is nominating the applicant, the applicant's signature indicates consent to nomination.)

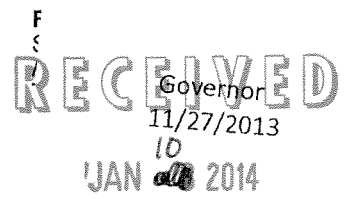
*Dan Lipschultz*  
(Signature of Applicant)

11-25-13  
(Date)

**MAIL OR SUBMIT IN PERSON:**  
Office of Secretary of State  
Open Appointments  
180 State Office Building  
100 Rev Dr Martin Luther King Jr Blvd  
St. Paul, MN 55155-1299

Phone: (651) 297-5845  
Email: [open.appointments@state.mn.us](mailto:open.appointments@state.mn.us)  
Online application:  
<http://www.sos.state.mn.us/index.aspx?page=5>

Applicants will not receive an acknowledgement of submitted applications; the appointing authority will notify you if an interview is desired.



President of the Senate

**Dan Lipschultz**

November 25, 2013

Governor Mark Dayton  
130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

Dear Governor Dayton:

I am writing to request your consideration for appointment to the Minnesota Public Utilities Commission. Enclosed is my application and resume outlining more than 20 years of extensive private and public sector experience as a lawyer in the areas regulated by the Commission. After spending the last 13 years in private practice, I have a strong desire to return to public service and use the experience I've gained to help the Commission deal with the particularly challenging issues that lie ahead, including global climate change, escalating utility rates and the need adapt the utility business model to more fully embrace renewable energy and conservation.

The depth of my experience is substantial. But more importantly, the range of my experience encompasses every perspective in the sphere of utility regulation. I have seen things from the perspective of the regulator as an attorney for the Commission. I have also advocated for consumers, including low and fixed income consumers, as lead attorney for the Attorney General's residential and small business utilities division. Yet my experience also includes the representation of companies regulated by the Commission, including both large energy companies and small competitive telecommunications carriers.

My expertise and leadership have been recognized by my peers in my election as Chair of both the Public Utilities Law Section and Communications Law Section of the MN State Bar Association and in my recent selection as a top regulatory lawyer in a national publication, "*Best Lawyers in America*." In my 23 years practicing utility law, I have handled issues that are highly relevant today, including issues related to affordability, service quality, resource planning, environmental externalities, the siting of power plants and high voltage transmission lines, utility rate-setting, and telecommunications competition. I have advised the decision maker (the Commission) and have worked extensively in the trenches litigating cases and building case records for Commission decisions on behalf of both companies and consumers.

The industries regulated by the Commission have an enormous impact on our State -- both its economy and the environment. That impact and the ability of regulators to protect the public interest will be tested more than ever as we enter a period of what will likely be dramatic changes in the electric utility industry. The next 10 years will likely reshape the utility industry and challenge regulators to find new, innovate ways to advance public policy goals while protecting the public's interest in safe, reliable and affordable utility service. I believe that the Minnesota Commission can become a leader in addressing global climate change while still ensuring high quality, reliable service and affordable rates, especially for low income consumers and those on fixed incomes.

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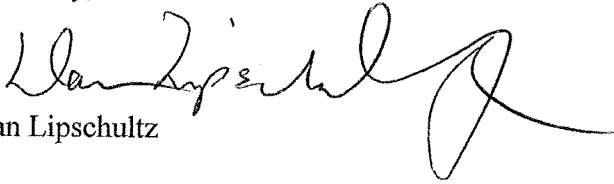
JAN 10 2014

President of the Senate

My 23 years as a utility lawyer in both the public and private sectors have prepared me uniquely well to serve on the Commission. I understand the challenges the Commission will face over the next 10 years and believe I am well positioned to help the Commission grapple with those challenges and shape the future for the benefit of Minnesota's environment, economy and consumers.

Thank you very much for your consideration.

Sincerely,



Dan Lipschultz

208 Alberta Lane  
Little Canada, MN 55117  
651-470-7557  
[lipocles@comcast.net](mailto:lipocles@comcast.net)

RECEIVED

JAN 10 2014

President of the Senate

**Dan Lipschultz**  
208 Alberta Lane  
Little Canada, MN 55117  
Cellular 651-470-7557  
lipocles@comcast.net

**ATTORNEY**

**Background Summary**

I have practiced law in the areas regulated by the Public Utilities Commission for 23 years. Over that time, I have worked on behalf of the public sector, including consumers, and private clients regulated by the Commission. I began as a public sector lawyer for the Commission for six years. I then represented residential and small business ratepayers at the Commission for over two years as lead attorney for the Attorney General's consumer advocate's division. Since then I have worked as in-house counsel for a small competitive telecommunications company and in private practice with the law firm of Moss & Barnett where I have represented a broad cross-section of energy and telecommunications clients.

I have a strong desire to return to public service and I would greatly appreciate the opportunity to serve on the Commission. I believe that my extensive experience as both a public and private utility lawyer would benefit the Commission as it attempts to deal with increasingly difficult issues, including global climate change, escalating utility rates and the need to better align utility interests with renewable energy and conservation.

**Professional Background**

Moss & Barnett, PA, Minneapolis, MN  
**Attorney/Shareholder**

2002 to Present

Advise and represent energy utilities and telecommunications carriers in proceedings before the Minnesota Public Utilities Commission (MPUC); other state PUCs; State and Federal Courts; the Federal Communications Commission (FCC); and the Minnesota Legislature. Over the past 11 years with Moss & Barnett, I have advised clients and tried cases at the MPUC, in state and federal courts, and at the FCC on a broad array of major energy and telecommunications matters, including the following:

- Electric and gas utility rate cases before the MPUC, with particular focus on issues related to rate design, revenue requirements, and strategies such as decoupling to better align utility interests with conservation;
- Utility route permit proceedings for MPUC permission to build and locate high voltage transmission lines;
- Telecommunications rate proceedings to set wholesale prices charged by large incumbent phone companies for the purchase of essential services and facilities by smaller competitive carriers;
- State court proceedings under the Minnesota Environmental Rights Act;
- Federal Court and FCC proceedings under the Federal Telecommunications Act related to wholesale rates, interconnection issues and inter-carrier compensation.

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President of the Senate

McLeodUSA Telecom, Inc., Minneapolis, MN  
**Assistant General Counsel**

2000 to 2002

Advised and represented competitive local telecommunications carrier, McLeodUSA, as in-house counsel for two years. Responsibilities included all legal issues related to regulatory, legislative, sales, and customer service matters throughout a 5-state region consisting of Minnesota, Wisconsin, Washington, Oregon and Arizona.

- Served as lead counsel in multiple regulatory proceedings at the Minnesota and Wisconsin PUCs, including proceedings to set wholesale rates and establish service quality standards;
- Drafted and reviewed sales contracts to ensure compliance with applicable laws and regulations;
- Negotiated contracts with large customers and other carriers for services and network interconnection;
- Served as lead lobbyist for McLeodUSA in both the Minnesota and Wisconsin Legislatures;
- Selected by consortium of competitive telecom carriers to serve as their representative on Wisconsin Legislature's Telecommunications Reform Task Force.

Minnesota Attorney General's Office, St. Paul, MN  
**Assistant Attorney General**

1996 to 2000

Initially served in the Attorney General's Public Utilities Division as counsel to the MPUC. Subsequently served over two years as lead attorney for the Attorney General's Residential and Small Business Utilities Division -- the AG's consumer advocate's division on MPUC-related matters:

- Led Attorney General's advocacy at the MPUC and Legislature on behalf of residential and small business ratepayers;
- Negotiated settlement with Xcel Energy regarding its merger with a Denver-based utility, and secured consumer protection conditions, including rate stability and service quality assurances;
- Negotiated settlement with US West and Qwest Communications regarding their merger, and secured conditions to protect consumers, promote competition, and ensure additional investments in Minnesota's telecommunications infrastructure;
- Litigated case at MPUC to establish wholesale service quality standards. Successfully persuaded the MPUC to establish Minnesota's first wholesale service quality standards, and defended those standards on appeal in the Court of Appeals and State Supreme Court.

Minnesota Public Utilities Commission, St. Paul, MN  
**Commission Attorney**

1990 to 1996

Served as in-house attorney for MPUC. Drafted orders and rules. Provided legal and policy advice on a broad array of energy and telecommunications matters before the MPUC:

- Drafted and advised PUC on development of its integrated resource plan rules;
- Drafted and advised PUC on development of rules limiting cold weather shut-off of utility service;
- Led development of, and drafted order establishing, the MPUC's initial environmental externalities values to reflect the environmental costs of different generation resources;
- Chaired MPUC's Task Force on the development of rules to facilitate and govern the introduction of competition into Minnesota's telecommunications markets. Drafted and defended the rules that emerged from the Task Force process.

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President of the Senate

Minnesota Department of Human Services, St. Paul, MN  
**Rules Analyst and Hearing Examiner**

1985 to 1989

Developed and drafted rules governing a variety of matters under the jurisdiction of the Minnesota Department of Human Service, including rules governing rehabilitation services and rules implementing welfare reform policies. Also served as DHS Hearing Examiner, presiding at and deciding appeals challenging public assistance decisions by county human service agencies.

### **Education**

University of Iowa College of Law, Iowa City

1985

#### **Juris Doctorate**

Research Assistant to Professor Hines – Helped develop model storm water management ordinance.  
Assistant County Attorney Intern for Johnson County and Linn County – Prosecuted misdemeanors

Iowa State University, Ames, IA

1982

**BA, Political Science (minors in economics and philosophy)**

### **Professional Associations**

- Executive Council Member, past Chair, MN State Bar Association, Public Utilities Law Section
- Executive Council Member, past Chair, MN State Bar Association, Communications Law Section
- Member, American Bar Association

### **Bar Admissions**

- Minnesota Supreme Court
- U.S. district Court for the District of Minnesota
- U.S. Court of Appeals for the Eight Circuit

### **Honors & Recognition**

- Named one of best regulatory lawyers in American in national publication, ""Best Lawyers in America""
- Recognized as one of two top telecommunications lawyers in MN in ""Who's Who Legal: the International Who's Who of Business Lawyers""
- Frequent lecture for continuing legal education and industry programs, including most recently:
  - Presented to Public Utilities Section of MN Bar Association – ""Issues in Public Utilities Commission Rulemaking"" – Nov. 20, 2013
  - Presented at National Renewable Energy Conference – ""Transformative Trends in the Electric Energy Industry"" – Aug. 16, 2013
  - Presented to Public Utilities and Communications Sections of MN Bar Association – ""Inter-carrier Compensation Reform Under FCC's Connect America Fund Order"" – Feb. 15, 2012

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JAN 10 2014

President of the Senate