

STATE OF MINNESOTA
COUNTY OF YELLOW MEDICINE

DISTRICT COURT
EIGHTH JUDICIAL DISTRICT

Case Type: Civil
(Consumer Protection)

State of Minnesota, by its Attorney General,
Keith Ellison,

Court File No. _____

Plaintiff,

vs.

Minnesota Valley Cooperative Light and
Power Association,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND TEMPORARY RESTRAINING
ORDER**

Defendant.

The above-titled matter came before the undersigned Judge of the District Court on May 15, 2026, upon the *Ex Parte* Motion for a Temporary Restraining Order and Temporary Injunction brought by the State of Minnesota, by its Attorney General Keith Ellison (“the State”), against Defendant Minnesota Valley Cooperative Light and Power Association (hereinafter, “MN Valley”).

The Court has considered the pleading, exhibits, files, records, arguments, submissions of the Attorney General, and the two affidavits the Attorney General submitted to the Court.¹ The Court accordingly makes the following findings of fact, conclusions of law, and enters the following Order:

¹ The Court considered the affidavits of: Noah Lewellen, Assistant Attorney General, at the Minnesota Attorney General’s Office, 445 Minnesota Street, Suite 600, St. Paul, Minnesota 55101; and Gerardo Orozco Guzman, Mediator, at the Minnesota Attorney General’s Office, 445 Minnesota Street Suite 600, St. Paul, Minnesota 55101.

FINDINGS OF FACT

1. C.W. resides at 2820 180 Ave., Taunton, MN, 56291.
2. On May 7, 2026, C.W. reported to the Attorney General’s Office that his electricity supplier, Defendant, was about to turn off his electricity due to an overdue utility bill. (Affidavit of Gerardo Orozco at ¶ 2, Ex. A.)
3. On May 8, 2026, C.W. obtained a letter from a medical professional indicating that C.W.’s medical conditions and equipment indicated that he needed electrical service to live. (*Id.* at ¶ 10, Ex. B.) Specifically, C.W.’s treating medical provider, Troy Bruns, an advanced practice nurse, wrote to “certify that continuous electrical service at [C.W.’s] residence is medically necessary to sustain life and prevent serious medical harm.” (*Id.*) Mr. Bruns detailed the medical equipment needing electricity, including an insulin pump. (*Id.*)
4. On May 12, 2026, the Attorney General’s Office provided a copy of that letter to Defendant. (*Id.* at ¶ 10.) Defendant did not give any weight to that certification; instead, Defendant stated that C.W. could not use the “excuse” of medically-necessary equipment to continue receiving electrical service. (*Id.* at ¶ 9.)
5. On May 13, 2026, Defendant disconnected C.W.’s power. (*Id.* at ¶ 11.)
6. On May 14, 2026 (*id.* at ¶¶ 12-13) and May 15, 2026, (Affidavit of Noah Lewellen at ¶¶ 3-4) the Attorney General asked Defendant to restore power to C.W.’s residence, but its requests were refused.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over the subject matter of this case and the parties hereto and makes the following Conclusions of Law.
2. Section 216B.098, subdivision 5(a) mandates that:

a utility shall reconnect or continue service to a customer's residence where a medical emergency exists or where medical equipment requiring electricity necessary to sustain life is in use, provided that the utility receives written certification [. . .] that failure to reconnect or continue service will impair or threaten the health or safety of a resident of the customer's household.

3. The certification may be provided by, among others, "an advanced practice registered nurse, as defined in section 148.171." Minn. Stat. § 216B.098, subd. 5(b)(3).

I. The Attorney General is Entitled to a Temporary Restraining Order Pursuant to Minnesota Rule of Civil Procedure 65.01.

4. The Attorney General has filed an emergency consumer-protection action to enforce Section 216B.098, subdivision 5(a), which prohibits electricity shut-offs when an electricity provider receives certification from a medical provider, such as an advanced practice registered nurse, where medical equipment requiring electricity necessary to sustain life is in use and failure to reconnect will impair or threaten the health and safety of the customer. The law further mandates reconnection in the case of a disconnection of such a consumer. The purpose of this law to protect the health and safety of utility customers that rely on electricity for life-sustaining medical equipment.

5. The Attorney General has moved the Court for a temporary restraining order (TRO) pursuant to Minn. R. Civ. P. 65.01. Requests for TROs and temporary injunctions are generally evaluated under the same standards. *Compare Minneapolis Urban League, Inc. v. City of Minneapolis*, 650 F. Supp. 303, 303 (D. Minn. 1986) (Reviewing TRO request), with *Metro. Sports Facilities Comm'n v. Minn. Twins P'ship*, 638 N.W.2d 214, 220 (Minn. App. 2002), *rev'w denied* (Minn. Feb. 4, 2002) (reviewing temporary injunction request).

6. The Attorney General seeks temporary injunctive relief as authorized by statute pursuant to section 8.31; accordingly there is no need to make findings on the *Dahlberg* factors and instead the Court can grant temporary injunctive relief upon a showing that Defendants

“violated or were about to violate the statutes involved” and that “injunctive relief would fulfill the legislative purpose of the statutes.” *State v. Cross Country Bank, Inc.*, 703 N.W.2d 562, 572 (Minn. Ct. App. 2005) (quoting *Wadena Implement Co. v. Deere & Co., Inc.*, 480 N.W.2d 383, 389 (Minn. App. 1992)); accord *State v. Minn. School of Business, Inc.*, 899 N.W.2d 467, 471-72 (Minn. 2017).

7. There is good cause to believe that the Attorney General will likely prevail on the merits of its claims Defendant has violated or is about to violate Section 216B.098, subdivision 5(a) by failing to reconnect electricity service to C.W.’s residence despite receiving the medical certification provided by the statute. The Attorney General has submitted evidence showing that Defendant received the requisite certification but has subsequently refused to reconnect electricity service to C.W.’s residence. Thus, the Attorney General is likely to prevail on the merits that Defendant has violated Section 216B.098, subdivision 5(a).

8. There is good cause to believe that the temporary injunctive relief the Attorney General seeks would fulfill the purposes of Section 216B.098, subdivision 5(a). As noted above, the purpose of this statute is to protect the health and safety of vulnerable utility customers that rely on electricity services in order for their life-sustaining medical equipment remains operational. Without electricity such customers, including C.W., are threatened with bodily injury or death. Accordingly, the temporary injunctive relief ordered by the Court will help protect the health and safety of C.W. during the pendency of this litigation by ceasing Defendants actions that prevents electricity service to C.W.’s residence. It also protects this Court’s ability to grant full and effective relief among the parties.

9. Furthermore, the Attorney General has established that it is entitled to not only temporary injunctive relief but to a TRO, before Defendant can be heard in opposition, pursuant

to Minn. R. Civ. P. 65.01. It is clear from the facts shown by the Attorney General by affidavit that C.W. will potentially suffer irreparable harm unless Defendant is enjoined from interrupting the electrical service to C.W.'s residence. (Affidavit of Gerardo Guzman at ¶ 10, Ex. B.)

10. No security is required of the State of Minnesota for issuance of a temporary restraining order. *See* Minn. Stat. § 574.18; *State v. Nelson*, 189 Minn. 87, 89-90 (1933).

ORDER

I. Temporary Restraining Order

WHEREFORE, IT IS HEREBY FURTHER ORDERED THAT:

1. The Attorney General's motion for a temporary restraining order pursuant to Minnesota Rule of Civil Procedure 65.01 is **GRANTED**.

2. Effective from the date of this Order, Defendant is enjoined and prohibited from preventing or shutting off any utility service, including, but not limited to, propane heat and electrical service, to be received by C.W. at his residence of 2820 180 Avenue, Taunton, Minnesota, 56291.

3. Within 6 hours from Defendant's notice of this of this Order, Defendant is required to ensure that all utility services, including, but not limited to, propane heat and electrical service is restored to C.W.'s residence of 2820 180 Avenue, Taunton, Minnesota, 56291.

4. Within one hour of restoring propane heat and electrical service to C.W.'s residence of 2820 180 Avenue, Taunton, Minnesota, 56291, Defendant is required to provide notice to the Attorney General that the propane heat and electrical service has been restored to the Property.

II. Correspondence and Service on Plaintiff

5. IT IS FURTHER ORDERED that, for the purpose of this Order, all correspondence and service of notices on the Plaintiff shall be addressed to:

Assistant Attorney General Noah Lewellen
Minnesota Attorney General's Office
445 Minnesota Street, Suite 600
St. Paul, Minnesota 55101-2130
noah.lewellen@ag.state.mn.us

III. Temporary Injunction Hearing

6. IT IS FURTHER ORDERED that, pursuant to Minn. R. Civ. P. 65.01, counsel for Plaintiff and Defendants shall appear before this Court on _____, 2026, at _____, at [the Yellow Medicine County Courthouse at 415 Ninth Avenue, Granite Falls, Minnesota 56241 / Via Teleconference] for a hearing on Plaintiff's motion for a temporary injunction pending final ruling on the Complaint against Defendant and imposing such additional relief as may be appropriate.

7. IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes and this Order shall remain in effect until further order of the Court.

Dated:

The Honorable Judge Benjamin R. Wilcox
Judge of District Court