



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

January 14, 2016

Senator John Marty, Chair
Environment and Energy Committee
Minnesota State Senate Building, Room 3233
95 University Avenue West
St. Paul, Minnesota 55155

Senator David Osmek, Ranking
Minority Member
Environment and Energy Committee
19 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Pat Garofalo, Chair
Job Growth and Energy Affordability
Policy and Finance Committee
485 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Tim Mahoney, Ranking
Minority Member
Job Growth and Energy Affordability
Policy and Finance Committee
345 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David J. Tomassoni, Chair
Environment, Economic Development and
Agriculture Budget Division
Minnesota State Senate Building, Room 3401
95 University Avenue West
St. Paul, Minnesota 55155

Senator Bill Ingebrigtsen, Ranking
Minority Member
Environment, Economic Development
and Agriculture Budget Division
143 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Hoppe, Chair
Commerce and Regulatory Reform Committee
543 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Atkins, Ranking
Minority Member
Commerce and Regulatory Reform
Committee
349 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Dan Sparks, Chair
Jobs, Agriculture and Rural Development
Committee
Minnesota State Senate Building, Room 2401
95 University Avenue West
St. Paul, Minnesota 55155

Senator Gary H. Dahms, Ranking
Minority Member
Jobs, Agriculture and Rural
Development Committee
121 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Legislative Reference Library
Attn: Acquisitions Dept.
645 State Office Building
St. Paul, MN 55155-1050

Subject: Annual Submission of Public Rulemaking Docket and Official Rulemaking Record
under Minn. Stat. § 14.116 (a)

Dear Senators and Representatives:

Minn. Stat. § 14.116 (a) requires each agency to submit to you by January 15 of each year its public rulemaking docket maintained under Minn. Stat. § 14.366, and the official rulemaking record required under Minn. Stat. § 14.365 for any rule adopted during the preceding calendar year.

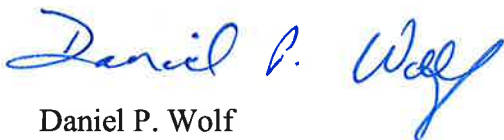
The Commission encloses a copy of its public rulemaking docket, which is also available on the agency's website at: <http://mn.gov/puc/regulation/rulemaking-projects.jsp>.

In 2015, the Commission adopted rule changes governing the following: Cogeneration and Small Power Production (Chapter 7835); White Pages Directory Publication and Distribution (Chapter 7810); and Utility Proceeding, Practice, and Procedure (Chapter 7829). The official rulemaking records for these three proceedings are available on the agency's website at <http://mn.gov/puc/regulation/rulemaking-projects.jsp>.

Because the rule changes to Chapter 7829 were adopted on December 31, 2015, the rulemaking record does not yet contain a copy of the adopted rule as filed with the Secretary of State.

Please let me know if I can provide further assistance.

Sincerely,



Daniel P. Wolf
Executive Secretary



Minnesota Public Utilities Commission

Rulemaking Projects

Minnesota Statutes, Chapter [14.366 \(https://www.revisor.mn.gov/statutes/?id=14.366\)](https://www.revisor.mn.gov/statutes/?id=14.366) (2012) requires each agency to maintain a current, public rulemaking docket. This section contains a list of pending rulemakings under consideration. The status of each rulemaking will be updated as we proceed through the rulemaking process. All documents, including any written requests for a public hearing, are available through the Minnesota Public Utilities Commission's electronic filing system, eDockets.

- Amendments to Rules Governing Proceeding, Practice, and Procedure (Chapter 7829, excluding 7829.2550 which is subject to a separate pending rulemaking) | U-999/R-13-24

Agency Contact: [Chris Moseng \(mailto:chris.moseng@state.mn.us\)](mailto:chris.moseng@state.mn.us)
Phone: 651-201-2223

Subject Matter: In the Matter of Amendments to Rules Governing Proceeding, Practice, and Procedure (Chapter 7829, excluding 7829.2550 which is subject to a separate pending rulemaking) | U-999/R-13-24

Notices: [Find Notices in eDockets \(https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=24\)](https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=24)

Comments: [Find Comments in eDockets \(https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=24\)](https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=24)

Comment Period: Not in comment period.

Hearing Information: No public hearing is scheduled. Please see the [Notice of Intent to Adopt \(https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId=%7b040B2AC9-D0DB-409A-84E9-DC89CD510A9A%7d&documentTitle=20156-111384-01\)](https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId=%7b040B2AC9-D0DB-409A-84E9-DC89CD510A9A%7d&documentTitle=20156-111384-01) for more information.

Status: Ongoing

Timetable: Ongoing

Date Adopted: December 31, 2015

Rule Filed with Secretary of State: Not yet filed

Effective Date of the Rules: Not yet determined

- Certificates of Need and Site and Route Permits for Power Plants and High Voltage Transmission Lines, E,ET,IP-999/R-12-1246

[Back to top](#)

Agency Contact: [Kate Kahlert \(mailto:kate.kahlert@state.mn.us\)](mailto:kate.kahlert@state.mn.us)

Phone: 651-201-2239

Subject Matter: In the Matter of Certificates of Need and Site and Route Permits for Power Plants and High Voltage Transmission Lines, E,ET,IP-999/R-12-1246

Notices: [Find Notices in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=12&docketNumber=1246>

Comments: [Find Comments in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=12&docketNumber=1246>

Comment Period: Not in Comment Period

Hearing Information: Not yet available


Status: Advisory Committee Established

Timetable: Ongoing

Date Adopted: Not yet available

Rule Filed with Secretary of State: Not yet filed

Effective Date of the Rules: Not yet determined

-  Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution | P-999/R-13-459

Agency Contact: [Chris Moseng \(mailto:chris.moseng@state.mn.us\)](mailto:chris.moseng@state.mn.us)

Phone: 651-201-2223

Subject Matter: In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution | P-999/R-13-459

Notices: [Find Notices in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=459>

Comments: [Find Comments in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=459>

Comment Period: Not in Comment Period

Hearing Information: No public hearing is scheduled


Status: Completed

Timetable: Completed

Date Adopted: June 8, 2015

Rule Filed with Secretary of State: July 10, 2015

Effective Date of the Rules: July 27, 2015

-  Possible Amendments to Rules Governing Cogeneration and Small Power Production Chapter 7835 | E-999/R-13-729

Agency Contact: [Kate Kahlert \(mailto:kate.kahlert@state.mn.us\)](mailto:kate.kahlert@state.mn.us)

Phone: 651-201-2239

Subject Matter: In the Matter of Possible Amendments to Rules Governing Cogeneration and Small Power Production Chapter 7835 | E-999/R-13-729

Notices: [Find Notices in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=729>

Comments: [Find Comments in eDockets](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=13&docketNumber=729>

Comment Period: Not in comment period

Hearing Information: No public hearing is scheduled. [Notice of Intent to adopt Rules](#)

<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=showPoup&documentId=%7b040B2AC9-D0DB-409A-84E9-DC89CD510A9A%7d&documentTitle=20156-111384-01>


Status: Completed

Timetable: Completed

Date Adopted: June 12, 2015

Rule Filed with Secretary of State: August 28, 2015

Effective Date of the Rules: September 28, 2015

-  Rulemaking to Consider Possible Amendments to Minnesota Rules , parts 7810.4100 through 7810.6100 | P-999/R-14-413

Agency Contact: [Kate Kahlert \(mailto:kate.kahlert@state.mn.us\)](mailto:kate.kahlert@state.mn.us)

Phone: 651-201-2239

Subject Matter: In the Matter of Rulemaking to Consider Possible Amendments to Minnesota Rules , parts 7810.4100 through 7810.6100 | P-999/R-14-413

Notices: Find Notices in eDockets

(<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=14&docketNumber=413>)

Comments: Find Comments in eDockets

(<https://www.edockets.state.mn.us/EFiling/edockets/searchDocuments.do?method=eDocketsResult&docketYear=14&docketNumber=413>)

Comment Period: Not in Comment Period

Hearing Information: No public hearing is scheduled.

Status: Ongoing

Timetable: Ongoing

Date Adopted: Not yet available

Rule Filed with Secretary of State: Not yet filed

Effective Date of the Rules: Not yet determined



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

January 12, 2016

The Honorable Barbara J. Case
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Proposed Rule Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, excluding part 7829.2550; Revisor's ID Number R-4159; OAH Docket No. 82-2500-32520

Dear Judge Case:

On December 31, 2015, the Minnesota Public Utilities Commission adopted the above-named rules governing the Commission's practices and procedures. The Commission now requests that the Office of Administrative Hearings review and approve the rules under Minnesota Statutes, section 14.26. Enclosed for your review are the documents required by Office of Administrative Hearings Rules, part 1400.2310, items A to P. Paragraphs A to P of this letter are keyed to items A to P of part 1400.2310. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason that the document is not applicable.

- A. Enclosed: the Request for Comments as published in the State Register on Feb 19, 2013.
- B. Not enclosed: a petition for rulemaking. This is not enclosed because no petition was filed regarding these rules.
- C. Enclosed: the proposed rules dated January 26, 2015, with the Revisor's certificate of approval.
- D. Enclosed: the Statement of Need and Reasonableness.
- E. Enclosed: the Notice of Intent to Adopt Rules, as mailed, and the Notice of Intent to Adopt Rules, as published in the State Register on June 15, 2015.
- F. Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Commission to omit the text of the proposed rules from the Notice Of Intent To Adopt Rules published in the State Register. This is not enclosed because the Commission

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included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.

- G. Enclosed: the Certificate of Mailing the Notice of Intent to Adopt Rules and the Certificate of Accuracy of the Mailing List.
- H. Enclosed: the Certificate of Additional Notice.
- I. Enclosed: the Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library.
- J. Enclosed: all written comments and submissions on the proposed rules that the Commission received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents. The Commission received no requests for hearing.
- K. Not enclosed: a notice of withdrawal of hearing request, evidence that the Commission sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received. These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Commission to send a notice of withdrawal of hearing request.
- L. Enclosed: a copy of the adopted rules dated December 3, 2015. The modifications to the proposed rules are reflected in the rules as adopted and are approved by the Revisor of Statutes.
- M. Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups. This is not enclosed because the Commission did not adopt substantially different rules.
- N. Enclosed: an unsigned draft of the Order Adopting Rules that complies with the requirements in part 1400.2090.
- O. Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings. No persons requested notification of the submission of the rules to the Office of Administrative Hearings.
- P. Enclosed: any other document or evidence to show compliance with any other law or rule that the Commission is required to follow in adopting these rules. These are:
 - P.1. The Certificate of Sending Notice to Legislators per Minnesota Statutes, section 14.116.
 - P.2. The Certificate of Consulting with the MMB per Minnesota Statutes, section 14.131. And, MMB's memo dated January 5, 2015, in response.

If you have questions or wish to discuss anything with me, please contact me at 651-201-2223.
After you complete your review, please send any correspondence to me at the following address:

Chris Moseng
Minnesota Public Utilities Commission
121 7th Place E., Suite 350
St. Paul, MN 55101

Sincerely,

A handwritten signature in blue ink, appearing to be 'Chris Moseng', with a long, sweeping horizontal line extending to the right.

Chris Moseng
Staff Attorney



Enclosed: the Request for Comments as published in the State
Register on Feb 19, 2013.

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Commentary: All parties present were heard and had fair opportunity to present facts, thoughts, opinions, and challenges pertaining to the question of whether the Minnesota Plumbing Code permits single-wall heat exchangers. The Board determined that *Minnesota Rules* part 4715.1941, permits single-wall heat exchangers that meet the requirements of subpart 3 if all of the conditions specified in items A-C are satisfied. As a clarification to item B, the heat transfer medium pressure cannot exceed the normal minimum potable water pressure in the heat exchanger. In addition, the heat transfer medium pressure must at all times be maintained at a pressure lower than the potable water pressure existing in the heat exchanger.

Dated: 11 February 2013

John Parizek, Chair
Minnesota Plumbing Board

Minnesota Public Utilities Commission (PUC) REQUEST FOR COMMENTS on Possible Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, *Minnesota Rules* Chapter 7829, Excluding part 7829.2550, which is Subject to a Separate Pending Rulemaking

Subject of Rule. The Minnesota Public Utilities Commission requests comments on its possible amendments to the rule chapter governing Utility Proceeding, Practice, and Procedure. The Commission is considering rule amendments that update the rules to eliminate outdated rule language, to address statutory changes, to clarify existing Commission procedures, and to establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

Persons Affected. The amendments to the rules would likely affect all Commission proceeding parties and participants.

Statutory Authority. *Minnesota Statutes*, section 216A.05, subdivision 1, authorizes the Commission to adopt rules with respect to the control and conduct of the business coming within the Commission's jurisdiction.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on April 8, 2013. The Commission has prepared a draft of the possible rule amendments, which is attached. Please refer to PUC Docket No. U-999/R-13-24 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee to comment on the possible amendments. The Commission welcomes comments that address whether to appoint an advisory committee.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the possible amendments, and requests for more information on the possible amendments should be addressed to: Christopher Moseng, Staff Attorney, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota, 55101-2147; **telephone:** (651) 201-2223, **fax:** (651) 297-7073; and **e-mail:** christopher-moseng@state.mn.us. Persons with hearing loss or speech disabilities may call us through Minnesota Relay at 1-800-627-3529 or by dialing 711.

Comments submitted in response to this notice may not be included in the formal rulemaking record when a proceeding to adopt a rule is started.

Working Draft. The Commission's current working draft of the possible amendments is set forth below.

7829.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter have the meanings given them in this part.

Subp. 2. **Classification petition.** "Classification petition" means a petition filed by a telephone company to classify a telephone service as subject to emerging or effective competition under *Minnesota Statutes*, section 237.59.

Subp. 3. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 4. **Complainant.** "Complainant" means a person who complains formally or informally of an alleged violation of a statute or

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rule within the commission's jurisdiction, a utility tariff, or a commission order.

~~Subp. 5. **Cost increase filing.** "Cost increase filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a rate increase for a particular telephone service on grounds that the actual costs of providing that particular service have increased. It does not include cost increases that are part of overall cost increases and cost increases that have been discovered as a result of new cost studies.~~

Subp. 65. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 76. **Expedited proceeding.** "Expedited proceeding" means an informal proceeding described in *Minnesota Statutes*, section 237.61, and subject to specific procedural requirements such as verification of pleadings.

Subp. 87. **Informal proceeding.** "Informal proceeding" means a proceeding that addresses and resolves issues of public policy, fact, or law without a formal contested case proceeding before the Office of Administrative Hearings.

Subp. 98. **Intervenor.** "Intervenor" means a person permitted to intervene as a party in a proceeding under this chapter.

~~Subp. 10. **Language change filing.** "Language change filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, changing descriptive language in a telephone utility tariff without changing the meaning or operation of the tariff.~~

Subp. 119. **Miscellaneous tariff filing.** "Miscellaneous tariff filing" means a request or notice that does not require determination of the utility's revenue requirement.

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges (*Minnesota Rules* 7825.2390 – 2850); or any related matter. ~~The term also includes a language change filing, cost increase filing, and rate reduction filing.~~

The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

Subp. 10. **Motion filing.** "Motion filing" means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments authorized by part 7829.1400, nor motions made during a proceeding before an administrative law judge.

Subp. 111. **Municipality.** "Municipality" includes a town, statutory city, and home rule charter city.

Subp. 112. **Participant.** "Participant" means a person who files comments or appears in a proceeding, other than public hearings held in contested cases and other commission proceedings conducted to receive general public comments, to present views without becoming a party.

Subp. 113. **Party.** "Party" means a person by or against whom a proceeding before the commission is commenced or a person permitted to intervene in a proceeding under this chapter. A party to a proceeding is styled a "petitioner," "complainant," "intervenor," or "respondent," according to the nature of the proceeding and the relationship of the party to the proceeding.

Subp. 114. **Person.** "Person" means a natural person, corporation, municipal corporation, public corporation, utility, governmental entity, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian, or executor.

Subp. 115. **Petitioner.** "Petitioner" means a person who requests the commission's permission, authorization, or approval or a person who notifies the commission of a proposed change in a rate, service, or term or condition of service.

Subp. 17. **Price list filing.** "Price list filing" means a filing under *Minnesota Statutes*, section 237.60, pertaining to telephone services claimed to be subject to emerging or effective competition.

Subp. 116. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, in which it seeks to resolve a question or issue taken up on its own motion or presented to it in a complaint, petition, or notice of a proposed change in a rate, service, or term or condition of service.

Subp. 117. **Proof of service.** "Proof of service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

Subp. 18. **Protected data.** "Protected data" means data filed with the commission that is either

- a. properly identified as nonpublic data under the Minnesota Government Data Practices Act, *Minnesota Statutes* 13.37, or
- b. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. 20. **Rate reduction filing.** "Rate reduction filing" means a miscellaneous tariff filing under *Minnesota Statutes*, section 237.63, proposing a reduction in a rate for telephone service.

Subp. 219. **Respondent.** "Respondent" means a person against whom a complaint is filed or against whom an investigation or other proceeding on commission motion is addressed.

Subp. 220. **Suspend.** "Suspend" means to hold in abeyance or to delay the effective date of.

Subp. 231. **Utility.** "Utility" means a gas, electric, or telecommunications service provider~~telephone company~~ subject to the jurisdiction of the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116; L 2001 1Sp4 art 6 s 1

Posted: August 21, 2007

7829.0200 SCOPE AND CONSTRUCTION.

Subpart 1. **Construction.** This chapter must be construed to secure the just, speedy, and economical determination of issues before the commission. This chapter must be construed in light of the commission's statutory authority and responsibilities.

Subp. 2. **Conflicting statutes and substantive rules to control.** This chapter governs practice and procedure in matters before the commission except when a statute or a rule on a specific topic contains procedural requirements in direct conflict with this chapter. Then, the statute or rule on a specific topic controls insofar as it is in direct conflict with this chapter.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0300 COMPUTATION OF TIME.

In computing a period of time prescribed by this chapter, the commission shall exclude the first and include the last day of the designated period of time. When the last day of the time period falls on Saturday, Sunday, or a legal holiday, that day must be omitted from the computation.

Statutory Authority:

Minnesota Statutes, Sec 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** ~~Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary.~~

Documents must be filed in a manner consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. Documents must be directed to the attention of the executive secretary. Documents are filed with the commission

a) when submitted, if submitted and accepted into the commission's electronic filing system, or

b) when received in the commission offices during regular business hours, if not filed electronically. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary.

Subp. 2. **Number of copies.** Parties and participants shall file an original and 15 copies of each document filed with the commission; ~~unless otherwise directed by the executive secretary.~~

Subp. 32. **Proof of service.** Filings must be accompanied by proof of service on the persons on the appropriate service list.

Subp. 43. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and docket number of the matter. ~~FPaper~~ filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format—scanned documents must include optical character recognition data.

Subp. 54. **Service.** A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail, ~~or by delivery in person, or electronically upon recipients who have consented to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4,~~ unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons, unless the executive secretary directs otherwise for specific documents, electronic service is complete upon completed electronic transmission of the document; service by mail or facsimile transmission plus mail is complete upon mailing. ~~unless the executive secretary directs otherwise for specific documents.~~ When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

Subp. 65. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, service and filing requirements are controlled by the rules of the Office of Administrative Hearings and by any orders issued under those rules by the administrative law judge.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

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History: 19 SR 116

Posted: August 21, 2007

7829.0411 REPRESENTATIONS TO THE COMMISSION.

Any person who signs a filing or enters an appearance at a commission meeting, by doing so, represents that he or she is authorized to do so and has a good faith belief that statements of fact made are true and correct, and that legal assertions made are warranted by existing law or by a reasonable extension or reversal of existing law.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.0420 MOTION FILINGS.

Subpart. 1. **Form and content.** Parties to a proceeding making motion filings shall make them in writing, shall state the grounds for the motion, and shall set forth the requested commission action. Parties shall serve motion filings on the persons listed on the official service list and file them consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3. Parties shall as a part of their motion filing advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within ten days. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. **Responses.** Parties responding to motion filings shall serve their responses on the persons listed on the official service list and file them consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, within ten days of service of the motion filing.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.0500 TRADE SECRET AND PROPRIETARY INFORMATION PROTECTED DATA.

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public disclosure of privileged proprietary information, trade secrets, or other privileged information.

Subp. 2. **Procedure for excision.** Persons filing documents containing ~~proprietary information, trade-protected data~~ or other privileged information shall file one copy of the document with the information redacted, and one copy without redactions, designated as required in subpart 4 and identified as a nonpublic document during the electronic submission process, excise this information in all copies but the original and six copies. The first page or cover page of a document from which protected information has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT—NONPUBLIC (or PRIVILEGED) DATA HAS BEEN EXCISED. The beginning and end of the excised protected data must be identified.

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected ~~information~~data, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected information.** The first page or cover page of a document containing protected ~~information~~data must be clearly marked in bold print "~~TRADE SECRET INFORMATION~~ NONPUBLIC DOCUMENT — NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected information appears must be similarly marked and the protected information must be underlined, placed in brackets, or otherwise clearly identified as the information which is to be protected from disclosure.

Subp. 5. **Statement required.** In all cases where a person or entity files data with the commission that is identified as non-public or privileged, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data either is classified as non-public under Minnesota Statutes section 13.37, or is privileged under a rule of privilege recognized by law.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0600 GENERAL SERVICE LIST.

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

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Subp. 2. **Annual updating.** The utility may delete from its general service list a person who fails to respond within 30 days to an annual mailing inquiring whether that person wishes to continue receiving the filings requested.

Subp. 3. **Periodic addition.** A person may be added to the utility's general service list at any time by filing a request under subpart 1, even if the person failed to respond to an annual mailing as described in subpart 2.

Subp. 4. **Jurisdiction unaffected.** The service lists established in this part are intended to provide the earliest possible notice to persons who may be interested in a particular filing. The requirements of this part do not displace or add to legal notice requirements, and a utility's failure to comply with this part does not deprive the commission of jurisdiction over a matter of which it would otherwise have jurisdiction, require dismissal of a filing, or invalidate any determination made by the commission in the matter.

Subp. 5. **Party or participant status unaffected.** Inclusion on a general service list does not confer party or participant status on persons included on the list.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. **Content.** The official service list for each proceeding consists of the names of the parties and the names of participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.**

The commission shall establish the official service list at the conclusion of the initial comment period and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission may provide the official service list electronically rather than by mail to those who have consented to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4.

Subp. 3. **Limiting service list.** On its own motion or at the request of a party, the commission shall limit the service list to parties to the proceeding if it finds that requiring service on participants is unduly burdensome.

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list.

Subp. 5. **Proceeding before administrative law judge.** In proceedings before an administrative law judge in which the judge establishes a service list, the names on that service list must remain on the official service list for the remainder of the proceeding.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.0800 PETITION TO INTERVENE.

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable.

Subp. 2. **Grounds for intervention.** The petition must allege the grounds for intervention and must be granted upon a showing that: the person is specifically considered by statute to be interested in the particular type of matter at issue; the person is specifically declared by statute to be an interested party; or the outcome of the proceeding will bind or affect the person with respect to an interest peculiar to that person, as distinguished from an interest common to the public or other ratepayers in general, or the person's interests are not adequately represented by one or more other parties participating in the case.

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, through its Residential Utilities Division, may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

Subp. 4. **Objection to intervention.** An objection to intervention must be filed within ten days of service of the petition to intervene.

Subp. 5. **Disposition of petition.** If there is no objection to intervention and a petition to intervene is not denied or suspended within 15 days of filing, the petition to intervene must be considered granted, unless the matter is referred to the Office of Administrative Hearings for contested case proceedings before the expiration of the 15-day period.

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Subp. 6. **Proceeding before administrative law judge.** During the time that a matter is before an administrative law judge, intervention procedures are governed by the rules of the Office of Administrative Hearings and by orders issued under those rules by the administrative law judge.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.0900 PARTICIPANT.

A person may file comments in a proceeding before the commission without requesting or obtaining party status. A participant may also be granted an opportunity for oral presentations.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1000 REFERRAL FOR CONTESTED CASE PROCEEDING.

If a proceeding involves contested material facts and there is a right to a hearing under statute or rule, or if the commission finds that all significant issues have not been resolved to its satisfaction, the commission shall refer the matter to the Office of Administrative Hearings for contested case proceedings, unless:

A. all parties waive their rights to contested case proceedings and instead request informal or expedited proceedings, and the commission finds that informal or expedited proceedings would be in the public interest; or

B. a different procedural treatment is required by statute.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1100 PUBLIC HEARING.

When a public hearing is held in connection with a contested case proceeding, the commission shall, whenever possible, schedule the public hearing to be held before the evidentiary hearings.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1200 INFORMAL OR EXPEDITED PROCEEDING.

Subpart 1. **When appropriate.** Informal or expedited proceedings may be used when contested case proceedings are not required, for example, when:

A. there are no material facts in dispute;

B. the parties and the commission have agreed to informal or expedited proceedings; or

C. informal or expedited proceedings are authorized or required by statute.

Subp. 2. **Presentation of facts.** Written submissions are the preferred method of introducing facts. The commission shall allow oral presentation of facts when that can be done without compromising the rights of any person or the integrity of the proceeding. In informal proceedings, the commission shall require that factual allegations be made under oath or by affirmation when facts appear to be in dispute. In expedited proceedings, the commission shall require that factual allegations be made under oath or by affirmation and that documents filed in the proceeding be verified.

Subp. 3. **Notice.** The commission shall notify the persons on the official service list at least ten days before a meeting at which it may act on the basis of informal or expedited proceedings. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1250 UNCONTESTED PROCEEDING SUBCOMMITTEE

Subpart 1. Consent calendar subcommittee. The commission may refer filings to a subcommittee for disposition as authorized by Minnesota Statutes, section 216A.03, subdivision 8, when

- a) the proceeding involves no disputed or novel issues, and
- b) no person has requested that the proceeding not be delegated to a subcommittee.

Subp. 2. Other subcommittees. This part is not intended to limit the circumstances under which the commission may delegate functions to a subcommittee.

Statutory Authority:

Minnesota Statutes, Sec. 216A.03

7829.1300 MISCELLANEOUS ~~TARIFF AND PRICE LIST~~ FILINGS.

Subpart 1. Summary. A miscellaneous ~~tariff~~ filing and ~~price list~~ filing must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. Service. The filing utility shall serve copies of each miscellaneous ~~tariff~~ filing on which commission action is required within 60 days, ~~and each price list filing increasing the price of a competitive service,~~ on the persons on the applicable general service list, on the department, and on the Residential Utilities Division of the Office of the Attorney General. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. Content of filing subject to specific requirements. In addition to complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and price~~ filings subject to specific filing rules must contain at least the following information:

- A. the name, address, and telephone number of the utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility, if the utility is using an attorney;
- C. the date of the filing and the date the proposed rate or service change will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing; and
- E. the signature, electronic address, and title of the utility employee responsible for the filing.

Subp. 4. Content of filing not subject to specific filing rules. In addition to complying with any specific requirements imposed by statute, miscellaneous ~~tariff and price list~~ filings not subject to specific filing rules must contain at least the following information:

- A. the name, address, and telephone number of the utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility, if the utility is using an attorney;
- C. the date of the filing and the date the proposed rate or service change will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing;
- E. the signature, electronic address and title of the utility employee responsible for the filing; and
- F. a description of the filing, its impact on rates and services, its impact on the utility and affected ratepayers, and the reasons for the filing.

Subp. 5. Rejection of filing. The commission shall reject a filing found to be substantially out of compliance with this chapter or applicable statutory requirements.

Subp. 6. Compliance filings. Unless otherwise ordered by the commission, utilities shall file a compliance filing within 10 days of a commission order requiring it.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1400 MISCELLANEOUS ~~TARIFF, PRICE LIST~~ FILING; COMMENTS.

Subpart 1. Initial comments. A person wishing to comment on a miscellaneous ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. ~~A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service.~~ A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

Subp. 2. Petition to intervene. If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the filing.

Subp. 3. Comments to include procedural recommendation. A person commenting on a miscellaneous ~~tariff or price list~~ filing and

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recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

Subp. 4. **Reply comments.** The utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 5. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 6. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 7. **Comment periods varied.** Except for comment periods set by statute, the commission may vary the comment periods set by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 8. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods in parts 7829.1300 and 7829.1400 up to an additional 30 days, except for comment periods established by statute and except when the commission must act within 60 days to prevent proposed rate changes from going into effect.

Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1500 INFORMAL COMPLAINT.

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1600 TREATMENT OF INFORMAL COMPLAINT.

Commission staff shall try to help resolve informal complaints by correspondence, mediation, arbitration, and other informal means. If the complainant desires formal action by the commission, a formal complaint must be initiated by the commission, or filed by a qualified complainant.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1700 FORMAL COMPLAINT.

Subpart 1. **Content.** A formal complaint must include the following information: the name and address of the complainant; the name and address of complainant's counsel, if any; the name and address of respondent; the name and address of respondent's counsel, if known; the statute, rule, tariff, or commission order alleged to have been violated; the facts constituting the alleged violation; and the relief sought by complainant.

Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent, the department, and the Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

Subpart 1. **Initial commission review.** The commission shall review a formal complaint as soon as practicable to determine whether the commission has jurisdiction over the matter and to determine whether there are reasonable grounds to investigate the allegation. On concluding that it lacks jurisdiction or that there is no reasonable basis to investigate the matter, the commission shall dismiss the complaint.

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, the department, and the Residential Utilities Division of the Office of the Attorney General within 20 days of service of the complaint and order.

Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on respondents, the department, and the Residential Utilities Division of the Office of the Attorney General.

Subp. 4. **Failure to answer.** If the respondent fails to answer a complaint served by the commission under subpart 2, the commission shall consider the allegations of the complaint denied.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT.

Subpart 1. **Nature of proceedings.** The commission shall deal with a formal complaint through a contested case proceeding, informal proceeding, or expedited proceeding.

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, Residential Utilities Division Of the Office of the Attorney General, and any other known parties.

Subp. 4. **Petition to intervene.** If a person who files initial or reply comments is not entitled to intervene in commission proceedings as of right and desires full party status, the person shall file a petition to intervene before the initial or reply comment period expires. The intervention petition may be combined with the comments on the complaint.

Subp. 5. **Comments to include procedural recommendation.** A person commenting on a complaint shall specify whether the person believes the matter requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the reasons for recommending a particular procedural treatment.

Subp. 6. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 7. **Comments on supplemental or corrected filings.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 8. **Comment periods varied.** Except for time periods set by statute, the commission may vary the comment periods established in this part at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Subp. 9. **Comment periods extended at department's request.** At the request of the department, the commission shall extend the comment periods established in this part up to an additional 30 days, except for comment periods set by statute.

Statutory Authority:

Minnesota Statutes, Sec. [216A.05](#)

History: 19 SR 116

Posted: August 21, 2007

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

Subpart 1. **Content.** A complaint alleging violation of an electric utility's assigned service area must include a map that the complainant

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reasonably believes to be a copy of the official service area map of an area at issue, with the area of the alleged violation clearly marked.

Subp. 2. **Service and filing.** A service area complaint must be served on the respondent, department, and Residential Utilities Division of the Office of the Attorney General, as well as filed with the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT.

Subpart 1. **Answer.** Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and Residential Utilities Division of the Office of the Attorney General.

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, Residential Utilities Division of the Office of the Attorney General, and any other known parties.

Subp. 3. **Petition to intervene.** If a person who files comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the initial comment period expires. The intervention petition may be combined with the comments on the complaint and must be served on those persons entitled to service of the comments.

Subp. 4. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 5. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.

Subp. 6. **Time for disposition.** Service area complaints must come before the commission within 15 days of filing. The commission shall issue its order within 30 days after the hearing.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2200

[Repealed, 26 SR 1438]

Posted: August 21, 2007

7829.2300 CLASSIFICATION PETITION.

Subpart 1. **Summary.** A telephone utility filing a classification petition under *Minnesota Statutes*, section 237.59, shall include on a separate page a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and Residential Utilities Division of the Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 4. **Rejection of filings.** The commission shall reject a classification petition found to be substantially out of compliance with *Minnesota Statutes*, section 237.59, or with any other filing requirement imposed by rule or statute. A filing under this section not rejected within 45 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 6. **Petition to intervene.** If a person who files initial comments is not entitled to intervene in a commission proceeding as of right and desires full party status, the person shall file a petition to intervene before the reply comment period expires. The intervention petition may be combined with comments on the filing and must be served on those persons entitled to receive service during the comment

period when the intervention petition is filed.

Subp. 7. **Reply comments.** Commenting parties have ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments. Reply comments must be served on the utility and on those persons who have filed initial comments.

Subp. 8. **Additional comments.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.

Subp. 9. **Comments on supplemental or corrected filing.** The commission shall provide opportunity for other parties to respond to a supplemental or corrected filing when the filing raises new issues.

Subp. 10. **Nature of proceeding.** The commission shall deal with a classification petition by conducting an expedited proceeding under *Minnesota Statutes*, section 237.61, or by referring the matter for a contested case proceeding.

Subp. 11. **Time frame for disposition; expedited proceeding.** When the filing utility requests an expedited proceeding on its classification petition, the commission shall take final action within 60 days of the date on which the utility provides the substantive information required by statute, unless the commission finds at least one issue of material fact in dispute and refers the matter for a contested case proceeding within the same 60-day period.

Subp. 12. **Time frame for disposition; contested case proceeding.** When the commission conducts a contested case proceeding, it shall take final action within eight months of the utility's request for a contested case proceeding or the commission's order that contested case proceedings be held, whichever occurs earlier.

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame set forth in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

Subpart 1. **Summary.** A utility filing a general rate case or other filing that requires determination of its gross revenue requirement shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of the filing on the department and Residential Utilities Division of the office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

Subp. 3. **Notice to public and governing bodies.** A utility seeking a general rate change shall give notice of the proposed change to the governing body of each municipality and county in its service area and to its ratepayers. The utility shall also publish notice of the proposed change in newspapers of general circulation in all county seats in its service area.

Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, Residential Utilities Division of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.

Subp. 7. **Notice of hearing.** The utility shall notify its ratepayers of hearings held in connection with its rate change request in the manner directed by the commission. The utility shall publish notice of hearings on its rate change request in newspapers of general circulation in all county seats in its service area, as directed by the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

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7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of *Minnesota Statutes*, sections 216B.2421 and 216B.243; *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute.

Subp. 2. **Summary.** A person filing a certificate of need application shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and Residential Utilities Division of the Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. **Publication in State Register.** The commission shall publish notice of the certificate of need filing in the *State Register* and shall solicit public comment on the application.

Subp. 5. **Publication in newspapers.** The applicant shall publish notice of the filing in newspapers of general circulation throughout the state.

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243, and *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243; *Minnesota Rules*, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.

Subp. 9. **Public hearing.** If the commission decides to act on the application through an informal proceeding, the commission shall hold a public hearing designed to encourage members of the public to express their views on the application, as required under *Minnesota Statutes*, section 216B.243, subdivision 4. If the commission refers the application to the Office of Administrative Hearings for a contested case proceeding, the commission shall ensure that at least one public hearing is held.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2550 NOTICE PLANS WHEN SEEKING CERTIFICATION OF HIGH-VOLTAGE TRANSMISSION LINES.

[This part is subject to the rulemaking proceeding in Commission Docket No. 12-1246, and not within the scope of this rulemaking proceeding.]

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the Office of Energy Security of the Department of Commerce;
- B. the Residential and Small Business Utilities Division of the Office of the Attorney General; and
- C. the Army Corps of Engineers.

Subp. 2. **Procedural schedule, notice of procedural schedule.** Initial comments on proposed notice plans must be filed within 20 days of the date of filing. Reply comments must be filed within 20 days of the expiration of the initial comment period. Applicants shall include with the proposed notice plan a clear and conspicuous notice of these comment periods.

Subp. 3. **Types of notice.** Proposed notice plans must include notice to the following persons by the method specified:

- A. direct mail notice, based on county tax assessment rolls, to landowners reasonably likely to be affected by the proposed pipeline;
- B. direct mail notice to all mailing addresses within the area reasonably likely to be affected by the proposed pipeline;
- C. direct mail notice to tribal governments and to the governments of towns, statutory cities, home rule charter cities, and counties whose jurisdictions are reasonably likely to be affected by the proposed pipeline; and
- D. newspaper notice to members of the public in areas reasonably likely to be affected by the proposed pipeline.

Subp. 4. **Notice content.** Proposed notice plans must provide notice recipients with the following information:

- A. a map showing the end points of the pipeline and existing related pipelines and related facilities in the area;
- B. a description of general right-of-way requirements for a pipeline of the size and type proposed and a statement that the applicant intends to acquire property rights for the right-of-way that the proposed pipeline will require;
- C. a notice that the pipeline cannot be constructed unless the commission certifies that it is needed;
- D. the commission's mailing address, telephone number, and Web site;
- E. a brief explanation of how to get on the mailing list for the commission's proceeding; and
- F. a statement that requests for certification of pipelines are governed by Minnesota law, including specifically chapters 7851, 7853, and 7855 and *Minnesota Statutes*, section 216B.243.

Subp. 5. **Supplementary notice.** The commission shall require supplementary notice to persons reasonably likely to be affected by route alternatives developed in the course of certification proceedings if it appears that those route alternatives are as likely to be certified as the proposed pipeline.

Subp. 6. **Notice time frames.** The applicant shall implement the proposed notice plan within 30 days of its approval by the commission.

Subp. 7. **Good faith sufficient.** The commission shall not deny a request for certification of a pipeline on grounds of defective notice if the applicant acted in good faith, in substantial compliance with the notice requirements of this part, and in substantial compliance with any commission orders issued under this part.

Subp. 8. **Compliance filing.** The applicant shall submit a compliance filing within 60 days from the date of implementation of the approved notice plan. The filing must include a copy of the notice and a service list that includes the names and addresses of those persons to whom the notice was sent.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05; 216A.08

History: 35 SR 1530

Posted: April 13, 2011

7829.2600 STAFF COMMENTS.

Written comments on a filing by commission staff must be made available to those persons on the service list at the same time they are provided to the commission. If commission staff recommend action not advocated by any party, all parties must be granted oral comment at the request of any party.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

Subp. 2. **Replies to exceptions.** Except in cases subject to statutory deadlines, a party shall file and serve on all other parties any replies to exceptions within ten days of the due date for exceptions. In cases subject to statutory deadlines, replies are not permitted.

Subp. 3. **Oral argument.** Parties must be granted an opportunity for oral argument before the commission as required under *Minnesota Statutes*, section 14.61.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.2800 GENERAL NOTICE REQUIREMENT.

Matters may come before the commission only on ten days notice to the parties and those persons on the official service list. Under exigent circumstances the executive secretary shall reduce the ten-day notice period.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

Official Notices

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding on the official service list.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary.

Subp. 2. **Content of request.** A petition for rehearing, amendment, vacation, reconsideration, or reargument must set forth specifically the grounds relied upon or errors claimed. A request for amendment must set forth the specific amendments desired and the reasons for the amendments.

Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding to which they relate.

Subp. 4. **Answers.** Other parties to the proceeding shall file answers to a petition for rehearing, amendment, vacation, reconsideration, or reargument within ten days of service of the petition.

Subp. 5. **Replies.** Replies are not permitted unless specifically authorized by the commission.

Subp. 6. **Commission action.** The commission shall decide a petition for rehearing, amendment, vacation, reconsideration, or reargument with or without a hearing or oral argument. The commission may vacate or stay the order, or part of the order, that is the subject of the petition, pending action on the petition.

Subp. 7. **Second petition not entertained.** A second petition for rehearing, amendment, vacation, reconsideration, or reargument of a commission decision or order by the same party or parties and upon the same grounds as a former petition that has been considered and denied, will not be entertained.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3100 TIME PERIODS

Except for time periods set by statute, the commission may vary the time periods established by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

7829.3150 UNTIMELY FILINGS.

Subpart 1. When filings may be excluded. On its own motion or at the request of any party or participant, the commission may exclude from the record a document not filed within a time period established by rule or commission order if the commission determines that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest.

Subp. 2. Required statement. A person filing a document not within a time period established by rule, notice, order, or statute shall include a statement explaining why the filing was untimely and why it should be considered by the commission.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

7829.3200 OTHER VARIANCES.

Subpart 1. **When granted.** The commission shall grant a variance to its rules when it determines that the following requirements are met:

- A. enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
- B. granting the variance would not adversely affect the public interest; and

C. granting the variance would not conflict with standards imposed by law.

Subp. 2. **Conditions.** A variance may be granted contingent upon compliance with conditions imposed by the commission.

Subp. 3. **Duration.** Unless the commission orders otherwise, variances automatically expire in one year. They may be revoked sooner due to changes in circumstances or due to failure to comply with requirements imposed as a condition of receiving a variance.

Statutory Authority:

Minnesota Statutes, Sec. 216A.05

History: 19 SR 116

Posted: August 21, 2007

Minnesota Department of Transportation (Mn/DOT) Notice of Public Meeting for the Disposition of Rail Bank Property in Stearns County

The State of Minnesota, acting through its commissioner of transportation, has ownership of the rail bank corridor, and is proposing a cash sale of a 50 foot strip of rail bank property to the City of Albany. The total corridor width is currently 150 feet. This notice is published pursuant to *Minnesota Statutes* 222.63, subd. 3, and *Minnesota Rules* 8830.5820 and 8830.5840.

The 50 foot strip of the rail line proposed for sale to the city is 0.1 miles long and has 39,607 square feet. It is located in Albany, Stearns County. The line with tracks removed was acquired from the Burlington Northern Railroad in 1994.

The city requested the State to sell a strip of rail bank for economic development in the city. The State plans no conditions on the sale to the city. The consideration for the sale will be \$ 32,700.00.

After sale of the rail bank strip to the city, the city plans to combine the rail bank sale parcel and former antique store parcel. This then would create a larger parcel for the city's use. There would be no conditions from the state to the city to preclude the sale of the larger tract to a developer.

The State is reviewing the need for the sale and soliciting comments to the proposed sale of a portion of the rail bank.

If any person objects to the above action, written notification must be received by Monday, March 25, 2013 by the Department of Transportation's contact for the above matter:

Kevin Schmidt
District 3 Right of Way Engineer
7694 Industrial Park Rd
Baxter MN 56425

A public meeting will be held at the Albany City Hall, conference room, 400 Railroad Avenue, Albany, MN, 56307 on Wednesday, February 20, 2013, from 4 to 7 pm to afford the public an opportunity to view the proposed sale.

To request an ASL or foreign language interpreter, or other reasonable accommodation, call Janet Miller at (651) 366-4720 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). Alternatively, send an e-mail to: janet.rae.miller@state.mn.us. Please request at least one week in advance.

B

Not enclosed: a petition for rulemaking. This is not enclosed because no petition was filed regarding these rules.

C

Enclosed: the proposed rules dated January 26, 2015, with the
Revisor's certificate of approval.

1.1 **Public Utilities Commission**

1.2 **Proposed Permanent Rules Governing Utility Proceeding, Practice, Procedure**

1.3 **7829.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 4, see M.R.]

1.5 Subp. 5. [See repealer.]

1.6 [For text of subps 6 to 9, see M.R.]

1.7 Subp. 10. [See repealer.]

1.8 Subp. 11. **Miscellaneous tariff filing.** "Miscellaneous tariff filing" means a request
1.9 or notice that does not require determination of ~~the~~ a utility's revenue requirement.

1.10 A miscellaneous tariff filing includes a filing involving a new service offering; a
1.11 change in a utility's rates, services, terms, or conditions of service; a change in a utility's
1.12 corporate structure, assigned service area, or capital structure, when conducted separately
1.13 from a general rate proceeding; filings made under the rules governing automatic
1.14 adjustment of charges in chapter 7825; or any related matter. ~~The term also includes a~~
1.15 language change filing, cost increase filing, and rate reduction filing.

1.16 The inclusion of a particular type of filing in this list does not require a filing that
1.17 would not otherwise be required or confer jurisdiction that would not otherwise be present.

1.18 Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific
1.19 commission action by a party within the context of an ongoing proceeding. This does not
1.20 include recommendations for action made in comments, or in motions made during a
1.21 proceeding before an administrative law judge.

1.22 [For text of subps 12 to 16, see M.R.]

1.23 Subp. 17. [See repealer.]

1.24 [For text of subps 18 and 19, see M.R.]

2.1 Subp. 19a. **Protected data.** "Protected data" means data filed with the commission
2.2 that is either:

2.3 A. not public data or private data on individuals under the Minnesota
2.4 Government Data Practices Act, Minnesota Statutes, chapter 13; or

2.5 B. data that is protected from disclosure pursuant to the rules of privilege
2.6 recognized by law.

2.7 Subp. 20. [See repealer.]

2.8 Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person
2.9 authorized by law to make a formal complaint to the commission.

2.10 [For text of subps 21 and 22, see M.R.]

2.11 Subp. 23. **Utility.** "Utility" means a gas, or electric service provider, or a telephone
2.12 company subject to the jurisdiction of the commission utility under part 7810.0100,
2.13 subpart 37.

2.14 **7829.0250 REPRESENTATIONS TO COMMISSION.**

2.15 A person who signs a pleading, motion, or similar filing, or enters an appearance at a
2.16 commission meeting, by doing so represents that the person is authorized to do so, has a
2.17 good faith belief that statements of fact made are true and correct, and that legal assertions
2.18 are warranted by existing law or by a nonfrivolous argument for the extension or reversal
2.19 of existing law or the modification or establishment of rules.

2.20 **7829.0400 SERVICE AND FILING REQUIREMENTS.**

2.21 Subpart 1. **Filing.** ~~Documents are filed with the commission when they are received~~
2.22 ~~in the commission offices during regular business hours. Specific documents may be~~
2.23 ~~filed by facsimile transmission or filed when mailed, with the consent of the executive~~
2.24 ~~secretary. Documents must be directed to the attention of the executive secretary. Filings~~
2.25 must be made in a manner consistent with the filing requirements of Minnesota Statutes,

section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. If otherwise required to file electronically under Minnesota Statutes, section 216.17, subdivision 3, a person may file by facsimile transmission, mail, or personal delivery only with the prior consent of the executive secretary.

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and commission-assigned docket number of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format, and any scanned documents must include optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision 17, paragraph (a), shall also include the required data in an industry standard spreadsheet format supported by the agencies' electronic filing system.

Subp. 5. **Service; method.** ~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing.~~ Service may be accomplished by first class mail ~~or~~, by delivery in person, or electronically upon recipients who have agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. ~~Service on the department is complete upon receipt by the department. For all other persons,~~

4.1 Subp. 5a. **Service and filing; completion.** A document filed with the commission
4.2 must be served the same day on the persons listed on the appropriate service list, except
4.3 when this chapter permits service of a summary of the filing. Unless the executive secretary
4.4 directs otherwise for specific documents, electronic service is complete upon receipt of
4.5 confirmation of submission of the document. Filings are filed with the commission when
4.6 received in the commission offices during regular business hours. Service by mail or
4.7 facsimile transmission plus mail is complete upon mailing, ~~unless the executive secretary~~
4.8 ~~directs otherwise for specific documents~~ except service upon the department, which is
4.9 complete upon receipt by the department. When a party or participant is represented by an
4.10 attorney, service upon the attorney is considered service upon the party or participant.

4.11 [For text of subp 6, see M.R.]

4.12 **7829.0410 MOTION FILINGS.**

4.13 Subpart 1. **Form and content.** A party to a proceeding making a motion filing shall
4.14 make it in writing, state the grounds for the motion, and set forth the requested commission
4.15 action. A party shall serve a motion filing on the persons listed on the official service list
4.16 and file it consistent with the electronic filing requirements of Minnesota Statutes, section
4.17 216.17, subdivision 3. A party shall, as a part of a motion filing, advise other parties that
4.18 if they wish to oppose the motion they must file and serve on the same list of persons a
4.19 written response within 14 days. The commission will consider only motion filings signed
4.20 by a party or the party's attorney or authorized representative.

4.21 Subp. 2. **Responses.** A party responding to a motion filing shall serve a response
4.22 on the persons listed on the official service list and file it consistent with the electronic
4.23 filing requirements of Minnesota Statutes, section 216.17, subdivision 3, within 14 days
4.24 of service of the motion filing.

5.1 **7829.0430 WITHDRAWAL OF FILINGS.**

5.2 Subpart 1. **Uncontested withdrawal.** The commission delegates to the executive
5.3 secretary authority to approve the withdrawal of a filing. Approval will be granted by the
5.4 executive secretary if the following conditions are met:

5.5 A. the party that submitted the filing has requested that the filing be withdrawn;

5.6 B. no person has expressed opposition to withdrawal of the filing; and

5.7 C. no commissioner or commission staff person has identified a reason that the
5.8 matter should not be withdrawn.

5.9 Subp. 2. **Contested withdrawal.** If any person opposes a withdrawal request, the
5.10 commission will allow a filing to be withdrawn at the request of the filing party if the
5.11 commission determines that the proposed withdrawal:

5.12 A. does not contravene the public interest;

5.13 B. does not prejudice any party; and

5.14 C. does not concern a filing that raises issues requiring commission action.

5.15 If the commission determines that withdrawal would contravene the public interest or
5.16 would prejudice a party, the commission may permit withdrawal only subject to conditions
5.17 that mitigate the harm identified.

5.18 **7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION~~**
5.19 **PROTECTED DATA.**

5.20 Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public
5.21 disclosure of ~~privileged proprietary information, trade secrets, or other privileged~~
5.22 ~~information~~ protected data or any disclosure of privileged data.

5.23 Subp. 2. **Procedure for excision.** ~~Persons~~ A person filing documents containing

5.24 ~~proprietary information, trade secrets, protected data~~ or other privileged information shall

5.25 ~~excise this information in all copies but the original and six copies.~~ file one copy of the

6.1 document with the protected data redacted. The first page or cover page of a document from
6.2 which protected data has been excised must be clearly captioned in bold print "PUBLIC
6.3 DOCUMENT - NOT PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED."
6.4 The beginning and end of the excised protected data must be identified. One copy of
6.5 the document without redactions shall be filed, designated as required in subpart 4, and
6.6 identified as a not public or trade secret document during the electronic submission process.

6.7 Subp. 3. **Identification of excised material.** When a person classifies an entire
6.8 document, or a substantial part of a document, as protected information data, the person
6.9 shall file a description of the excised material that includes at least the following
6.10 information: the nature of the material, its authors, its general import, and the date on
6.11 which it was prepared.

6.12 Subp. 4. **Document containing protected information data.** The first page or cover
6.13 page of a document containing protected information data must be clearly marked in bold
6.14 print "~~TRADE SECRET INFORMATION~~ NOT PUBLIC DOCUMENT – NOT FOR
6.15 PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected
6.16 information data appears must be similarly marked and the protected information data
6.17 must be underlined, placed in brackets, or otherwise clearly identified as the information
6.18 data which is to be protected from disclosure.

6.19 Subp. 5. **Statement required.** In all cases where a person or entity files data with the
6.20 commission that is identified as protected data, an accompanying statement justifying the
6.21 state agencies treating the data as protected data must also be filed. This justification must
6.22 include an explanation of how the data is classified under the Minnesota Government Data
6.23 Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege
6.24 recognized by law.

7.1 **7829.0600 GENERAL SERVICE LIST.**

7.2 Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of
7.3 filings and who are qualified to intervene under part 7829.0800 shall file with the utility
7.4 a written list of the types of filings they wish to receive, as well as the person's name,
7.5 address, and an electronic address if they agree to electronic service. The utility shall
7.6 maintain general service lists of persons who have filed these requests. The utility shall
7.7 add to each list the persons who intervened in its last general rate case and persons on
7.8 the official service list for its last filing of the same type.

7.9 [For text of subps 2 to 5, see M.R.]

7.10 **7829.0700 OFFICIAL SERVICE LIST.**

7.11 Subpart 1. **Content.** The official service list for each proceeding consists of the
7.12 names, addresses, and electronic addresses of the parties, and the names of the participants
7.13 who have filed a written request for inclusion on the service list with the executive secretary.

7.14 Subp. 2. **Establishment and updating.** The commission shall establish the official
7.15 service list at the conclusion of the initial comment period, or immediately following an
7.16 initial filing for which no initial comment period is required, and shall mail a copy of the
7.17 list to the parties and to participants who have filed written requests for inclusion. A list
7.18 established before commission action on a petition for intervention must include those
7.19 persons whose intervention petitions are pending. The commission shall mail an updated
7.20 official service list to the parties and participants if the official service list is later expanded
7.21 or reduced. The commission need not mail the official service list in proceedings when
7.22 the only parties are the department and a petitioner, complainant, or respondent. The
7.23 commission shall provide the official service list electronically rather than by mail to a
7.24 party who has agreed to electronic service as provided in Minnesota Statutes, section
7.25 216.17, subdivision 4.

7.26 [For text of subp 3, see M.R.]

8.1 Subp. 4. **Name and address change.** A party or participant who wishes to change
8.2 the name or address of a person receiving service on behalf of the party or participant shall
8.3 provide written notice of the change to the executive secretary and to persons on the
8.4 official service list. The commission shall remove a participant from the official service
8.5 list after two attempts at service are returned as undeliverable.

8.6 [For text of subp 5, see M.R.]

8.7 **7829.0800 PETITION TO INTERVENE.**

8.8 Subpart 1. **Filing and service.** A person who desires to become a party to a
8.9 proceeding shall file a petition to intervene within the time set in this chapter. The petition
8.10 must be served on known parties and those persons on the utility's general service list for
8.11 the matter, if applicable. A petition to intervene must be signed by the person wishing to
8.12 become a party, or by the person's attorney or authorized representative.

8.13 [For text of subp 2, see M.R.]

8.14 Subp. 3. **Intervention as of right.** The department and the Office of the Attorney
8.15 General, ~~through its Residential Utilities Division,~~ may intervene as of right in any
8.16 proceeding before the commission. They become parties upon filing comments under this
8.17 chapter or upon written notice to the commission of an intent to intervene, and need not
8.18 file petitions to intervene, except when the rules of the Office of Administrative Hearings
8.19 require it.

8.20 [For text of subps 4 to 6, see M.R.]

8.21 **7829.0850 WITHDRAWAL OF A PARTY.**

8.22 A party wishing to withdraw must file a motion, which the commission will consider
8.23 promptly in the course of the proceeding.

9.1 **7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.**

9.2 Subpart 1. Delegation of uncontested proceedings. As authorized by Minnesota
9.3 Statutes, section 216A.03, subdivision 8, the commission may establish by order a
9.4 subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of
9.5 the commission only when:

9.6 A. commission staff determines a proceeding involves no disputed or novel
9.7 issues; and

9.8 B. no party, participant, or commissioner has requested that the proceeding not
9.9 be delegated to a subcommittee.

9.10 The commission will maintain on its Web site a list of all proceedings delegated
9.11 under this subpart, and will indicate the subcommittee's disposition for each proceeding.
9.12 Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt
9.13 by the parties, participants, and commissioners for the purposes of Minnesota Statutes,
9.14 section 216A.03, subdivision 8, paragraph (b).

9.15 Subp. 2. Other subcommittees. This part does not limit the circumstances under
9.16 which the commission may delegate functions to a subcommittee.

9.17 **7829.1250 COMMENT PROCEDURE VARIATION.**

9.18 Subpart 1. When applied. Unless otherwise provided in statute or rule, this part shall
9.19 apply to all comment periods established in this chapter.

9.20 Subp. 2. Additional comments and comments on supplemental or corrected
9.21 filings. If further information is required to make a fully informed decision, the
9.22 commission shall require additional comments and identify specific issues requiring
9.23 further development. The commission shall provide opportunity for other parties to
9.24 respond to additional comments, or to a supplemental or corrected filing, when the
9.25 additional comment, supplement, or correction raises a new issue.

10.1 **7829.1300 MISCELLANEOUS ~~TARIFF AND PRICE LIST~~ FILINGS.**

10.2 Subpart 1. **Summary.** A miscellaneous ~~tariff filing and price list filing~~ must include,
10.3 on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially
10.4 interested parties of its nature and general content.

10.5 Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous ~~tariff~~
10.6 ~~filing on which commission action is required within 60 days of filing, and each price~~
10.7 ~~list filing increasing the price of a competitive service,~~ on the persons on the applicable
10.8 general service list, on the department, and on the ~~Residential Utilities Division of the~~
10.9 Office of the Attorney General. For other filings, the utility may serve the summary
10.10 described in subpart 1 on persons on the applicable general service list. The utility shall
10.11 serve with the filing or the summary a copy of its general service list for the filing.

10.12 Subp. 3. **Content of filing ~~subject to specific requirements.~~** In addition to
10.13 complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and~~
10.14 ~~price filings subject to specific filing rules~~ must contain at least the following information:

10.15 A. the name, address, and telephone number of the utility filing party, without
10.16 abbreviation;

10.17 B. the name, address, electronic address, and telephone number of the attorney
10.18 for the utility filing party, if the utility filing party is using represented by an attorney;

10.19 C. the date of the filing and the date the proposed rate or service change, if
10.20 any, will go into effect;

10.21 D. the statute that the utility believes controls the time frame for processing
10.22 the filing; ~~and~~

10.23 E. the signature, electronic address, and title of the utility employee responsible
10.24 for the filing; and

11.1 F. if the contents of the filing are not established by statute or another
11.2 commission rule, a description of the filing, its impact on rates and services, its impact on
11.3 any affected person, and the reasons for the filing.

11.4 Subp. 4. [See repealer.]

11.5 [For text of subp 5, see M.R.]

11.6 Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities
11.7 shall file a compliance filing within ten days of the effective date of a commission order
11.8 requiring it.

11.9 **7829.1400 COMMISSION ACTION ON MISCELLANEOUS ~~TARIFF, PRICE~~**
11.10 **~~LIST FILING; COMMENTS.~~**

11.11 Subpart 1. **Initial comments.** In the absence of a commission order or notice
11.12 establishing a different comment period, a person wishing to comment on a miscellaneous
11.13 ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. A
11.14 ~~person wishing to comment on one of the following noncompetitive rate change filings~~
11.15 ~~shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost~~
11.16 ~~increase filing, or a request for a significant change in a condition of telephone service. A~~
11.17 person wishing to comment on a new telephone service, competitive or noncompetitive,
11.18 shall do so within ten days of its filing with the commission. Comments must be served on
11.19 the persons on the utility's general service list for the filing, as well as on the filing utility.

11.20 [For text of subp 2, see M.R.]

11.21 Subp. 3. **Comments to include procedural recommendation.** A person
11.22 commenting on a miscellaneous ~~tariff or price list~~ filing and recommending its rejection,
11.23 denial, or modification shall specify whether the person believes the filing requires a
11.24 contested case proceeding, informal proceeding, expedited proceeding, or some other
11.25 procedural treatment, together with the person's reasons for recommending a particular
11.26 procedural treatment.

12.1 Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility
12.2 and other persons have ten days from the expiration of the original comment period to file
12.3 reply comments. Reply comments must be served on the utility and persons who have
12.4 filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in
12.5 scope to the issues raised in the initial comments.

12.6 Subp. 5. [See repealer.]

12.7 Subp. 6. [See repealer.]

12.8 Subp. 7. [See repealer.]

12.9 [For text of subp 8, see M.R.]

12.10 Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments
12.11 requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing,
12.12 the commission shall immediately set the matter for consideration on a date after the time
12.13 period for reply comments has run. If the commission finds a contested case proceeding is
12.14 required, the commission shall refer the matter to the Office of Administrative Hearings
12.15 pursuant to part 7829.1000, and the utility shall file its direct testimony in question and
12.16 answer form within 20 days of the commission's notice and order for hearing.

12.17 **7829.1500 INFORMAL COMPLAINT.**

12.18 Persons engaged in disputes with utilities may submit informal complaints by letter or
12.19 other writing, by telephone, electronically, or in person. Commission staff shall accept
12.20 these complaints and shall prepare a memorandum setting forth the substance of each
12.21 complaint and identifying the customer, the service address, and the utility.

12.22 **7829.1700 FORMAL COMPLAINT.**

12.23 [For text of subp 1, see M.R.]

12.24 Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent,
12.25 the department, and ~~the Residential Utilities Division of the Office of the Attorney~~

13.1 General, as well as filed with the commission. Formal complaints may also be filed in a
13.2 manner consistent with the electronic filing requirements of Minnesota Statutes, section
13.3 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be
13.4 mailed to the state agencies.

13.5 **7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.**

13.6 [For text of subp 1, see M.R.]

13.7 Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that
13.8 investigation is warranted, the commission shall serve the complaint on the respondent,
13.9 together with an order requiring the respondent to file an answer either stating that it
13.10 has granted the relief the complainant requests, or responding to the allegations of the
13.11 complaint. The answer must be filed with the commission and served on the complainant,
13.12 the department, and ~~the Residential Utilities Division of the~~ Office of the Attorney General
13.13 within 20 days of service of the complaint and order.

13.14 Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent
13.15 has granted the relief sought by complainant. In that case, the complainant shall file a
13.16 reply within 20 days admitting or denying that relief has been granted. If the complainant
13.17 fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must
13.18 be served on the respondents, the department, and ~~the Residential Utilities Division of the~~
13.19 Office of the Attorney General.

13.20 [For text of subp 4, see M.R.]

13.21 **7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.**

13.22 [For text of subp 1, see M.R.]

13.23 Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint
13.24 shall do so within 30 days of the date of a commission order requiring an answer to the
13.25 complaint. Comments must be served on the complainant, respondent, department,

14.1 ~~Residential Utilities Division of the~~ Office of the Attorney General, and any other known
14.2 parties.

14.3 Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of
14.4 the original comment period to file reply comments. Reply comments must be limited in
14.5 scope to the issues raised in the initial comments and must be served on the complainant,
14.6 respondent, department, ~~Residential Utilities Division Of the~~ Office of the Attorney
14.7 General, and any other known parties.

14.8 [For text of subps 4 and 5, see M.R.]

14.9 Subp. 6. [See repealer.]

14.10 Subp. 7. [See repealer.]

14.11 Subp. 8. [See repealer.]

14.12 [For text of subp 9, see M.R.]

14.13 **7829.2000 ELECTRIC SERVICE AREA COMPLAINT.**

14.14 [For text of subp 1, see M.R.]

14.15 Subp. 2. **Service and filing.** A service area complaint must be served on the
14.16 respondent, department, and ~~Residential Utilities Division of the~~ Office of the Attorney
14.17 General, as well as filed with the commission.

14.18 **7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT;**
14.19 **COMMENTS.**

14.20 Subpart 1. **Answer.** Within ten days of service of a service area complaint, a
14.21 respondent shall file an answer with the commission and serve it on the complainant,
14.22 department, and ~~Residential Utilities Division of the~~ Office of the Attorney General.

14.23 Subp. 2. **Initial comments.** A person wishing to comment on a service area
14.24 complaint shall do so within ten days of the date the person was served. Comments must

15.1 be served on the complainant, respondent, department, ~~Residential Utilities Division of~~
15.2 ~~the~~ Office of the Attorney General, and any other known parties.

15.3 [For text of subp 3, see M.R.]

15.4 Subp. 4. [See repealer.]

15.5 Subp. 5. [See repealer.]

15.6 [For text of subp 6, see M.R.]

15.7 **7829.2300 CLASSIFICATION PETITION.**

15.8 [For text of subp 1, see M.R.]

15.9 Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the
15.10 petition on the department and ~~Residential Utilities Division of the~~ Office of the Attorney
15.11 General. The utility shall serve the petition or the summary described in subpart 1 on those
15.12 persons on the applicable general service list and on those persons who were parties to its
15.13 last general rate case or incentive plan proceeding, if applicable.

15.14 Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the
15.15 form or completeness of a classification petition shall do so within ten days of its filing.
15.16 The filing utility shall reply to the challenge within five days of its filing. Challenges and
15.17 responses must be served on the department, ~~Residential Utilities Division of the~~ Office
15.18 of the Attorney General, persons on the general service list for the filing, and any other
15.19 known parties.

15.20 [For text of subp 4, see M.R.]

15.21 Subp. 5. **Initial comments.** A person wishing to comment on a classification
15.22 petition shall file initial comments within 20 days of the filing. Initial comments must
15.23 include a recommendation on whether the filing requires a contested case proceeding,
15.24 expedited proceeding, or some other procedural treatment, together with reasons for
15.25 recommending a particular procedural treatment. Initial comments must be served on the

16.1 utility, department, ~~Residential Utilities Division of the~~ Office of the Attorney General,
16.2 persons on the general service list for the filing, and any other known parties.

16.3 [For text of subps 6 and 7, see M.R.]

16.4 Subp. 8. [See repealer.]

16.5 Subp. 9. [See repealer.]

16.6 [For text of subps 10 to 12, see M.R.]

16.7 Subp. 13. **Extending disposition period.** The commission may extend the
16.8 eight-month time frame set forth in subpart 12 with the agreement of all parties or upon
16.9 a finding that the case cannot be completed within the required time and that there is
16.10 a substantial probability that the public interest would be harmed by enforcing the
16.11 eight-month time frame.

16.12 **7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.**

16.13 [For text of subp 1, see M.R.]

16.14 Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of
16.15 the filing on the department and ~~Residential Utilities Division of the~~ Office of the Attorney
16.16 General. The utility shall serve the filing or the summary described in subpart 1 on the
16.17 persons on the applicable general service list and persons who were parties to its last
16.18 general rate case or incentive plan proceeding.

16.19 [For text of subp 3, see M.R.]

16.20 Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the
16.21 form or completeness of a general rate case filing shall do so within ten days of its filing.
16.22 The filing utility shall reply to the challenge within five days of its filing. Challenges and
16.23 responses must be served on the department, ~~Residential Utilities Division of the~~ Office
16.24 of the Attorney General, persons on the general service list for the filing, and any other
16.25 known parties.

17.1 Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part that
17.2 is found to be substantially out of compliance with Minnesota Statutes, section 216B.16 or
17.3 237.075, or other requirement imposed by rule, statute, or previous commission order.
17.4 A filing under this part not rejected within 60 days of filing is considered accepted as in
17.5 substantial compliance with applicable filing requirements.

17.6 Subp. 6. **Petition to intervene.** The commission shall entertain a petition to
17.7 intervene until the matter is referred to the Office of Administrative Hearings for a
17.8 contested case proceeding or until the commission issues a notice under part 7829.1200,
17.9 subpart 3, stating its intention to decide the matter on the basis of an informal or expedited
17.10 proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the~~
17.11 ~~Office of Administrative Hearings control intervention rights.~~

17.12 [For text of subp 7, see M.R.]

17.13 **7829.2500 CERTIFICATE OF NEED FILING.**

17.14 Subpart 1. **Compliance.** Certificate of need applications must comply with the
17.15 requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota Rules,
17.16 chapters 7849, 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~; and any other
17.17 requirements imposed by rule or statute.

17.18 [For text of subp 2, see M.R.]

17.19 Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on
17.20 the department and ~~Residential Utilities Division of the~~ Office of the Attorney General.
17.21 The applicant shall serve the filing or the summary described in subpart 2 on those persons
17.22 on an applicable general service list and on those persons who were parties to its last
17.23 general rate case or incentive plan proceeding, if applicable.

17.24 Subp. 4. [See repealer.]

17.25 [For text of subp 5, see M.R.]

18.1 Subp. 6. **Solicitation of comments on filing compliance.** The commission shall
18.2 request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421 to
18.3 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to~~
18.4 ~~7849.0400~~, when it determines that comments would be helpful in evaluating the filing's
18.5 substantial compliance with the requirements of those statutes and rules. The commission
18.6 may delegate the authority to request these comments to the executive secretary.

18.7 Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part
18.8 that is found to be substantially out of compliance with Minnesota Statutes, sections
18.9 216B.2421 to 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855, ~~and parts~~
18.10 ~~7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute. A filing
18.11 under this section not rejected within 15 days of filing must be considered accepted as in
18.12 substantial compliance with applicable filing requirements.

18.13 Subp. 8. **Petition to intervene.** The commission shall entertain a petition to
18.14 intervene until the matter is referred to the Office of Administrative Hearings for a
18.15 contested case proceeding or until the commission issues a notice under part 7829.1200,
18.16 subpart 3, stating its intention to decide the matter on the basis of an informal or expedited
18.17 proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the~~
18.18 ~~Office of Administrative Hearings shall control intervention rights.~~

18.19 [For text of subp 9, see M.R.]

18.20 **7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.**

18.21 Subpart 1. **Filings required, service requirements.** At least three months before
18.22 filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or
18.23 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably
18.24 likely to be affected by the proposed pipeline. Applicants shall serve their proposed
18.25 plans on the following persons:

18.26 A. the Office of Energy Security of the Department of Commerce;

19.1 B. ~~the Residential and Small Business Utilities Division of the Office of the~~
19.2 Attorney General; and

19.3 C. the Army Corps of Engineers.

19.4 [For text of subps 2 to 8, see M.R.]

19.5 **7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.**

19.6 Subpart 1. **Exceptions to administrative law judge's report.** Except in cases
19.7 subject to statutory deadlines, parties shall file and serve on the other parties any
19.8 exceptions to an administrative law judge's report within 20 days of its filing unless
19.9 otherwise specified by the commission. In cases subject to statutory deadlines, exceptions
19.10 must be filed and served within 15 days of the filing of the report.

19.11 [For text of subp 2, see M.R.]

19.12 Subp. 3. **Oral argument.** Parties ~~must~~ will be granted an opportunity for oral
19.13 argument before the commission ~~as required under Minnesota Statutes, section 14.61~~
19.14 prior to its decision.

19.15 **7829.2900 DECISION AND ORDER.**

19.16 The executive secretary shall serve a decision and order of the commission on all
19.17 parties and participants in the proceeding who are on the official service list.

19.18 **7829.3000 PETITION AFTER COMMISSION DECISION.**

19.19 Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by
19.20 a commission decision or order may file a petition for rehearing, amendment, vacation,
19.21 reconsideration, or reargument within 20 days of the date the decision or order is served
19.22 by the executive secretary. This subpart does not affect any statutory limit on the time
19.23 allowed for a petition for judicial review that may run concurrently.

19.24 [For text of subp 2, see M.R.]

20.1 Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration,
20.2 or reargument, and an answer, reply, or comment, must be served on the parties and
20.3 participants in the proceeding ~~to which they relate.~~

20.4 [For text of subps 4 to 7, see M.R.]

20.5 **7829.3150 UNTIMELY FILINGS.**

20.6 Subpart 1. When filings may be excluded. On its own motion or at the request of
20.7 any party or participant, the commission may exclude a filing from the record:

20.8 A. when the filing was not made within a time period established by rule,
20.9 notice, or commission order; and

20.10 B. upon a commission determination that the value of the document to the
20.11 commission's deliberative process is outweighed by prejudice to a party, participant, or the
20.12 public interest caused by the untimeliness.

20.13 Documents in the agencies' electronic filing system excluded under this part shall remain
20.14 in the agencies' electronic filing system, but shall be marked as "excluded from record
20.15 by commission order" in search results.

20.16 Subp. 2. Required statement. A person filing a document outside a time period
20.17 established by rule, notice, order, or statute shall clearly mark the document as "late filed"
20.18 and include a statement explaining why the filing was untimely and why it should not
20.19 be excluded by the commission.

20.20 Subp. 3. Documents offered less than one day before consideration. A party
20.21 or participant offering a document less than one full business day prior to, or at, the
20.22 commission meeting to consider issues relevant to the document, must provide ten paper
20.23 copies to commission staff and sufficient paper copies for the offering party to distribute to
20.24 all parties and to be available to members of the public in attendance. The offering party

21.1 or participant must electronically file the document within one business day following the
 21.2 commission meeting if it was not electronically filed prior to the meeting.

21.3 **7829.4000 EMERGENCY CIRCUMSTANCES.**

21.4 Subpart 1. **Declared emergency or pandemic.** If the executive secretary determines
 21.5 that an in-person meeting of the commission is not practical or prudent because of a health
 21.6 pandemic or an emergency declared under Minnesota Statutes, chapter 12, commissioners
 21.7 may participate by telephone or other electronic means. If at least one commissioner
 21.8 intends to participate remotely, the commission shall provide the public notice required
 21.9 by Minnesota Statutes, section 13D.021, subdivision 4.

21.10 Subp. 2. **Remote participation.** If the required public notice has been given, the
 21.11 commission shall afford any absent commissioner or commissioners an opportunity to
 21.12 participate in a commission meeting by telephone or other electronic means in a manner
 21.13 consistent with Minnesota Statutes, section 13D.021. The commission shall ensure that
 21.14 all commissioners, regardless of their location, can hear all discussion, testimony, and
 21.15 votes. Unless the meeting is closed for reasons authorized by statute, the commission
 21.16 shall ensure that members of the public who are present at the regular meeting location
 21.17 or monitoring remotely can hear all discussion, testimony, and votes. Commission votes
 21.18 shall be conducted via roll call.

21.19 **RENUMBERING INSTRUCTION.** The provisions of Minnesota Rules listed in
 21.20 Column A shall be renumbered to those listed in Column B. The revisor of statutes shall
 21.21 also make necessary cross-reference changes in Minnesota Rules consistent with the
 21.22 renumbering.

	<u>Column A</u>	<u>Column B</u>
21.24	<u>7829.2300, subpart 5</u>	<u>7829.2350, subpart 1</u>
21.25	<u>7829.2300, subpart 6</u>	<u>7829.2350, subpart 2</u>
21.26	<u>7829.2300, subpart 7</u>	<u>7829.2350, subpart 3</u>

22.1	<u>7829.2300, subpart 10</u>	<u>7829.2350, subpart 4</u>
22.2	<u>7829.2300, subpart 11</u>	<u>7829.2350, subpart 5</u>
22.3	<u>7829.2300, subpart 12</u>	<u>7829.2350, subpart 6</u>
22.4	<u>7829.2300, subpart 13</u>	<u>7829.2350, subpart 7</u>
22.5	<u>7829.3100</u>	<u>7829.1275</u>
22.6	<u>7829.3150</u>	<u>7829.0420</u>

- 22.7 **REPEALER.** Minnesota Rules, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400,
22.8 subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts
22.9 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500,
22.10 subpart 4, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Governing Utility Proceeding, Practice, Procedure

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7829

The attached rules are approved for
publication in the State Register

A blue ink signature of Ryan S. Inman, written in a cursive style, is positioned above a horizontal line.

Ryan S. Inman
Assistant Deputy Revisor

D

Enclosed: the Statement of Need and Reasonableness.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John A. Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to Rules
Governing Proceeding, Practice, and Procedure,
Minnesota Rules, Ch. 7829, excluding
7829.2550

ISSUE DATE: June 3, 2015

DOCKET NO. U-999/R-13-24

STATEMENT OF NEED AND
REASONABLENESS

**I.
INTRODUCTION**

The Minnesota Public Utilities Commission proposes to amend its rules governing Utility Proceeding, Practice, and Procedure. The proposed rule amendments update the rules to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

**II.
THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMATS**

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 the Public Utilities Commission through their preferred Telecommunications Relay Service.

**III.
STATUTORY AUTHORITY**

Minnesota Statutes, sections 14.06(a), 216A.05, subdivisions 1 and 5, and 237.10, authorize the Commission to adopt procedural rules pertaining to control and conduct of business coming within the Commission's jurisdiction.

**IV.
STATEMENT OF NEED**

The Administrative Procedure Act, Minn. Stat. Ch. 14, requires the Commission to establish the need for the proposed rules by an affirmative presentation of facts. Minn. Stat. §§ 14.14, subd. 2, and 14.23.

The proposed rules are necessary to update the Commission's existing rules to accommodate electronic filing, eliminate outdated rule language, address statutory changes, clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. Generally, these changes include amending the rules to reflect electronic filing practice and to incorporate process improvements that will allow the Commission to operate more efficiently while keeping processes consistent with the public interest and the requirements of due process.

V. STATEMENT OF REASONABLENESS

The Minnesota Administrative Procedure Act also requires the Commission to establish that the proposed rules are a reasonable solution to the problems they are intended to address, that the Commission relied on evidence in choosing the approach adopted in the rules, and that the evidence relied on is rationally related to the approach the Commission chose to adopt. Minn. Stat. §§ 14.14., subd. 2, and 14.23. Minn. R. 1400.2070, subp. 1.

A. The Process Used to Develop the Rules Facilitated Informed Decision-Making and was the Most Efficient Method for Establishing Reasonable Rules

The Commission notified all persons that could be identified as potentially interested in or affected by the rules. After issuing a Request for Comments that resulted in recommendations made by stakeholders, the Commission reviewed the recommendations, revised the draft, and sought additional comments. The Commission incorporated several changes that were reasonable, were responsive to the needs of diverse stakeholders, and that carried out the policy objectives that the Commission set forth at the outset of the rulemaking.

B. The Rules' Approach to Implementing Policy Goals is Reasonable

The Commission has determined that the proposed rules are the most reasonable way to update the rules to accommodate electronic filing, eliminate outdated rule language, address statutory changes, clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. The reasonableness of each specific provision is addressed below.

VI. ANALYSIS OF INDIVIDUAL RULES

7829.0100 DEFINITIONS.

~~Subp. 5. Cost increase filing.~~

~~"Cost increase filing" means a miscellaneous tariff filing under Minnesota Statutes, section 237.63, proposing a rate increase for a particular telephone service on grounds that the actual costs of providing that particular service have increased. It does not include cost increases that are part of overall cost increases and cost increases that have been discovered as a result of new cost studies.~~

This subpart is proposed for repeal because the Commission no longer receives this type of filing. Section 237.63 expired on December 31, 2004. 2004 Minn. Laws ch. 261, art. 6 § 3.

Subp. 10. Language change filing.

~~"Language change filing" means a miscellaneous tariff filing under Minnesota Statutes, section 237.63, changing descriptive language in a telephone utility tariff without changing the meaning or operation of the tariff.~~

This subpart is proposed for repeal because the Commission no longer receives this type of filing. Section 237.63 expired on December 31, 2004. 2004 Minn. Laws ch. 261, art. 6 § 3.

Subp. 11. Miscellaneous tariff filing.

"Miscellaneous tariff filing" means any request or notice that does not require determination of the a utility's revenue requirement.

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges; or any related matter. ~~The term also includes a language change filing, cost increase filing, and rate reduction filing.~~ The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

The proposed amendments to this subpart are necessary and reasonable to clarify the nature of filings the Commission intends to treat as Miscellaneous filings. The Commission receives many filings of an otherwise uncategorized nature that are not tariff filings. The amended definition is intended to capture otherwise uncategorized filings, while striking filings no longer commonly received by the Commission because the statutes describing them are no longer in effect.

Subp. 11a. Motion filing.

"Motion filing" means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments, or in motions made during a proceeding before an administrative law judge.

This definition is necessary and reasonable to define a filing type that the Commission receives and proposes to govern with a related procedural rule (see part 7829.0410).

Subp. 17. Price list filing.

~~"Price list filing" means a filing under Minnesota Statutes, section 237.60, pertaining to telephone services claimed to be subject to emerging or effective competition.~~

This subpart is proposed for repeal because the Commission no longer receives this type of filing. Section 237.60 expired on August 1, 1999. 1994 Minn. Laws ch. 534, art. 1 § 3.

Subp. 19a. Protected data.

"Protected data" means data filed with the commission that is either

- a. not public data or private data on individuals under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13; or
- b. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

This definition is necessary and reasonable to clarify the use of the term "protected data" in this rule chapter.

Subp. 20. Rate reduction filing.

"Rate reduction filing" means a miscellaneous tariff filing under Minnesota Statutes, section 237.63, proposing a reduction in a rate for telephone service.

This subpart is proposed for repeal because the Commission no longer receives this type of filing. Section 237.63 expired on December 31, 2004. 2004 Minn. Laws ch. 261, art. 6 § 3.

Subp. 20a. Qualified Complainant.

"Qualified Complainant" means a person authorized by law to make a formal complaint to the commission.

This definition is necessary and reasonable to clarify the use of the term "qualified complainant" in this rule chapter (part 7829.1600).

Subp. 23. Utility.

"Utility" means an entity subject to the jurisdiction of the commission, including a gas, or electric service provider, or telephone utility under rule 7810.0100, subp. 37. company subject to the jurisdiction of the commission.

The proposed amendments to this subpart are necessary and reasonable to clarify the definition of "utility" as used in this chapter. The proposed amendments are not intended to substantively change the operative definition.

7829.0250 REPRESENTATIONS TO THE COMMISSION.

Any person who signs a pleading, motion or similar filing or enters an appearance at a commission meeting, by doing so represents that the person is authorized to do so, has a good faith belief that statements of fact made therein are true and correct, and that legal assertions are warranted by existing law or by a nonfrivolous argument for the extension or reversal of existing law or the modification or establishment of rules.

This provision is necessary and reasonable to promote candor and to maximize the reliability of the record upon which the Commission bases its decisions. Not all Commission proceedings rely on sworn or verified testimony, and the Commission has determined it is necessary to hold parties making submissions and arguments to the Commission to a standard that reasonably supports

deliberative decision making. The Commission has considered and adopted recommended changes to the proposed language to ensure reasonable advocacy is not prohibited.

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. Filing.

~~Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary. Filings must be made in a manner consistent with the filing requirements of Minnesota Statutes, section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. If otherwise required to file electronically under Minnesota Statutes, section 216.17, subdivision 3, persons may file by facsimile transmission, by mail, or by personal delivery only with the prior consent of the executive secretary.~~

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing. When documents are deemed successfully filed is now addressed in proposed subpart 5a.

Subp. 2. Number of copies.

~~Parties and participants shall file an original and 15 copies of each document filed with the commission, unless otherwise directed by the executive secretary.~~

This subpart is proposed for repeal because the Commission's electronic filing system and internal document processes generally render it unnecessary.

Subp. 4. Format.

Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and commission-assigned docket number of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format and any scanned documents must include optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision 17, paragraph (a) shall also include the required data in an industry standard spreadsheet format supported by the agencies' electronic filing system.

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing. The requirements for text-searchable or optical character recognition data and for data in an industry-standard spreadsheet format serve the public's interests in transparency and accessibility of documents and information filed with the Commission.

Subp. 5. Service; method

~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail or, by delivery in person, or electronically upon recipients who have agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons,~~

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing.

Subp. 5a. Service and Filing; Completion

~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific documents, electronic service is complete upon receipt of confirmation of submission of the document. Filings are filed with the commission when they are received in the commission offices during regular business hours. sService by mail or facsimile transmission plus mail is complete upon mailing, except service upon the department, which is complete upon receipt by the department. unless the executive secretary directs otherwise for specific documents. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.~~

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing. This provision clarifies when documents are deemed served and filed when served and filed through the Commission's electronic filing system.

The Commission's electronic filing system is operated jointly with the Department of Commerce. Electronic filings are completed in two-stages: (1) submission of the filing by a party or participant and (2) acceptance of the filing by the Department of Commerce. After an electronic filing is submitted, a person filing a document receives confirmation of the submission, and a submission number. When a filing is accepted, the person filing the document receives notification of acceptance.

The Commission considered and rejected the possibility of allowing filings to be filed as late as midnight on their due date. However, the Commission was persuaded that the increased burden on parties and participants was not justified by any benefits that would be derived. These burdens include:

- it increases the potential for delay before parties receive filed documents,
- it increases the potential for delay between filing and when a filing becomes available in e-dockets,
- it introduces hardship for strategic or operational reasons that are not imposed upon parties or participants by a 4:30 deadline, and

- electronic filing with the Commission does not function similarly to electronic filing with other bodies that have midnight deadlines because Commission filings are not publicly available until accepted by the Department.

The amended provision retains a regular-business-hours filing deadline.

7829.0410 MOTION FILINGS.

Subpart. 1. Form and content.

A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall serve a motion filing on the persons listed on the official service list and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. A party shall, as a part of a motion filing, advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within 14 days. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

This provision is necessary and reasonable to address a category of filings not previously identified in the Commission's rules of procedure. In the Commission's experience, parties have sought to request Commission action in the course of a proceeding, and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled.

Subp. 2. Responses.

A party responding to a motion filing shall serve a response on the persons listed on the official service list and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3, within 14 days of service of the motion filing.

This provision is necessary and reasonable to address a category of filings not previously identified in the Commission's rules of procedure. In the Commission's experience, parties have sought to request Commission action in the course of a proceeding, and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled.

7829.0430 WITHDRAWAL OF FILINGS

Subpart 1. Uncontested Withdrawal.

The commission delegates to the Executive Secretary authority to approve the withdrawal of a filing, and such approval will be granted, if the following conditions are met:

- A. the party that submitted the filing has requested that the filing be withdrawn;
- B. no person has expressed opposition to withdrawal of the filing; and
- C. no commissioner or commission staff person has identified a reason that the matter should not be withdrawn.

This provision is necessary and reasonable to codify established Commission practice concerning withdrawal of filings. In the Commission's experience, parties have sought to withdraw filings,

and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled.

Delegating authority to the Executive Secretary to approve uncontested requests to withdraw a filing is necessary and reasonable to process uncontested requests to withdraw filings in an efficient and timely manner.

Subp. 2. Contested Withdrawal.

If any person opposes a withdrawal request, the commission will allow a filing to be withdrawn at the request of the filing party if the commission determines that the proposed withdrawal:

- A. does not contravene the public interest;
- B. does not prejudice any party; and
- C. does not concern a filing that raises issues requiring commission action.

If the commission determines that withdrawal would contravene the public interest or would prejudice a party, the commission may permit withdrawal only subject to conditions that mitigate the harm identified.

This provision is necessary and reasonable to codify established Commission practice concerning withdrawal of filings. In the Commission's experience, parties have sought to withdraw filings, and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled.

When a request to withdraw a filing is objected to, it is reasonable to subject the request to a heightened level of scrutiny in order to protect the reasonable expectations of parties to the proceeding, and any public interest that may be involved in the subject of the filing. Before a contested request to withdraw a filing is granted, the Commission must determine that there would be no harm to parties or the public interest, or that any harm could be mitigated by subjecting approval of the request to conditions. These determinations are needed to reasonably ensure the orderly and just conduct of Commission proceedings.

**7829.0500 TRADE SECRET AND PROPRIETARY INFORMATION
PROTECTED DATA.**

Subpart 1. Confidentiality protected.

Nothing in this chapter requires the public disclosure of privileged proprietary information, trade secrets, or other privileged information protected data or any disclosure of privileged data.

The amendments to this subpart are necessary and reasonable to standardize the Commission's rules with a defined term, "protected data," and to codify established Commission practice under the Minnesota Data Practices Act.

The Data Practices Act has undergone substantial changes since it was first enacted, and the currently adopted Rule 7829.0500 predates many of the revisions. Additionally, in September 1999, pursuant to a provision of the Data Practices Act (Minn. Stat. § 13.03, subd. 1), the

Commission adopted and published procedures for the handling of trade secret and privileged data.¹

In preparing the proposed rule amendments, the Commission reviewed the existing rule, the present language of the Minnesota Government Data Practices Act, and the Commission's Revised Procedures for Handling Trade Secret and Privileged Data. Amendments are necessary and reasonable to (1) expressly define a class of data as "protected data" so that the term may be used consistently in rules; (2) incorporate aspects of the Commission's Revised Procedures for Handling Trade Secret and Privileged Data in the rule to reflect established Commission practice; and (3) to facilitate practitioners' ability to find Commission requirements.

The Commission also adopted language recommended in stakeholder comments to clarify that Commission rules do not require any disclosure of privileged data.

Subp. 2. Procedure for excision.

~~Persons~~ A person filing documents containing ~~proprietary information, trade secrets, protected data~~ or other privileged information shall file one copy of the document with the protected data redacted. ~~excise this information in all copies but the original and six copies.~~ The first page or cover page of a document from which protected data has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT—NOT PUBLIC (or PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end of the excised protected data must be identified. One copy of the document without redactions shall be filed, designated as required in subpart 4, and identified as a not public or trade secret document during the electronic submission process.

The amendments to this subpart are necessary and reasonable to standardize the Commission's rules with a defined term, "protected data," to codify established Commission practice under the Minnesota Data Practices Act, and to provide procedural requirements suitable for electronic filing.

Subp. 3. Identification of excised material.

When a person classifies an entire document, or a substantial part of a document, as protected ~~information~~ data, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

The amendments to this subpart are necessary and reasonable to standardize the Commission's rules with a defined term, "protected data," and to codify established Commission practice under the Minnesota Data Practices Act.

¹ Revised Procedures for Handling Trade Secret and Privileged Data, September 1, 1999, <http://mn.gov/puc/consumers/data-practices/000671.html> (from the Commission home page, click on "Data Practices" and then click on "Trade Secret and other Privileged Data.").

Subp. 4. Document containing protected information data.

The first page or cover page of a document containing protected information data must be clearly marked in bold print "~~TRADE SECRET INFORMATION NOT PUBLIC DOCUMENT~~ — NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected information data appears must be similarly marked and the protected information data must be underlined, placed in brackets, or otherwise clearly identified as the information data which is to be protected from disclosure.

The amendments to this subpart are necessary and reasonable to standardize the Commission's rules with a defined term, "protected data," and to codify established Commission practice under the Minnesota Data Practices Act.

Subp. 5. Statement required.

In all cases where a person or entity files data with the commission that is identified as protected data, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data is classified under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege recognized by law.

The amendments to this subpart are necessary and reasonable to standardize the Commission's rules with a defined term, "protected data," and to ensure that assertions made in support of data protection under the Act are reasonably justified, and can be reviewed by interested parties and the Commission.

7829.0600 GENERAL SERVICE LIST.

Subpart 1. Establishing list.

Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive, their name, address, and an electronic address if they agree to electronic service. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing.

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. Content.

The official service list for each proceeding consists of the names, addresses, and electronic addresses of the parties, and ~~the names of the participants~~ who have filed a written request for inclusion on the service list with the executive secretary.

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing.

Subp. 2. Establishment and updating.

The commission shall establish the official service list at the conclusion of the initial comment period, or immediately following an initial filing for which no initial comment period is required, and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission shall provide the official service list electronically rather than by mail to a party who has agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4.

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing, and to clarify when the Commission will create an official service list for initial filings that do not require an initial comment period.

Subp. 4. Name and address change.

A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list. The commission may remove a participant from the official service list after two attempts at service are returned as undeliverable.

The amendments to this subpart are necessary and reasonable to permit the Commission to maintain official service lists over sometimes prolonged proceedings. Participants may not inform the Commission of address changes when they are no longer interested in a given proceeding. Maintaining accurate lists of participants interested in each proceeding reduces a burden on agencies, parties, and participants who would otherwise be required to mail documents to people who have not provided current contact information.

7829.0800 PETITION TO INTERVENE.

Subpart 1. Filing and service.

A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable. A petition to intervene must be signed by the person wishing to become a party or the person's attorney or authorized representative.

The amendment to this subpart is necessary and reasonable to ensure that petitions for intervention are filed by, or with the authorization of, a person with an interest in the proceeding. This provision is intended to operate in conjunction with proposed part 7829.0250, which requires candor and responsible advocacy in Commission proceedings.

Subp. 3. Intervention as of right.

The department and the Office of the Attorney General, ~~through its Residential Utilities Division,~~ may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter or upon written notice to the commission of an intent to intervene, and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

The amendment to this subpart is necessary and reasonable to effectuate the interests of the Department and the Office of the Attorney General in commission proceedings, and to remove the specification of a particular division within the Attorney General's office which no longer exists.

7829.0850 WITHDRAWAL OF A PARTY

A party wishing to withdraw must file a motion, which the commission will consider promptly in the course of the proceeding.

This provision is necessary and reasonable to address a category of filings not previously identified in the Commission's rules of procedure. In the Commission's experience, parties have sought to withdraw as parties in the course of a proceeding, and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled.

7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE

Subpart 1. Delegation of uncontested proceedings.

As authorized by Minnesota Statutes, section 216A.03, subdivision 8, the commission may establish by order a subcommittee to act on uncontested proceedings. This subcommittee will act on behalf of the commission only when:

- a) commission staff determines that a proceeding involves no disputed or novel issues, and
- b) no party, participant, or commissioner has requested that the proceeding not be delegated to a subcommittee.

The commission will maintain on its website a list of proceedings delegated under this subpart, and will indicate the subcommittee's disposition of each proceeding. Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt by parties, participants, and commissioners for purposes of Minn. Stat. § 216A.03, subd. 8(b).

This provision is necessary and reasonable to codify in rules established Commission practice concerning delegation of certain uncontested matters to a subcommittee. In the Commission's experience, certain uncontroversial matters require Commission action, and can be most efficiently handled through the work of the subcommittee process described in this rule part.

This provision also clarifies a timing issue under Minn. Stat. § 216A.03, subd. 8(b), in relation to the Commission's rule governing electronic service (7829.4000). Subdivision 8(b) states that "Subcommittee decisions for which no objection is filed with the commission within ten days from the date of receipt of the written decision of the subcommittee are deemed decisions of the full commission." It is necessary and reasonable to establish an unambiguous date after which

decisions by the subcommittee are deemed decisions of the full commission. Because Commission filings are deemed served upon electronic submission, the provision resolves any ambiguity under the statute in a way consistent with receipt of written decisions by parties.

Subp. 2. Other subcommittees.

This part does not limit the circumstances under which the commission may delegate functions to a subcommittee.

This provision is necessary and reasonable to preserve the Commission's statutory authority under Minn. Stat. § 216A.03, subd. 8, to delegate functions to a subcommittee not otherwise addressed in rules.

7829.1250 COMMENT PROCEDURE VARIATION.

Subpart 1. When applied.

Unless otherwise provided in statute or rule, this part shall apply to all comment periods established in this chapter.

This provision is necessary and reasonable to consolidate scattered provisions in the Commission's existing rule chapter 7829 concerning the Commission's practices concerning additional comment periods.

Subp. 2. Additional comments and comments on supplemental or corrected filings.

If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development. The commission shall provide opportunity for other parties to respond to additional comments, or to a supplemental or corrected filing, when the additional comment, supplement, or correction raises a new issue.

This provision is necessary and reasonable to consolidate scattered provisions in the Commission's existing rule chapter 7829 concerning the Commission's practices concerning additional comment periods.

7829.1300 MISCELLANEOUS ~~TARIFF AND PRICE LIST~~ FILINGS.

Subpart 1. Summary.

A miscellaneous ~~tariff filing and price list filing~~ must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to "miscellaneous filings" consistent with the proposed amendments to the relevant defined terms in part 7829.0100.

Subp. 2. Service.

The filing utility shall serve copies of each miscellaneous ~~tariff~~ filing on which commission action is required within 60 days of filing, ~~and each price list filing increasing the price of a competitive service~~, on the persons on the applicable

general service list, on the department, and on the ~~Residential Utilities Division of the Office of the Attorney General~~. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to “miscellaneous filings” consistent with the proposed amendments to the relevant defined terms in part 7829.0100, to remove the specification of a particular division within the Attorney General’s office which no longer exists, and to eliminate a reference to filings the Commission no longer receives.

Subp. 3. Content of filing ~~subject to specific requirements~~.

In addition to complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and price~~ filings ~~subject to specific filing rules~~ must contain at least the following information:

- A. the name, address, and telephone number of the filing party utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the filing party utility, if the filing party utility is using represented by an attorney;
- C. the date of the filing and the date the proposed rate or service change, if any, will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing; ~~and~~
- E. the signature, electronic address, and title of the utility employee responsible for the filing; ~~and~~
- F. if the contents of the filing are not established by statute or another Commission rule, a description of the filing, its impact on rates and services, its impact on the utility and any affected person ratepayers, and the reasons for the filing.

The proposed amendments to this subpart are necessary and reasonable to consolidate this subpart with subpart 4, and to provide procedural requirements suitable for electronic filing.

Subp. 4. Content of filing ~~not subject to specific filing rules~~.

In addition to complying with any specific requirements imposed by statute, miscellaneous ~~tariff and price~~ list filings ~~not subject to specific filing rules~~ must contain at least the following information:

- A. the name, address, and telephone number of the utility, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility, if the utility is using an attorney;
- C. the date of the filing and the date the proposed rate or service change will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing;
- E. the signature, electronic address and title of the utility employee responsible for the filing; ~~and~~

~~F. if the contents of the filing are not established by another Commission rule, a description of the filing, its impact on rates and services, its impact on the utility and affected ratepayers, and the reasons for the filing.~~

This subpart is proposed for repeal because it is consolidated with subpart 3, above.

Subp. 6. Compliance filings.

Unless otherwise ordered by the commission, utilities shall file a compliance filing within ten days of the effective date of a commission order requiring it.

This provision is necessary and reasonable to provide a standard deadline for compliance filings when the Commission does not otherwise specify a deadline.

7829.1400 COMMISSION ACTION ON MISCELLANEOUS TARIFF, PRICE LIST FILING; COMMENTS.

Subpart 1. Initial comments.

In the absence of a commission order or notice establishing a different comment period, ~~a~~ A person wishing to comment on a miscellaneous tariff or price list filing shall do so within 30 days of its filing with the commission. ~~A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service.~~ A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to "miscellaneous filings" consistent with the proposed amendments to the relevant defined terms in part 7829.0100. The filings proposed for deletion are filings the Commission no longer receives.

Subp. 3. Comments to include procedural recommendation.

A person commenting on a miscellaneous ~~tariff or price list~~ filing and recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to "miscellaneous filings" consistent with the proposed amendments to the relevant defined terms in part 7829.0100. The filings proposed for deletion are filings the Commission no longer receives.

Subp. 4. Reply comments.

Unless directed otherwise by the commission, ~~the~~ The utility and other persons have ten days from the expiration of the original comment period to file reply comments.

Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to “miscellaneous filings” consistent with the proposed amendments to the relevant defined terms in part 7829.0100, and to reflect the Commission’s authority to modify the time period for reply comments in circumstances where modification is warranted.

~~Subp. 5. Additional comments.~~

~~If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.~~

~~Subp. 6. Comments on supplemental or corrected filings.~~

~~The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.~~

~~Subp. 7. Comment periods varied.~~

~~Except for comment periods set by statute, the commission may vary the comment periods set by this chapter on its own motion or at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.~~

These subparts are proposed for repeal because they are consolidated into proposed part 7829.1250.

Subp. 9. Requests for contested case proceedings.

Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

The proposed amendments to this subpart are necessary and reasonable to clarify the processes that apply to “miscellaneous filings” consistent with the proposed amendments to the relevant defined terms in part 7829.0100.

7829.1500 INFORMAL COMPLAINT.

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, electronically, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

The amendment to this subpart is necessary and reasonable to add to the methods by which informal complaints can be filed, which increases public access and efficiency.

7829.1700 FORMAL COMPLAINT.

Subp. 2. Mailing and filing.

A formal complaint must be mailed to the respondent, the department, and ~~the Residential Utilities Division of the Office of the Attorney General~~, as well as filed with the commission. Formal complaints may also be filed in a manner consistent with the electronic filing requirements of Minn. Stat. § 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be mailed to the state agencies.

The amendments to this subpart are necessary and reasonable to provide procedural requirements suitable for electronic filing and to remove the specification of a particular division within the Attorney General's office which no longer exists.

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

Subp. 2. Answer.

On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, the department, and ~~the Residential Utilities Division of the Office of the Attorney General~~ within 20 days of service of the complaint and order.

Subp. 3. Reply.

Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on respondents, the department, and ~~the Residential Utilities Division of the Office of the Attorney General~~.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.

Subp. 2. Initial comments.

A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division of the Office of the Attorney General~~, and any other known parties.

Subp. 3. Reply comments.

A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, ~~Residential Utilities Division of the Office of the Attorney General~~, and any other known parties.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

~~Subp. 6. Additional comments.~~

~~If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.~~

~~Subp. 7. Comments on supplemental or corrected filings.~~

~~The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.~~

~~Subp. 8. Comment periods varied.~~

~~Except for time periods set by statute, the commission may vary the comment periods established in this part at the request of a person for good cause shown. The commission may delegate the authority to vary time periods to the executive secretary.~~

These subparts are proposed for repeal because they are consolidated into proposed part 7829.1250.

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

Subp. 2. Service and filing.

A service area complaint must be served on the respondent, department, and ~~Residential Utilities Division of the Office of the Attorney General~~, as well as filed with the commission.

The amendment to this subpart is necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT; COMMENTS.

Subpart 1. Answer.

Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and ~~Residential Utilities Division of the Office of the Attorney General~~.

Subp. 2. Initial comments.

A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division of the Office of the Attorney General~~, and any other known parties.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

~~Subp. 4. Additional comments.~~

~~If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.~~

~~Subp. 5. Comments on supplemental or corrected filing.~~

~~The commission shall provide opportunity for other parties to respond to supplemental or corrected filings when those filings raise new issues.~~

These subparts are proposed for repeal because they are consolidated into proposed part 7829.1250.

7829.2300 CLASSIFICATION PETITION.

Subp. 2. Service.

A utility filing a classification petition shall serve copies of the petition on the department and ~~Residential Utilities Division of the~~ Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. Challenges to form and completeness.

A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division of the~~ Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. Initial comments.

A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, ~~Residential Utilities Division of the~~ Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

~~Subp. 8. Additional comments.~~

~~If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development.~~

~~Subp. 9. Comments on supplemental or corrected filing.~~

~~The commission shall provide opportunity for other parties to respond to a supplemental or corrected filing when the filing raises new issues.~~

These subparts are proposed for repeal because they are consolidated into proposed part 7829.1250.

Subp. 13. Extending disposition period.

The commission may extend the eight-month time frame ~~set forth~~ in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

The amendment to this subpart is necessary and reasonable to remove superfluous language.

7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

Subp. 2. Service.

A utility filing a general rate change request shall serve copies of the filing on the department and ~~Residential Utilities Division of the~~ Office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

Subp. 4. Challenge to form and completeness.

A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division of the~~ Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

Subp. 5. Rejection of filing.

The commission shall reject any filing under this part ~~that is found to be~~ substantially out of compliance with Minnesota Statutes, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

The amendment to this subpart is necessary and reasonable to remove superfluous language.

Subp. 6. Petition to intervene.

The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.~~

The amendment to this subpart is necessary and reasonable to remove redundant language. Commission rule 7829.0800, subpart 6, provides that "[d]uring the time that a matter is before an administrative law judge, intervention procedures are governed by the rules of the Office of Administrative Hearings and by orders issued under those rules by the administrative law judge."

7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. Compliance.

Certificate of need applications must comply with the requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute.

The amendment to this subpart is needed and reasonable to remove any implication that certificate of need applications need only comply with some parts of rule chapter 7849.

Subp. 3. Service.

A certificate of need applicant shall serve copies of the filing on the department and ~~Residential Utilities Division of the~~ Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

The amendments to these subparts are necessary and reasonable to remove the specification of a particular division within the Attorney General's office which no longer exists.

~~Subp. 4. Publication in State Register.~~

~~The commission shall publish notice of the certificate of need filing in the State Register and shall solicit public comment on the application.~~

This subpart is proposed for repeal because there is no statutory requirement for publication in the *State Register*, and because the Commission has determined that notice procedures for certificate of need applications under parts 7829.2550 and .2560 reasonably ensure public notice. Removing the requirement to publish in the State Register reduces needless expense and duplicative effort.

Subp. 6. Solicitation of comments on filing compliance.

The commission shall request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421 to 216B.243, and Minnesota Rules, chapters 7849, 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. Rejection of filing.

The commission shall reject a filing under this part that is found to be substantially out of compliance with Minnesota Statutes, sections 216B.2421 to 216B.243; Minnesota Rules, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

The amendments to these subparts are needed and reasonable to remove any implication that certificate of need applications need only comply with some parts of rule chapter 7849.

Subp. 8. Petition to intervene.

The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.~~

The amendment to this subpart is necessary and reasonable to remove redundant language. Commission rule 7829.0800, subpart 6, provides that “[d]uring the time that a matter is before an administrative law judge, intervention procedures are governed by the rules of the Office of Administrative Hearings and by orders issued under those rules by the administrative law judge.”

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. Filings required, service requirements.

At least three months before filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A.** the Office of Energy Security of the Department of Commerce;
- B.** ~~the Residential and Small Business Utilities Division of the Office of the Attorney General;~~ and
- C.** the Army Corps of Engineers.

The amendment to this subpart is necessary and reasonable to remove the specification of a particular division within the Attorney General’s office which no longer exists.

7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.

Subpart 1. Exceptions to administrative law judge's report.

Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing unless otherwise specified by the commission. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

The amendment to this subpart is necessary and reasonable to effectuate the Commission’s authority to vary the time period for exceptions on a case-by-case basis, when circumstances warrant.

Subp. 3. ~~Oral~~ Argument.

Parties ~~must~~ will be granted an opportunity for oral argument before the commission ~~as required under Minnesota Statutes, section 14.61~~ prior to its decision.

The amendment to this subpart is necessary and reasonable to omit the implication that the Commission construes Minn. Stat. § 14.61, subd. 2, to require *oral* argument, specifically, but to retain the Commission's commitment to granting opportunity for oral argument as a matter of rule.

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding who are on the official service list.

The amendment to this part is necessary and reasonable to clarify the extent of the Commission's obligation to serve decisions and orders.

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. Time for request.

A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary. This subpart does not affect any statutory limit on the time allowed for a petition for judicial review that may run concurrently.

The amendment to this part is necessary and reasonable to clarify that Commission rules do not affect statutory deadlines for appeal. Although in some circumstances deadlines relating to petitions for rehearing and appeal periods are unambiguous,² in other cases the time period to file an appeal from a Commission decision and the time period to file a petition for rehearing may run concurrently. This amendment is intended to notify parties that appeal periods may run concurrently under the Administrative Procedure Act.

Subp. 3. Service.

A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding ~~to which they relate~~.

The amendment to this subpart is necessary and reasonable to remove superfluous language.

7829.3150 UNTIMELY FILINGS.

Subpart 1. When filings may be excluded.

On its own motion or at the request of any party or participant, the commission may exclude a filing from the record:

- a) when the filing was not made within a time period established by rule, notice, or commission order; and
- b) upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness.

² See, e.g., Minn. Stat. § 216B.27 (stating when Commission orders become effective when a petition for rehearing has been filed)).

Documents in the agencies' electronic filing system excluded under this part shall remain in the agencies' electronic filing system, but shall be marked as "excluded from record by commission order" in search results.

This provision is necessary and reasonable to address procedural challenges and inequities brought about by untimely filings. In the Commission's experience, parties have sought to offer documents or other information after a deadline, and the absence of a rule governing those requests has deprived parties and participants of clarity about how those requests are to be handled. Historically, the Commission has decided whether to consider untimely submissions on a case-by-case basis.

With this provision, the Commission balances the interest in a complete record with the public's and parties' interests in orderly, efficient proceedings and in having time to consider and, if appropriate, respond to late-filed material. In striking this balance, the Commission determined it does not want to preclude itself from considering possibly relevant untimely information, but that it must weigh the value of the information against the interests that would warrant its exclusion.

Subp. 2. Required statement.

A person filing a document outside a time period established by rule, notice, order, or statute shall clearly mark the document as "late filed" and include a statement explaining why the filing was untimely and why it should not be excluded by the commission.

This provision is necessary and reasonable to address procedural challenges and inequities brought about by untimely filings. The required statement will aid the Commission in determining whether or not to consider an untimely filing.

Subp. 3. Documents offered less than one day before consideration.

A party or participant offering a document less than one full business day prior to, or at, the commission meeting to consider issues relevant to the document, must provide ten paper copies to commission staff and sufficient paper copies for the offering party to distribute to all parties and to be available to members of the public in attendance. The offering party or participant must electronically file the document within one business day following the commission meeting if it was not electronically filed prior to the meeting.

This provision is necessary and reasonable to address procedural challenges and inequities brought about by untimely filings. In order to be reasonably considered, filings offered less than one full day before consideration must be provided in sufficient quantity to be reviewed by the Commission and by interested persons, and must be filed promptly in the Electronic Filing System to ensure that they are available to the public. As written, this provision is consistent with the possibility that the offered document may ultimately be excluded under subpart 1.

7829.4000 EMERGENCY CIRCUMSTANCES

Subpart 1. Declared Emergency or Pandemic.

If the Executive Secretary determines that an in-person meeting of the commission is not practical or prudent because of a health pandemic or an emergency declared

under Minnesota Statutes, chapter 12, commissioners may participate by telephone or other electronic means. If at least one commissioner intends to participate remotely, the commission shall provide the public notice required by Minnesota Statutes, section 13D.021, subd. 4.

This provision is necessary and reasonable to implement emergency preparedness procedures in cases of a health pandemic or other emergency, as provided for by Minn. Stat. 13D.021.

Subp. 2. Remote Participation.

If the required public notice has been given, the commission shall afford any absent commissioner or commissioners an opportunity to participate in a commission meeting by telephone or other electronic means in a manner consistent with Minnesota Statutes, section 13D.021. The commission shall ensure that all commissioners, regardless of their location, can hear all discussion, testimony, and votes. Unless the meeting is closed for reasons authorized by statute, the commission shall ensure that members of the public who are present at the regular meeting location or monitoring remotely can hear all discussion, testimony, and votes. Commission votes shall be conducted via roll call.

This provision is necessary and reasonable to implement emergency preparedness procedures in cases of a health pandemic or other emergency, as provided for by Minn. Stat. 13D.021.

VII. REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the Statement of Need and Reasonableness. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

A. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule. Minn. Stat. § 14.131 (1):

The following persons will probably be affected by the proposed rules:

- All Minnesota utilities, stakeholder groups, and individuals with business before the Commission.
- Local and tribal government officials and interested members of the public who will be affected by, or receive notice of, Commission proceedings.
- Government agencies with regulatory responsibilities related to Commission proceedings.

The following persons will probably bear the costs of the proposed rules:

- All Minnesota utilities, stakeholder groups, and individuals with business before the Commission.
- Customers of Minnesota utilities regulated by the Commission, whose rates will eventually include the costs of compliance and regulatory enforcement.

- Local and tribal governments and interested members of the public who will expend time and resources to participate, or to consider participating, in Commission proceedings.
- Government agencies with regulatory responsibilities related to Commission proceedings.

The following persons will probably benefit from the proposed rules:

- All Minnesota utilities, stakeholder groups, and individuals with business before the Commission; customers of Minnesota utilities regulated by the Commission; local and tribal governments; interested members of the public; and government agencies with regulatory responsibilities related to Commission proceedings will benefit from increased clarity and greater Commission efficiency brought about by the proposed amendments.

B. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues. Minn. Stat. § 14.131 (2).

In relation to the existing rules, the probable costs to the agency to implement and enforce the proposed amendments are negligible.

In relation to the existing rules, the probable costs to any other agency to implement and enforce the proposed amendments are negligible.

The Commission anticipates no effect on state revenues.

C. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule. Minn. Stat. § 14.131 (3).

The purpose of the proposed rules is to establish procedural requirements that permit the Commission to effectively perform its quasi-legislative and quasi-judicial functions.

The Commission has identified no less costly or less intrusive methods to achieve the purpose of the proposed amendments. The Commission reaches this conclusion after thorough consideration of the comments received in the course of this rulemaking, in light of the Commission's need to conduct its proceedings efficiently and in the public interest. Only by amending the Commission's rules can the Commission update its procedural rules.

D. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule. Minn. Stat. § 14.131 (4).

The purpose of the proposed rules is to establish procedural requirements that permit the Commission to effectively perform its quasi-legislative and quasi-judicial functions.

The Commission considered and rejected keeping the existing practice and procedure rules without amendment. The existing rules were last revised before the advent of electronic filing and, since that time, experience has informed the Commission's understanding of how to efficiently and thoroughly handle matters under its jurisdiction. The existing rules therefore no longer serve

the needs of the Commission or the public. In order to fully achieve the purposes of rules of practice and procedure, rule amendments are necessary.

- E. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals. Minn. Stat. § 14.131 (5).**

In relation to the existing rules, the probable costs to comply with the proposed amendments are negligible. Any costs would be borne by Minnesota utilities, stakeholder groups, and individuals with business before the Commission.

- F. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals. Minn. Stat. § 14.131 (6).**

In the absence of the proposed amendments, the Commission's rules would not accommodate appropriate standards for electronic filing, and would perpetuate unnecessary inefficiencies in Commission practice. The costs of these consequences would be borne by Minnesota utilities, stakeholder groups, individuals with business before the Commission, and the greater public, generally in the form of avoidable delay or otherwise diminished efficiency in processing Commission business.

- G. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference. Minn. Stat. § 14.131 (7).**

No existing federal regulations concern Commission practice and procedure. Accordingly, there are no differences to assess.

- H. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time. Minn. Stat. § 14.131 (8).**

The proposed rules cover areas not addressed by federal law or other Minnesota state laws. Therefore, this consideration is not applicable for this rule.

VIII.

CONSIDERATION OF PERFORMANCE BASED REGULATORY SYSTEMS

Minn. Stat. §§ 14.002 and 14.131 require the Commission to describe how, in developing the rules, it considered and implemented performance-based standards that emphasize superior

achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

The Commission was guided by performance-based regulatory principles as it developed these proposed amendments. Because the rules are procedural, they are necessarily more prescriptive than rules concerned with substantive regulation. The proposed amendments extend duties and burdens no further than is necessary to fulfill the intended policy objective of advancing the Commission's efforts to more effectively and efficiently perform its quasi-legislative and quasi-judicial functions.

IX. COST OF RULE COMPLIANCE

As required by Minnesota Statutes, section 14.131, the Commission will consult with Minnesota Management and Budget (MMB)). We will do this by sending MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Commission will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

For some proposed rules, Minnesota Statutes, section 14.127, requires the agency to determine if the cost of complying with proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The proposed rules are exempt from this requirement, however, because the requirement does not apply to rules proposed to be adopted by the Public Utilities Commission. Minnesota Statutes, section 14.127, subdivision 4(d).

X. EFFECTS ON LOCAL GOVERNMENTS

Minnesota Statutes, section 14.128 requires the agency to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval.

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The agency has determined that they do not based on this Statement of Need and Reasonableness, the review conducted by the Commissioner of Management and Budget, and comments received on possible proposed rule drafts.

The proposed rules do not impose specific requirements, administrative burdens, or costs on local governments. Therefore the Commission has determined that local governments will not be required to adopt or amend ordinances or other regulations to comply with the proposed rules. Furthermore, the Commission consulted with the Commissioner of Management and Budget, as required by Minnesota Statutes, section 14.131. The Commissioner of Management and Budget determined that the proposed changes will not affect or impose costs on local units of government.

Additionally, no comments from stakeholders indicated that local governments would be affected by, or be required to adopt or amend local regulations, to comply with the proposed rules.

XI. LIST OF WITNESSES

If these rules go to a public hearing, the Commission does not plan to rely on any non-agency witnesses at any rule hearing.

XII. LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, the Commission anticipates that it will enter the following exhibits into the hearing record:

1. Request for Comments (37 S.R. 1219, February 19, 2013).
2. Comments in response to Request for Comments submitted by: Charter Fiberlink COO, LLC and Charter Fiberlink CC VIII, LLC; Minnesota Department of Commerce; Office of the Attorney General – Antitrust and Utilities Division; Xcel Energy; CenturyLink; Otter Tail Power Company; Legalectric, Inc.
3. Comments in response to Notice of Comment Period submitted by: Dakota Electric Association; Minnesota Power; Otter Tail Power Company; CenturyLink; Minnesota Energy Resources Corporation; Minnesota Cable Communications Association; Minnesota Department of Commerce; CenterPoint Energy; NoCapX 2020 and United Citizens Action Network; Kristen Eide-Tollefson Cure; Xcel Energy
4. “Revised Procedures for Handling Trade Secret and Privileged Data,” September 1, 1999.
5. Staff Briefing Papers for Commission Meeting July 10, 2014.

XII. ADDITIONAL NOTICE PLAN

To ensure the public has sufficient notice to participate in a proposed rulemaking, the Administrative Procedure Act requires agencies to take certain prescribed steps to publicize their rulemakings. In addition, Minn. Stat. § 14.14, subd. 1a, requires agencies to make unspecified additional efforts to notify persons who might be affected by proposed rules, and § 14.131 requires agencies to describe these efforts in their Statement of Need and Reasonableness.

The Commission plans to publicize its proposed rule changes by:

- Publishing the Notice of Intent to Adopt Rules, and the text of proposed rule changes, in the State Register.
- Mailing a copy of the Notice of Intent to Adopt Rules to everyone who has requested to receive it pursuant to Minn. Stat. § 14.14, subd. 1a.

- Giving notice to the Legislature as required by Minn. Stat. § 14.116.
- Publishing the Notice of Intent to Adopt Rules and this Statement of Need and Reasonableness, including the text of the proposed rules, on the Commission's website at <http://www.mn.gov/puc/aboutus/rulemaking-project/>.
- Mailing the Notice of Intent to Adopt Rules to Minnesota's utilities and pipeline companies.
- Mailing the Notice of Intent to Adopt Rules to everyone on the Commission's official service list for this proceeding.
- Issuing a press release to all newspapers of general circulation throughout the state.

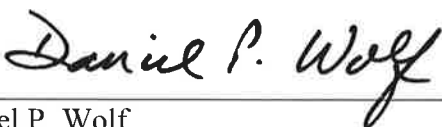
The Commission's Notice Plan includes giving the notice required by statute. We will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature as required under Minnesota Statutes, section 14.116.

The Commission's Notice Plan did not include notifying the Commissioner of Agriculture under Minnesota Statutes, section 14.111 because the rules do not affect farming operations.

XIII. CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

June 3, 2015
Date



Daniel P. Wolf
Executive Secretary

E

Enclosed: the Notice of Intent to Adopt Rules, as mailed, and the
Notice of Intent to Adopt Rules, as published in the State Register
on June 15, 2015.

Minnesota Public Utilities Commission

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4159

Proposed Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, excluding part 7829.2550

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 17, 2015, a public hearing will be held in the Public Utilities Commission's Large Hearing Room, 121 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, August 31, 2015. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 17, 2015 and before August 31, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Christopher Moseng at Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, (651) 201-2223, and christopher.moseng@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the conduct of Public Utilities Commission proceedings. The statutory authority to adopt the rules is Minnesota Statutes, section 216A.05, subdivision 1. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

The proposed rule amendments update the Commission's procedural rules (Minnesota Rules Chapter 7829) to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. Generally, these changes include amending the rules to reflect electronic filing practices and to incorporate process improvements that will allow the Commission to operate more efficiently while keeping Commission practice consistent with the public interest and the requirements of due process.

Comments. You have until 4:30 p.m. on Friday, July 17, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, July 17, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Commission will cancel the hearing scheduled for August 31, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after Friday, July 17, 2015, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara J. Case is assigned to conduct the hearing. Judge Case's legal assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620-0620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or denise.collins@state.mn.us.

Hearing Procedure. If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the

hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Commission requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

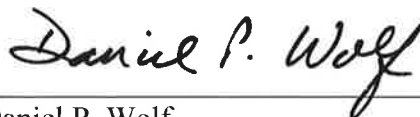
Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

June 3, 2015
Date



Daniel P. Wolf
Executive Secretary

Proposed Rules

Minnesota Public Utilities Commission (PUC)

Proposed Permanent Rules Governing Utility Proceeding, Practice, Procedure

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4159

Proposed Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, *Minnesota Rules* Chapter 7829, excluding part 7829.2550

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on July 17, 2015, a public hearing will be held in the Public Utilities Commission's Large Hearing Room, 121 - 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, August 31, 2015. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after July 17, 2015 and before August 31, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Christopher Moseng at Minnesota Public Utilities Commission, 121 - 7th Place East, Suite 350, St. Paul, MN 55101-2147, **phone:** (651) 201-2223, and **e-mail:** christopher.moseng@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules are about the conduct of Public Utilities Commission proceedings. The statutory authority to adopt the rules is *Minnesota Statutes*, section 216A.05, subdivision 1. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above.

The proposed rule amendments update the Commission's procedural rules (*Minnesota Rules* Chapter 7829) to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. Generally, these changes include amending the rules to reflect electronic filing practices and to incorporate process improvements that will allow the Commission to operate more efficiently while keeping Commission practice consistent with the public interest and the requirements of due process.

Comments. You have until 4:30 p.m. on Friday, July 17, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Friday, July 17, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

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Modifications. The Commission might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Commission will cancel the hearing scheduled for August 31, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after Friday, July 17, 2015, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara J. Case is assigned to conduct the hearing. Judge Case's legal assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620-0620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900 and **fax:** (651) 539-0300 or **e-mail:** denise.collins@state.mn.us.

Hearing Procedure. If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Commission requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

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Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 3 June 2015

Daniel P. Wolf, Executive Secretary
Minnesota Public Utilities Commission

7829.0100 DEFINITIONS.

[For text of subps 1 to 4, see M.R.]

Subp. 5. [See repealer.]

[For text of subps 6 to 9, see M.R.]

Subp. 10. [See repealer.]

Subp. 11. **Miscellaneous tariff filing.** "Miscellaneous tariff filing" means a request or notice that does not require determination of the a utility's revenue requirement.

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges in chapter 7825; or any related matter. The term also includes a language change filing, cost increase filing, and rate reduction filing.

The inclusion of a particular type of filing in this list does not require a filing that would not otherwise be required or confer jurisdiction that would not otherwise be present.

Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments, or in motions made during a proceeding before an administrative law judge.

[For text of subps 12 to 16, see M.R.]

Subp. 17. [See repealer.]

[For text of subps 18 and 19, see M.R.]

Subp. 19a. **Protected data.** "Protected data" means data filed with the commission that is either:

A. not public data or private data on individuals under the Minnesota Government Data Practices Act, *Minnesota Statutes*, chapter 13; or

B. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. 20. [See repealer.]

Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person authorized by law to make a formal complaint to the commission.

[For text of subps 21 and 22, see M.R.]

Subp. 23. **Utility.** "Utility" means a gas; or electric service provider, or a telephone company subject to the jurisdiction of the commission utility under part 7810.0100, subpart 37.

7829.0250 REPRESENTATIONS TO COMMISSION.

A person who signs a pleading, motion, or similar filing, or enters an appearance at a commission meeting, by doing so represents that the person is authorized to do so, has a good faith belief that statements of fact made are true and correct, and that legal assertions are warranted by existing law or by a nonfrivolous argument for the extension or reversal of existing law or the modification or establishment of rules.

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7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary. Filings must be made in a manner consistent with the filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. If otherwise required to file electronically under *Minnesota Statutes*, section 216.17, subdivision 3, a person may file by facsimile transmission, mail, or personal delivery only with the prior consent of the executive secretary.

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and commission-assigned docket number of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format, and any scanned documents must include optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision 17, paragraph (a), shall also include the required data in an industry standard spreadsheet format supported by the agencies' electronic filing system.

Subp. 5. **Service; method.** A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail or, by delivery in person, or electronically upon recipients who have agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons;

Subp. 5a. Service and filing; completion. A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific documents, electronic service is complete upon receipt of confirmation of submission of the document. Filings are filed with the commission when received in the commission offices during regular business hours. Service by mail or facsimile transmission plus mail is complete upon mailing, unless the executive secretary directs otherwise for specific documents except service upon the department, which is complete upon receipt by the department. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

[For text of subp 6, see M.R.]

7829.0410 MOTION FILINGS.

Subpart 1. **Form and content.** A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall serve a motion filing on the persons listed on the official service list and file it consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3. A party shall, as a part of a motion filing, advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within 14 days. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. **Responses.** A party responding to a motion filing shall serve a response on the persons listed on the official service list and file it consistent with the electronic filing requirements of *Minnesota Statutes*, section 216.17, subdivision 3, within 14 days of service of the motion filing.

7829.0430 WITHDRAWAL OF FILINGS.

Subpart 1. **Uncontested withdrawal.** The commission delegates to the executive secretary authority to approve the withdrawal of a filing. Approval will be granted by the executive secretary if the following conditions are met:

A. the party that submitted the filing has requested that the filing be withdrawn;

B. no person has expressed opposition to withdrawal of the filing; and

C. no commissioner or commission staff person has identified a reason that the matter should not be withdrawn.

Subp. 2. **Contested withdrawal.** If any person opposes a withdrawal request, the commission will allow a filing to be withdrawn at

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the request of the filing party if the commission determines that the proposed withdrawal:

A. does not contravene the public interest;

B. does not prejudice any party; and

C. does not concern a filing that raises issues requiring commission action.

If the commission determines that withdrawal would contravene the public interest or would prejudice a party, the commission may permit withdrawal only subject to conditions that mitigate the harm identified.

7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION PROTECTED DATA.~~

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires ~~the public disclosure of privileged proprietary information, trade secrets, or other privileged information protected data or any disclosure of privileged data.~~

Subp. 2. **Procedure for excision.** ~~Persons~~ A person filing documents containing ~~proprietary information, trade secrets, protected data~~ or other privileged information shall ~~excise this information in all copies but the original and six copies; file one copy of the document with the protected data redacted. The first page or cover page of a document from which protected data has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT - NOT PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end of the excised protected data must be identified. One copy of the document without redactions shall be filed, designated as required in subpart 4, and identified as a not public or trade secret document during the electronic submission process.~~

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected ~~information data~~, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected information data.** The first page or cover page of a document containing protected ~~information data~~ must be clearly marked in bold print "~~TRADE SECRET INFORMATION~~ NOT PUBLIC DOCUMENT — NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected ~~information data~~ appears must be similarly marked and the protected ~~information data~~ must be underlined, placed in brackets, or otherwise clearly identified as the ~~information data~~ which is to be protected from disclosure.

Subp. 5. **Statement required.** In all cases where a person or entity files data with the commission that is identified as protected data, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data is classified under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege recognized by law.

7829.0600 GENERAL SERVICE LIST.

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive, as well as the person's name, address, and an electronic address if they agree to electronic service. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

[For text of subps 2 to 5, see M.R.]

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. **Content.** The official service list for each proceeding consists of the names, addresses, and electronic addresses of the parties, and ~~the names of the~~ participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.** The commission shall establish the official service list at the conclusion of the initial comment period, or immediately following an initial filing for which no initial comment period is required, and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission shall mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission shall provide

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the official service list electronically rather than by mail to a party who has agreed to electronic service as provided in *Minnesota Statutes*, section 216.17, subdivision 4.

[For text of subp 3, see M.R.]

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list. The commission shall remove a participant from the official service list after two attempts at service are returned as undeliverable.

[For text of subp 5, see M.R.]

7829.0800 PETITION TO INTERVENE.

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable. A petition to intervene must be signed by the person wishing to become a party, or by the person's attorney or authorized representative.

[For text of subp 2, see M.R.]

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, ~~through its Residential Utilities Division,~~ may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter or upon written notice to the commission of an intent to intervene, and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

[For text of subps 4 to 6, see M.R.]

7829.0850 WITHDRAWAL OF A PARTY.

A party wishing to withdraw must file a motion, which the commission will consider promptly in the course of the proceeding.

7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.

Subpart 1. **Delegation of uncontested proceedings.** As authorized by *Minnesota Statutes*, section 216A.03, subdivision 8, the commission may establish by order a subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of the commission only when:

A. commission staff determines a proceeding involves no disputed or novel issues; and

B. no party, participant, or commissioner has requested that the proceeding not be delegated to a subcommittee.

The commission will maintain on its Web site a list of all proceedings delegated under this subpart, and will indicate the subcommittee's disposition for each proceeding. Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt by the parties, participants, and commissioners for the purposes of *Minnesota Statutes*, section 216A.03, subdivision 8, paragraph (b).

Subp. 2. **Other subcommittees.** This part does not limit the circumstances under which the commission may delegate functions to a subcommittee.

7829.1250 COMMENT PROCEDURE VARIATION.

Subpart 1. **When applied.** Unless otherwise provided in statute or rule, this part shall apply to all comment periods established in this chapter.

Subp. 2. **Additional comments and comments on supplemental or corrected filings.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development. The commission shall provide opportunity for other parties to respond to additional comments, or to a supplemental or corrected filing, when the additional comment, supplement, or correction raises a new issue.

7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.

Subpart 1. **Summary.** A miscellaneous tariff filing ~~and price list filing~~ must include, on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous tariff filing on which commission action is required within

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60 days ~~of filing, and each price list filing increasing the price of a competitive service;~~ on the persons on the applicable general service list, on the department, and on the ~~Residential Utilities Division of the~~ Office of the Attorney General. For other filings, the utility may serve the summary described in subpart 1 on persons on the applicable general service list. The utility shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. **Content of filing ~~subject to specific requirements.~~** In addition to complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and price~~ filings ~~subject to specific filing rules~~ must contain at least the following information:

- A. the name, address, and telephone number of the utility filing party, without abbreviation;
- B. the name, address, electronic address, and telephone number of the attorney for the utility filing party, if the utility filing party is using represented by an attorney;
- C. the date of the filing and the date the proposed rate or service change, if any, will go into effect;
- D. the statute that the utility believes controls the time frame for processing the filing; ~~and~~
- E. the signature, electronic address, and title of the utility employee responsible for the filing; ~~and~~
- F. if the contents of the filing are not established by statute or another commission rule, a description of the filing, its impact on rates and services, its impact on any affected person, and the reasons for the filing.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities shall file a compliance filing within ten days of the effective date of a commission order requiring it.

7829.1400 **COMMISSION ACTION ON MISCELLANEOUS ~~TARIFF, PRICE LIST~~ FILING; COMMENTS.**

Subpart 1. **Initial comments.** ~~In the absence of a commission order or notice establishing a different comment period,~~ a person wishing to comment on a miscellaneous ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. ~~A person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service.~~ A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

[For text of subp 2, see M.R.]

Subp. 3. **Comments to include procedural recommendation.** A person commenting on a miscellaneous ~~tariff or price list~~ filing and recommending its rejection, denial, or modification shall specify whether the person believes the filing requires a contested case proceeding, informal proceeding, expedited proceeding, or some other procedural treatment, together with the person's reasons for recommending a particular procedural treatment.

Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

[For text of subp 8, see M.R.]

Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time

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period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

7829.1500 INFORMAL COMPLAINT.

Persons engaged in disputes with utilities may submit informal complaints by letter or other writing, by telephone, electronically, or in person. Commission staff shall accept these complaints and shall prepare a memorandum setting forth the substance of each complaint and identifying the customer, the service address, and the utility.

7829.1700 FORMAL COMPLAINT.

[For text of subp 1, see M.R.]

Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent, the department, and ~~the Residential Utilities Division of~~ the Office of the Attorney General, as well as filed with the commission. Formal complaints may also be filed in a manner consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be mailed to the state agencies.

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

[For text of subp 1, see M.R.]

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, ~~the department, and the Residential Utilities Division of the~~ Office of the Attorney General within 20 days of service of the complaint and order.

Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent has granted the relief sought by complainant. In that case, the complainant shall file a reply within 20 days admitting or denying that relief has been granted. If the complainant fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must be served on the respondents, the department, and the Residential Utilities Division of the Office of the Attorney General.

[For text of subp 4, see M.R.]

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.

[For text of subp 1, see M.R.]

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division of the~~ Office of the Attorney General, and any other known parties.

Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of the original comment period to file reply comments. Reply comments must be limited in scope to the issues raised in the initial comments and must be served on the complainant, respondent, department, ~~Residential Utilities Division Of the~~ Office of the Attorney General, and any other known parties.

[For text of subps 4 and 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

[For text of subp 9, see M.R.]

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

[For text of subp 1, see M.R.]

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Subp. 2. **Service and filing.** A service area complaint must be served on the respondent, department, and ~~Residential Utilities Division~~ of the Office of the Attorney General, as well as filed with the commission.

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT; COMMENTS.

Subpart 1. **Answer.** Within ten days of service of a service area complaint, a respondent shall file an answer with the commission and serve it on the complainant, department, and ~~Residential Utilities Division~~ of the Office of the Attorney General.

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must be served on the complainant, respondent, department, ~~Residential Utilities Division~~ of the Office of the Attorney General, and any other known parties.

[For text of subp 3, see M.R.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

[For text of subp 6, see M.R.]

7829.2300 CLASSIFICATION PETITION.

[For text of subp 1, see M.R.]

Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the petition on the department and ~~Residential Utilities Division~~ of the Office of the Attorney General. The utility shall serve the petition or the summary described in subpart 1 on those persons on the applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the form or completeness of a classification petition shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division~~ of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

[For text of subp 4, see M.R.]

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the utility, department, ~~Residential Utilities Division~~ of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

[For text of subps 6 and 7, see M.R.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

[For text of subps 10 to 12, see M.R.]

Subp. 13. **Extending disposition period.** The commission may extend the eight-month time frame set forth in subpart 12 with the agreement of all parties or upon a finding that the case cannot be completed within the required time and that there is a substantial probability that the public interest would be harmed by enforcing the eight-month time frame.

7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

[For text of subp 1, see M.R.]

Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of the filing on the department and ~~Residential Utilities Division~~ of the Office of the Attorney General. The utility shall serve the filing or the summary described in subpart 1 on the persons on the applicable general service list and persons who were parties to its last general rate case or incentive plan proceeding.

[For text of subp 3, see M.R.]

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Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the form or completeness of a general rate case filing shall do so within ten days of its filing. The filing utility shall reply to the challenge within five days of its filing. Challenges and responses must be served on the department, ~~Residential Utilities Division of the~~ Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part ~~that is~~ found to be substantially out of compliance with *Minnesota Statutes*, section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order. A filing under this part not rejected within 60 days of filing is considered accepted as in substantial compliance with applicable filing requirements.

Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings control intervention rights.~~

[For text of subp 7, see M.R.]

7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of *Minnesota Statutes*, sections 216B.2421 and 216B.243; *Minnesota Rules*, chapters ~~7849~~, 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute.

[For text of subp 2, see M.R.]

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and ~~Residential Utilities Division of the~~ Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. ~~[See repealer.]~~

[For text of subp 5, see M.R.]

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243, and *Minnesota Rules*, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with *Minnesota Statutes*, sections 216B.2421 to 216B.243; *Minnesota Rules*, chapters ~~7849~~, 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. ~~Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.~~

[For text of subp 9, see M.R.]

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter ~~7849~~, 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

A. the Office of Energy Security of the Department of Commerce;

B. ~~the Residential and Small Business Utilities Division of~~ the Office of the Attorney General; and

C. the Army Corps of Engineers.

[For text of subps 2 to 8, see M.R.]

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7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing unless otherwise specified by the commission. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

[For text of subp 2, see M.R.]

Subp. 3. **Oral argument.** Parties ~~must will~~ be granted an opportunity for oral argument before the commission ~~as required under Minnesota Statutes, section 14.61~~ prior to its decision.

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding who are on the official service list.

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary. This subpart does not affect any statutory limit on the time allowed for a petition for judicial review that may run concurrently.

[For text of subp 2, see M.R.]

Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration, or reargument, and an answer, reply, or comment, must be served on the parties and participants in the proceeding ~~to which they relate~~.

[For text of subps 4 to 7, see M.R.]

7829.3150 UNTIMELY FILINGS.

Subpart 1. **When filings may be excluded.** On its own motion or at the request of any party or participant, the commission may exclude a filing from the record:

A. when the filing was not made within a time period established by rule, notice, or commission order; and

B. upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness. Documents in the agencies' electronic filing system excluded under this part shall remain in the agencies' electronic filing system, but shall be marked as "excluded from record by commission order" in search results.

Subp. 2. **Required statement.** A person filing a document outside a time period established by rule, notice, order, or statute shall clearly mark the document as "late filed" and include a statement explaining why the filing was untimely and why it should not be excluded by the commission.

Subp. 3. **Documents offered less than one day before consideration.** A party or participant offering a document less than one full business day prior to, or at, the commission meeting to consider issues relevant to the document, must provide ten paper copies to commission staff and sufficient paper copies for the offering party to distribute to all parties and to be available to members of the public in attendance. The offering party or participant must electronically file the document within one business day following the commission meeting if it was not electronically filed prior to the meeting.

7829.4000 EMERGENCY CIRCUMSTANCES.

Subpart 1. **Declared emergency or pandemic.** If the executive secretary determines that an in-person meeting of the commission is not practical or prudent because of a health pandemic or an emergency declared under *Minnesota Statutes*, chapter 12, commissioners may participate by telephone or other electronic means. If at least one commissioner intends to participate remotely, the commission shall provide the public notice required by *Minnesota Statutes*, section 13D.021, subdivision 4.

Subp. 2. **Remote participation.** If the required public notice has been given, the commission shall afford any absent commissioner or commissioners an opportunity to participate in a commission meeting by telephone or other electronic means in a manner consistent with *Minnesota Statutes*, section 13D.021. The commission shall ensure that all commissioners, regardless of their location, can hear all discussion, testimony, and votes. Unless the meeting is closed for reasons authorized by statute, the commission shall ensure that members

Proposed Rules

of the public who are present at the regular meeting location or monitoring remotely can hear all discussion, testimony, and votes. Commission votes shall be conducted via roll call.

RENUMBERING INSTRUCTION. The provisions of *Minnesota Rules* listed in Column A shall be renumbered to those listed in Column B. The revisor of statutes shall also make necessary cross-reference changes in *Minnesota Rules* consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
7829.2300, subpart 5	7829.2350, subpart 1
7829.2300, subpart 6	7829.2350, subpart 2
7829.2300, subpart 7	7829.2350, subpart 3
7829.2300, subpart 10	7829.2350, subpart 4
7829.2300, subpart 11	7829.2350, subpart 5
7829.2300, subpart 12	7829.2350, subpart 6
7829.2300, subpart 13	7829.2350, subpart 7
7829.3100	7829.1275
7829.3150	7829.0420

REPEALER. *Minnesota Rules*, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400, subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500, subpart 4, are repealed.

F

Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Commission to omit the text of the proposed rules from the Notice Of Intent To Adopt Rules published in the State Register.

This is not enclosed because the Commission included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.

G

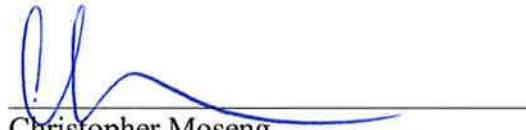
Enclosed: the Certificate of Mailing the Notice of Intent to Adopt
Rules and the Certificate of Accuracy of the Mailing List.

Minnesota Public Utilities Commission

**CERTIFICATE OF MAILING THE DUAL NOTICE TO THE RULEMAKING
MAILING LIST**

**Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules
Chapter 7829, excluding part 7829.2550
Revisor's ID Number RD4159**

I certify that on June 12, 2015, at least 33 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I mailed the Dual Notice and the proposed rules by depositing a copy in the United States mail with postage prepaid, or sending an electronic copy via email, to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a.



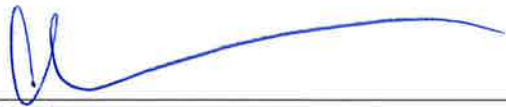
Christopher Moseng
Staff Attorney

Minnesota Public Utilities Commission

CERTIFICATE OF ACCURACY OF THE MAILING LIST

Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending Rulemaking; Revisor's ID Number R-4159

I certify that the list of persons and associations who have requested that their names be placed on the Public Utilities Commission rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of June 12, 2015. A copy of the mailing list is attached to this Certificate.



Christopher Moseng
Staff Attorney

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ahern	ahern.michael@dorsey.co m	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_13-24_Official
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_13-24_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_13-24_Official
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street, BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-24_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_13-24_Official
Charles	Hudak	chudak@h2.com	FRIEND, HUDAK & HARRIS, LLP	3 Ravinia Dr Ste 1450 Atlanta, GA 303462131	Electronic Service	No	OFF_SL_13-24_Official
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_13-24_Official
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_13-24_Official
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave, Suite 206 St. Paul, MN 55116	Electronic Service	No	OFF_SL_13-24_Official
David	Moeller	dmoeller@alle.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_13-24_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael R.	Moore	michael.moore@chartercom.com	Charter Communications, Inc.	12405 Powerscourt Drive St. Louis, MO 63131	Electronic Service	No	OFF_SL_13-24_Official
Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_13-24_Official
Regulatory	Records	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_13-24_Official
Ron	Spangler, Jr.	rspangler@otpc.com	Other Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-24_Official
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinstine	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_13-24_Official
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-24_Official
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_13-24_Official
Kennard B.	Woods	kwoods@h2.com	FRIEND, HUDAK & HARRIS, LLP	Suite 1450 Three Ravinia Drive Atlanta, GA 303462117	Electronic Service	No	OFF_SL_13-24_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Stephanie	Abentroth	rsanava@rv.net	City of Nielsville	PO Box 68 Nielsville, MN 56568	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Annie	Aberle	annlea@h-delectric.coop	Hamlin (HD) Electric Coop.	423 3rd Avenue So. PO Box 1007 Clear Lake, SD 57226	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Anderson	manderson@southcentralelectric.com	South Central Electric Association	PO Box 150 71176 Tiell Drive St. James, MN 56081	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
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	SPL_SL_13-24_June 12, 2015 mailing
Christopher	Anderson	canderson@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark J.	Angell		Angell And Associates	1075 Rosewood Drive Grapevine, TX 76051	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Deborah S.	Arnott		IG2, Inc.	5018 196th Street Fresh Meadows, NY 113651319	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Roger	Avelsgard	ravelsgard@breckenridgemn.net	City of Breckenridge Utilities	420 Nebraska Ave Breckenridge, MN 56520	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Erich	Bachmeyer	ebachmeyer@globalwinds.com	Buffalo Ridge Power Partners LLC	103 Front Street Schenectady, NY 12035	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rick	Banke	N/A	Stearns Electric Assn.	900 E Kraft Dr. PO Box 40 Melrose, MN 56532	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rick	Banke	rickb@rea-elp.com	Runestone Electric Association	6875 Country Rd 28 SW Alexandria, MN 56308	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Timothy	Basalone	Timothy.Basalone@nrg.com	NRG Renew LLC	4900 N Scottsdale Rd Ste 5000 C/O NRG Renew LLC Scottsdale, AZ 85251	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Nancy	Basara	nancyb@connexusenergy.com	CONNEXUS ENERGY	14601 Ramsey Boulevard Ramsey, MN 55303	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
James	Beattie	jbeattie@bevcmm.com	Rural Communications Holding Corp.	123 W 7th Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Hall	Becker	hbecker@delanomn.us	Delano Municipal Utilities	P.O. Box 65 11 Bridge Ave W Delano, MN 55328	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mike	Beckner	mbeckner@quantumug.com	Quantum Energy	N/A	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Peter	Beithon	pbeithon@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 56538	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Doug	Bendorf	dbendorf@ci.staples.mn.us	Staples Munic. Water & Light Dept.	Staples Government Center 301 2nd Ave NE Staples, MN 56479-2537	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jim	Benning	jbenning@duluthmn.gov	City of Duluth	Room 202 411 West First Street Duluth, MN 55802	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
P.	Benson	N/A	Peterson Electric Depl.	118 Fillmore St PO Box 67 Peterson, MN 55962	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kevin	Berg	keberg@arvig.net	Hawley Public Utilities	PO Box 69 Hawley, MN 565490069	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dirk	Berger	dberger@bevcomm.com	BEVCOMM Eckles Telephone Company	115 Main Street W. New Prague, MN 56071	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
James J.	Bertrand	james.bertrand@leonard.com	Leonard Street & Deinard	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kevin	Beyer	mnpucnotices@fedtel.net	Federated Telephone Cooperative	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Bickett		Park Region Mutual Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Bickett		Valley Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Vaughn	Bier	N/A	Goodhue Public Util Commission	PO Box 126 Goodhue, MN 55027	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Birkholz	N/A	Osakis Telephone	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Birkholz	mark.birkholz@arvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Birkholz	N/A	Home Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Birkholz	N/A	Melrose Telephone Company	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Birkholz	N/A	Mainstreet Communications, LLC	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Bjerke	bbjerke@minnkota.com	Clearwater-Polk Electric	315 Main Avenue North PO Box O Bagley, MN 566211001	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brenda	Bjorklund	N/A	MN Intrastate Pipeline Company	800 LaSalle Ave FL 14 Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
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Alan	Blum	alan.blum@blumandleonard.com	Northstar Transmission, LLC	418 Central Avenue Esterville, IA 51334	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jodi	Boneschans	N/A	Bigelow Electric Dept.	1537 Broadway PO Box 38 Bigelow, MN 56117-0038	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeremy	Boogerd	BADEMAILjeremy-boogerd@mnenergy.com	Jackson Electric Light Dept.	80 West Ashley St. Jackson, MN 56143	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kathy	Boutwell	kathyb@chriscomco.net	Christensen Communications Co	104 Main Street West Madelia, MN 56062	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jim	Bowers	N/A	North St. Paul Public Works	2400 Margaret St. N. St. Paul, MN 55109-3020	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Boyce	dboyce@ci.east-grand-forks.mn.us	East Grand Forks Water & Light Dept.	600 DeMers Ave. NW PO Box 322 East Grand Forks, MN 567210322	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Bradley	mike.bradley@lawmoss.com	Moss & Barnett	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jon	Brekke	jbrekke@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 553694718	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Brethorst	mbrethorst@bvillemn.net	Barnesville Telephone Company	Box 550 101 Front Street South Barnesville, MN 56514	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sydney R.	Briggs	sbriggs@swcoe.coop	Steele-Waseca Cooperative Electric	2411 W. Bridge St PO Box 485 Owatonna, MN 55060-0485	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark B.	Bring	mbring@otpcoc.com	Oter Tail Power Company	215 South Cascade Street PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tim	Brinkman	tim.brinkman@parkregion.com	Park Region Mutual Telephone Co.	100 Main Street PO Box 277 Underwood, MN 56586	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Loren	Brorby	Lbrorby@Minnkota.com	Red River Valley Coop Power Assn	PO Box 358 109 2nd Ave East Halstad, MN 565480358	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
B. Andrew	Brown	N/A	Calpine Corporation	Dorsey & Whitney 50 South Sixth Street, 1500 Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brent	Brown	winut@windom-mn.com	Windom Municipal Utilities	444 9th Street Windom, MN 56101	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
B. Andrew	Brown	brown.andrew@dorsey.com	Dorsey & Whitney LLP	Suite 1500 50 South Sixth Street Minneapolis, MN 554021498	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Diane	Browning	diane.c.browning@sprint.com	Sprint Corporation	KSOPHN0314-3A459 6450 Sprint Pkwy Overland Park, KS 66251	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Richard G	Burud	rburud@noblesce.com	Nobles Cooperative Electric	22636 US HIGHWAY 59 PO Box 788 Worthington, MN 56187	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Richard G.	Burud	burud@federatedrea.coop	Federated Rural Electric Assoc.	PO Box 69 77100 US Highway 71 Jackson, MN 56143	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Danny	Busche	dannyb@means.net	Minnesota Valley Telephone Company	318 Second Ave East P O Box 310 Franklin, MN 55333-0310	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Call	jcall@cityofluverne.org	Luverne Municipal Utilities	305 East Luverne Street PO Box 659 Luverne, MN 56156	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Terry L	Carlson	tjabcarl@midwestinfo.net	Prairie Wind Energy, LLC	PO Box 33 Parkers Prairie, MN 56361	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lance	Casey	lance.casey@consolidated.com	Consolidated Communications	N/A	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dennis	Chandler		City Of Two Harbors Municipal Gas	522 First Avenue Two Harbors, MN 55616	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	Yes	SPL_SL_13-24_June 12, 2015 mailing
Olson	Chris	wphone@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebek, MN 55677	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brian	Christensen	BADEMAILbrian@wiktel.com	Stephen Electric Light Dept.	PO Box 630 Stephen, MN 56757	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dave	Cluff	dcluff@aitkinutilities.com	Aitkin Public Utilities	120 First Street NW Aitkin, MN 56431	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sandy	Consoer	cityhall@roundlk.net	Round Lake Municipal Utility	PO Box 72 Round Lake, MN 561670072	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Regulatory	Contact	wci.regulatory@windstream.com	Windstream Communications, Inc.	600 Willowbrook Office Park Fairport, NY 14450	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Regulatory	Contact	N/A	LS Power Corporation	1700 Broadway FL 35 New York, NY 10019-5905	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Will	Cooksey	bademailwcooksey@nationallwind.com	National Wind, LLC	12400 Portland Ave Ste 132 Burnsville, MN 55337-6805	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rod	Cox	rod_cox@tdsmetro.com	TDS Metrocom	Suite 6000 525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Patrick D.	Crocker	contact@nationwideregulatorycompliance.com	CROCKER & CROCKER	The Kalamazoo Building 107 West Michigan, 4th Floor Kalamazoo, MI 490074752	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Crowell	N/A	FPL Energy Mower County, LLC	808 Travis Street, Ste 700 Houston, TX 77002	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Crowell	N/A	High Prairie Wind Farm II, LLC	Suite 700 808 Travis St. Houston, TX 77002	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Allen	Crowser	acrowser@rea-alp.com	Alexandria Light and Power	316 Fillmore Street P. O. Box 609 Alexandria, MN 563080609	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jie	Cui	jicui@onecommunications.com	CTC Communications Corp. d/b/a EarthLink Business	225 Cedar Hill St Ste 111 Marlborough, MA 01752	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ken	Dagoberg	N/A	Alvarado Electric Dept.	PO Box 935 Alvarado, MN 56710	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Dahlberg	davedahlberg@nweco.com	Northwestern Wisconsin Electric Company	P.O. Box 9 104 South Pine Street Grantsburg, WI 548400009	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joel	Dahlgren	dahlgren@blackdogcoopla w.com	United Farmers Cooperative	705 E. 4th Street, PO Box 461 Winthrop, MN 55396	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John H.	Daniels, Jr.	j.danielsjr@worldnet.att.net	Kenyon Wind LLC	201 Ridgewood Avenue Minneapolis, MN 554033508	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charlie	Daum	N/A	Prairie Rose Transmission, LLC	c/o Geronimo Wind Energy 7650 Edinborough Way Site 725 Edina, MN 55435-5990	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Haleh	Davary	haleh.davary@verizon.com	Verizon	c/o VERIZON 201 Spear St FL 7 San Francisco, CA 94105	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Judy	Davis	Juditpu@frontier.com	Truman Municipal Light Plant	118 North 1st Avenue PO Box 397 Truman, MN 56088-0037	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jean	Dawson		MN Government Report	B-12 Press Room State Capitol St. Paul, MN 55155	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	DeVinck	sdevinck@allele.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Finance	Dept	N/A	Waseca Electric Utility	508 South State Street Waseca, MN 56093	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Spring	Detlefsen	Sdetlefsen@CLPower.com	Cooperative Light and Power	1554 Hwy 2 Two Harbors, mn 55616	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Curt	Dieren	curt.dieren@dgr.com	L&O Power Cooperative	1302 S Union St Rock Rapids, IA 51246	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Paul	Dinzeo	N/A	Morgan Wind Acquisition Group, LLC	3145 ILO Way Stillwater, MN 55082	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Robin	Doege	rdoege@toddwadana.coop	Todd Wadena Electric Cooperative	PO Box 431 Wadena, MN 56482	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Liza	Donabauer	ldonabauer@arlingtonmn.com	City of Arlington	204 Shamrock Drive Arlington, MN 55307	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Greg	Drent	gdrent@cityoflesueur.com	LeSueur Municipal Utilities	228 N. Main Street PO Box 176 LeSueur, MN 560580176	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Debbie	Ebert	debert@mcleodcoop.com	McLeod Cooperative Power Association	1231 Ford Avenue PO Box 70 Glencoe, MN 55336	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Daryl	Ecker	N/A	Park Region Mutual Telephone Co.	P.O. Box 277 Underwood, MN 56586	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Randy	Eggert	utility@cityofkenyon.com	Kenyon Municipal Utilities	709 Second Street Kenyon, MN 55946	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Christianson	Farms			RR 2 Miltona, MN 56354	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeffrey	Feldman	jfeldman@everestv.com	FTTH Communications L.L.C.	c/o EverestTV Two Executive Drive, 635 Fort Lee, NJ 07024	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Douglas	Fingerson	df@gceea.com	Goodhue County Cooperative Electric	P.O. Box 99 1410 North Star Drive Zumbrota, MN 559921091	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
George	Fish	gfish@gvtel.com	Garden Valley Telephone Company	PO Box 259 201 Ross Ave Erskine, MN 56535-0259	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Vicky	Fletcher	vfletcher@bagleymn.us	Bagley Public Utilities Commission-elec	18 Main Ave S PO Box M Bagley, MN 56621	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
William	Flynn, Esq.		LINDQUIST & VENNUM P.L.L.P.	4200 IDS Center 80 South 8th Street Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charles	Forst	charles.forst@zayo.com	Zayo Group, LLC	400 Centennial Pkwy Ste 200 Louisville, CO 80027	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brian	Frandle	brian.frandle@ci.north-saint-paul.mn.us	North St. Paul City Hall	2400 Margaret St. N. St. Paul, MN 55109-3020	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Susan	Freeman	osbill@centrisinfo.com	Network Operator Services, Inc.	PO Box 3529 Longview, TX 75606	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Freeman	N/A	Oak Glen Wind Farm, LLC	200 South 6th Street Suite 300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Freeman	N/A	Shell Rock Wind Farm, LLC	c/o Avant Energy 220 South Sixth Street, Suite 1300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Fromming	sfromming@kpcoop.com	Kandiyohi Power Cooperative	8605 47th St NE Spicer, MN 56288-4617	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

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Paul	Fuglie		Verizon Select Services	HQE01H21 600 Hidden Ridge Irving, TX 75038	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Wayne	Gandy		Encompass Communications, LLC	Suite 286 119 West Tyler Street Longview, TX 75601	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gary	Garbe	Gary.Garbe@avantenergy.com	Minnesota Municipal Power Agency	220 South Sixth Street Suite 1300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Elaine	Garry	egarry@peoplesrec.com	Peoples Energy Cooperative	1775 Lake Shady Ave S Oronoco, MN 55960-2351	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tony	Gebhard	tony@sylekcom.com	Upsala Cooperative Telephone Association	PO Box 366 117 Main St Upsala, MN 56384	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lewis	Geisking	N/A	St. Peter Municipal Utilities	405 West St. Julien Street St. Peter, MN 56082	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gary J.	Gleisner	gary.gleisner@ci.new-ulm.mn.us	New Ulm Public Utilities Commission	310 First North Street New Ulm, MN 56073	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Gomm		Willmar Municipal Utilities	PO Box 937 700 SW Litchfield Avenue Willmar, MN 56201	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mike	Gorham	N/A	Gorham's Inc dba Northwest Gas	1608 NW 4th St Grand Rapids, MN 55744	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Grabe	hennutilities@anvig.net	City of Henning	P.O. Box 55 612 Front St. Henning, MN 56551	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Greiveldinger	michaelgreiveldinger@alliantenergy.com	Interstate Power and Light Company	4902 N. Biltmore Lane Madison, WI 53718	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joe	Grennan	joe.grennan@res-americas.com	Pleasant Valley Wind LLC	c/o Renewable Energy Systems Americas Inc. 11101 W. 120th Ave Suite 400 Broomfield, CO 80021	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Edward H.	Griffin		US LEC Communications, Inc.	6801 Morrison Blvd. Charlotte, NC 28211	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charleen	Grossman	finance@cityofortonville.org	Otonville Light & Water Dept.	315 Madison Ave Otonville, Minnesota 56278	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Anna	Gruber	pierz@midconetwork.com	Pierz Municipal Utilities	PO Box 367 Pierz, MN 56364	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Coleen	Gruis	N/A	Rushmore Electric Dept.	P.O. Box 227 136 N. Thopson Avenue Rushmore, MN 56168	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Todd J.	Guerrero	todd.guerrero@kulakrock.com	Kulak Rock LLP	Suite 1750 220 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Donna	Gunderson		Johnson Telephone Company	205 1st Avenue NE PO Box 39 Remer, MN 56672	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steven J.	Haaven	shaaven@minkota.com	Wild Rice Electric Cooperative, Inc.	PO Box 438 502 North Main Mahnomon, MN 56557	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mary	Haberek	mhaberek@ami.net	AMI Communications, Inc.	300 Cardinal Drive, Suite 280 St. Charles, IL 60175	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Hain	shain@worthingtonutilities.com	Worthington Public Utilities	PO Box 458 Worthington, MN 561870458	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Clayton	Halverson	chalverson@traverseelectric.com	Traverse Electric Cooperative Inc.	PO Box 66 Wheaton, MN 56296	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert L.	Hammond, Jr.	N/A	BEVCOMM, Inc.	123 W 7th St Blue Earth, MN 56013-1309	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tammy	Hansen	newfolden@wiktel.com	Newfolden Electric Dept.	PO Box 188 145 E 1st St Newfolden, MN 56738-0188	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Hanson	N/A	Clara City Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Hanson	N/A	Zumbrola Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Diane	Hanson	dhanson@bvillemn.net	Barnesville Munc. Phone & Electric	PO Box 550 102 Front Street North Barnesville, MN 56514	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Rhonda	Harkins	rharkins@ci.lake-city.mn.us	City of Lake City	205 West Center Street Lake City, MN 55041	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dawn	Hartung	dunnell@bevcomm.net	Dunnell Light & Water	PO Box 94 Dunnell, MN 56127	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Hastings	N/A	Half Moon Power, LLC	2018 East Thomas Avenue Milwaukee, WI 53211	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert J.	Hauge	lcity@hickorytech.net	Lake Crystal Municipal Utilities	100 E. Robinson Street P.O. Box 86 Lake Crystal, MN 56050086	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Hayes		Southern Minnesota Municipal Power	500 1st Avenue SW Rochester, MN 559023303	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jennifer	Hazelton	winthrop@mchsi.com	Winthrop Municipal Electric Plant	305 North Main Street Winthrop, MN 55396	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
William	Heaston	bill.heaston@sdhcommunications.com	PrairieWave Telecommunications, Inc.	2900 W. 10th Street Sioux Falls, SD 57104	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ted	Heckmann	ted.heckmann@cinbell.com	Cincinnati Bell Any Distance, Inc.	P.O. Box 2301 221 E. Fourth Street, 1280 Cincinnati, OH 45201-2301	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jerry	Heiberger	jerry.heiberger@itctel.com	Interstate Telecommunications Coop.	P.O. Box 920 Clear Lake, SD 57226	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charles	Heins	cheins@ci.redwood-falls.mn.us	Redwood Falls Public Utilities	PO Box 526 Redwood Falls, MN 562830526	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Andy	Hennis	andyh@chriscomco.net	Christensen Communications Company	104 West Main Street Madelia, MN 56062	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Wade	Hensel	N/A	Brown County Rural Electric Assn.	24386 State Hwy 4 PO Box 529 Sleepy Eye, MN 56085-0529	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
WR	Hensel	whensel@benco.org	Blue Earth-Nicollet-Fairbault Cooperative (BENCO)	Hwy 169 South PO Box 8 Mankato, MN 56001	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Herron	N/A	City Of Melrose / Melrose Public Util.	225 East First Street N. Melrose, MN 56352	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kevin	Hess	ebcity@midwestinfo.net	Clarissa Eagle Bend Util Commission	PO Box 215 Eagle Bend, MN 56446	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Corey	Hintz	chintz@dakotaelectric.com	Dakota Electric Association	4300 220th Street Farmington, MN 550249583	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Randy	Hoffman	rhoffman@easiriver.coop	East River Electric Power Coop	121 SE 1st St PO Box 227 Madison, SD 57042	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joe	Hoffman	jhoffman@prestonmn.org	Preston Public Utilities	PO Box 657 Preston, MN 55965	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Hoffmann	hoffmann@wins.net	Wisconsin Independent Network, LLC	Box 107 800 Wisconsin Street Eau Claire, WI 547033612	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Paul	Hoge	phoge@crosslake.net	Crosslake Communications	35910 County Road 66 PO Box 70 Crosslake, MN 56442	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Pamela	Hollick	Pamela.Hollick@Level3.com	Level 3 Communications, LLC	4625 W. 86th Street Suite 500 Indianapolis, IN 46268	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeffrey	Holsen	cityhall@runestone.net	Elbow Lake Municipal Electric Dept.	PO Box 1079 Elbow Lake, MN 56531	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ronald	Homan	rhoman@redwoodelectric.com	Redwood Electric Cooperative	60 Pine Street Clements, MN 56224	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rich	Homer		Guaranteed Phone Service	#1 2201 West Broadway Council Bluffs, IA 51501	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Hoskins	danh@wiktel.com	North Star Electric	P.O. Box 719 Baudette, MN 56623	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Timothy	Ibisch	cityadmin@heartlandpower.org	City of Tyler	230 N. Tyler Street Tyler, MN 56178	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Ihle	jjihle@rrt.net	PlainStates Energy LLC	27451 S Hwy 34 Barnesville, MN 56514	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Ihle	N/A	Bear Creek Wind Partners LLC	27451 S. Hwy 34 Barnesville, MN 56514	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Jensen	mjensen@bagleymn.us	Bagley Public Utilities Commission-elec	18 Main Avenue South PO Box M Bagley, MN 56621	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Eric	Jensen	ejensen@iwiia.org	Izaak Walton League of America	Suite 202 1619 Dayton Avenue St. Paul, MN 55104	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lisa	Jetvig	ljetvig@arvig.net	Hawley Municipal Gas Division	City of Hawley PO Box 69 Hawley, MN 56549	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Roger	Johanneck	rjohanneck@minkota.com	Red Lake Electric Cooperative, Inc.	412 International drive PO Box 430 Red Lake Falls, MN 56750	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Chris	Johnson	N/A	Harmony Water & Light	225 3rd Avenue SW PO Box 488 Harmony, MN 55939	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Scott	Johnson	utilities@newumtel.net	Springfield Public Utilities	14 North Marshall Avenue Springfield, MN 56087	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Konwin	Johnson	kjohnson@agralite.com	Agralite Electric Cooperative	PO Box 228 320 East Highway 12 Benson, MN 56215	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jane	Johnson		City Of Grove City	P.O. Box 98 Grove City, MN 56243	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Marja	Johnson	lisa@cicom.net	Coast International Inc.	14303 West 95TH Street Lenexa, KS 66215	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Scott	Johnson	chgas@frontiernet.net	Two Harbors Municipal Water & Light - Gas	522 - 1st Avenue Two Harbors, MN 55616	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charlene	Jones	cjones@proctormn.gov	Proctor Public Utilities Comm.	100 Pionk Drive Duluth, MN 55810	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Juhl	djuhl@juhlenergy.com	Juhl Energy Inc.	1502 17th St SE Pipestone, MN 56164	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Corey	Juhl	info@juhlwind.com	Grant County Wind, LLC	1502 17th St SE Pipestone, MN 56164-2096	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Roland	Jurgens	N/A	Getty Wind, LLC	37402 County Road 187 Sauk Rapids, MN 56378	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dennis	Jutting	djutting@centurytel.net	Westbrook Municipal Light And Power	556 First Avenue PO Box 308 Westbrook, MN 561830308	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joel W.	Kanvik	joel.kanvik@enbridge.com	Enbridge Energy Company, Inc.	26 E Superior St Sta 309 Duluth, MN 55802	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Kappes	N/A	Ada Water & Light Dept.	15 E. 4th Ave. Ada, MN 56510-1281	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Katka	skatka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-8322	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
James W.	Keinath	jkeinath@ci.circle-pines.mn.us	Circle Pines Utilities	200 Civic Heights Cir. Circle Pines, MN 55014	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

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Ronnie	Kennedy		Red Lake Electric Cooperative Inc.	PO Box 430 412 - 8th St SW Red Lake Falls, MN 567500430	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Susan	Kidrowski	kandyohi@frontier.com	Kandyohi Public Utilities	PO Box 276 628 Atlantic Avenue Kandyohi, MN 56251-0276	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Richard	Kittelson	rdkbpup@frontier.net	Blooming Prairie Public Utilities Commission	146 3rd Ave SE PO Box 55 Blooming Prairie, MN 55917	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Donna	Klay	adrian_admin@iw.net	City of Adrian/Adrian PUC	P.O. Box 190 209 Maine Avenue, Suite 106 Adrian, MN 56110	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lee	Klein	lklein@harbors@frontier.net	Two Harbors Water & Light Dept.- Electric	522 1st Ave. Two Harbors, MN 55616	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ron	Kleinschmidt	citysupt@mncable.net	Warroad Municipal Power & Light Dept.	PO Box 50 Warroad, MN 56763	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Kleinschmidt	N/A	City of Morgan	119 Vernon Ave PO Box 27 Morgan, MN 56266	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Don	Kleinschmidt	publicworks@mtmiron.com	City Of Mountain Iron	8586 Enterprise Drive South Mountain Iron, MN 55768	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Linda	Klinkner	lindak@nu-telcom.net	New Ulm Telecom, Inc.	400 Second North PO Box 697 New Ulm, MN 560730697	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Knofczynski		Heartland Consumers Power District	PO Box 248 203 W. Center Street Madison, SD 570420248	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Colleen	Knudtson	colleenk@cmmpa.org	Central MN MPA	459 South Grove Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Adam	Koch	Adam.koch@ci.sijames.mn.us	St. James Light & Water Dept.	PO Box 70 St. James, MN 56081-0070	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Thomas G.	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jim	Koep	utilities@lakefieldmn.com	Lakefield Public Utilities	PO Box 1023 Lakefield, MN 56150	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Heidi	Konynenbelt	hkynynenbelt@otpc.com	Otter Tail Power Company	215 S. Cascade Street, PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Larry J.	Koshire	lkoshire@rupu.org	Rochester Public Utilities	4000 East River Road NE Rochester, MN 559062813	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce L.	Kraemer	N/A	Crow Wing Cooperative Power & Light Co.	Hwy 371 North PO Box 507 Brainerd, MN 56401	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brian	Krambeer	bkrambeer@tec.coop	Tri-County Electric Cooperative	PO Box 626 31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Kroger	johnkroger@wctelei.com	Winnebago Cooperative Telecom Assn.	704 E. Main Street Lake Mills, IA 50450	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Don	Kroll	argyleshop@wiktel.com	Argyle Municipal Utilities	PO Box 288 Argyle, MN 56713-0288	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jim	Krueger	jkrueger@fmcsc.coop	Freeborn-Mower Cooperative Services	Box 611 Albert Lea, MN 56007	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sara	Krueger	cityofdundee@swwnet.com	City of Dundee Light & Power	111 North Main Street Dundee, MN 56131-1178	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Greg	Kruse	BADEMAILcityofbrewstermn@roundk.net	Brewster Electric Light & Power Dept.	PO Box 55 246 10th St Brewster, MN 56119-0055	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ian	Krygowski	Ian.Krygowski@edf-re.com	EDF Renewable Energy	10 2nd Street, Ste 107 Minneapolis, MN 55413	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Deborah L.	Kuhn	deborah_kuhn@verizon.com	Verizon Wireless	205 N Michigan Ave FL 7 Chicago, IL 60601	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Pamela	LaBine	nashwaukcityhall@mchsl.com	Nashwauk Public Utilities	301 Central Avenue Nashwauk, MN 55769	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mike	LaBine	N/A	Keewatin Public Utilities	PO Box 190 Keewatin, MN 55753	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rick	Lancaster	rlancaster@grenergy.com	Great River Energy	12300 Elm Creek Blvd Maple Grove, MN 55369-4718	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Cheri	Landsteiner	cheri@nwnrg.com	Northwest Natural Gas LLC	PO Box 721 Mapleton, MN 56065	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Harold	Langowski	elyod@ely.mn.us	Ely Light & Water Dept.	209 East Chapman Street Ely, MN 55731	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Sharon	Larsen	BADEMAILcityofgrovecity@earthlink.net	Grove City Electric Dept.	210 Atlantic Ave PO Box 98 Grove City, MN 56243	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Douglas	Larsen	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Larsen	dave.larson@fosston.com	Fosston Municipal Utilities	220 E 1st St. PO Box 239 Fosston, MN 56542	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kevin	Larsen	klarson@citytelcom.com	Consolidated Telephone Company	PO Box 972 1102 Madison St Brainerd, MN 56401	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dorie	Lashomb	doriel@cohasset-mn.com	City of Cohasset	305 NW First Avenue Cohasset, MN 55721	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Larry	Laskowski		Network Billing Systems	155 Willowbrook Blvd Wayne, NJ 7470	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bill aka WP	Lavin	bill.lavin@granitefalls.com	City of Granite Falls	641 Prentice Street Granite Falls, MN 56241-1598	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Amber	Lee	ASLee@minnesotaenergyresources.com	Minnesota Energy Resources Corporation	2665 145th St W Rosemount, MN 55068	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jon	Leerar	jleerar@heartlandpower.com	Heartland Power Cooperative	P.O. Box 70 Thompson, IA 50478	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeff	Legge	jlegge@otpc.com	Otter Tail Power Company	215 South Cascade St. P.O. Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Terry	Leoni	general@vpuc.com	Virginia Dept. Of Public Utilities	618 Second Street, South P.O. Box 1048 Virginia, MN 55792	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL_13-24_June 12, 2015 mailing
Cynthia	Linderman	c.linderman@cityofbrownnton.com	Brownnton Municipal Light Plant	335 Third Street PO Box 238 Brownnton, MN 55312-0238	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Greg	Lippert	greg@olivia.mn.us	Olivia Municipal Water & Light Dept	1009 West Lincoln Avenue Olivia, MN 56277	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Christopher	Little	chris.little@ecosrenewable.com	Ecos Energy	222 S 9th St Suite 1600 Minneapolis, Minnesota 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Loeffler	mike.loeffler@nngco.com	Northern Natural Gas Co.	CORP HQ, 714 1111 So. 103rd Street Omaha, NE 681241000	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
david	Logue	N/A	Sleepy Eye Public Utilities Commission	130 2nd Avenue NW PO Box 408 Sleepy Eye, MN 56085	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mary	Lohnes	mary_lohnes@mmli.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bill	Loonan		Lismore Coop. Telephone Co.	PO Box 127 Lismore, MN 56155	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Louiseau	N/A	Perham Municipal Gas System	PO Box 130 125 2nd Ave NE Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Terry	Lowell	N/A	Biwabik Public Utilities	PO Box A Biwabik, MN 55708	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kristin	Luger	N/A	City of Tyler	230 N Tyler St PO Box C Tyler, MN 561780452	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kathy	Lund	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	27 North Minnesota P.O. Box 697 New Ulm, MN 56073	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gary	Mackley	BADEMAILgarymackley@gilbertmn.org	Gilbert Water, Light & Water Dept.	16 South Broadway PO Box 368 Gilbert, MN 557410368	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lee	Maier	lee@runestone.net	Runestone Telephone Association	PO Box 336 100 Runestone Dr Hoffman, MN 56339-0336	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mike	Malone	mmalone@hcupd.com	Heartland Consumer Power District	P.O. Box 248 Madison, SD 570420248	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
General	Manager		Lake Country Power	Grand Rapids Service Center 2810 Elida Drive Grand Rapids, MN 55744	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
James	Mancuso	j.mancuso@clearworld.net	Clear World Communications	3501 South Harbor Blvd. Suite 200 Santa Ana, CA 92704	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Manitz		City Hall - Round Lake	89 Main Street Round Lake, MN 56167	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gerald	Mareck	gerrym@mnvec.net	Minnesota Valley Electric Cooperative	PO Box 125 Jordan, MN 55352-0125	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Thomas	Margavio	tm5886@att.com	BellSouth Long Distance, Inc.	AT&T Midtown Center 675 W Peachtree Ste 17E21 Atlanta, GA 30375	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Markas	N/A	Buhl Water Light Heat & Bldg. Comm.	PO Box 704 Buhl, MN 55713	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kate	McBride	ksmcbride@comcast.net		18705 37th Ave. N. Plymouth, MN 55446	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Francie	McComb		Talk America, Inc.	2134 W. Laburnum Ave. Richmond, VA 232274342	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lolly	Melander	melander@acegroup.cc	City of Whalan	RR2 Box 2105 Lanesboro, MN 55949	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brian	Meloy	brian.meloy@stinsonleondard.com	Stinson, Leonard, Street LLP	150 S 6th St Ste 2300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tim	Mergen	tmergen@meeker.coop	Meeker Cooperative Light And Power	1725 US Hwy 12 E. Suite 100 PO Box 68 Litchfield, MN 55355	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Meyer	dave@glencoeightandpower.com	Glencoe Light and Power Commission	305 11th Street East Glencoe, MN 55336	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Meyerson	N/A	Whirlwind Energy, LLC	212 Atlantic Ave W Atwater, MN 56209	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Shelby	Michlin		Network Billing Systems, LLC	155 Willowbrook Blvd. Wayne, NJ 7470	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Terrance	Miller	tmiller2@iw.net	Adrian Public Utilities	20 Maine Avenue Adrian, MN 56110	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Miller	brucemiller@ci.litchfield.mn.us	Litchfield Public Utilities Commission	126 Marshall Avenue North Litchfield, MN 55355	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Donald	Miller	bademailDMiller@eccenergylc.com	EcoEnergy LLC	2511 Technology Dr Ste 110 Elgin, IL 60124	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gregory C.	Miller	gmiller@dakotaelectric.com	Dakota Electric Association	4300 220th Street West Farmington, MN 55024	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Deb	Monelski	debmonelski@mlwi.us	Moose Lake Water And Light Commission	P.O. Box 418 401 Douglas Ave Moose Lake, MN 55767	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Monsrud	mmonsrud@itasca-mantrap.com	Itasca-Mantrap Coop. Electric Assn.	PO Box 192 Park Rapids, MN 56470	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Monsrud	N/A	Bagley Public Utilities	18 Main Ave. S. PO Box M Bagley, MN 56621	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Andrew	Moratzka	apmoratzka@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Monty	Morrow	montymorrow@nu-telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Steve	Moses		Madelia Municipal Light & Power	24 Abbot Avenue S.W. P O Box 26 Madelia, MN 560620026	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Katherine	Mudge	katherine.mudge@globalcapacity.com	MegaPath Corporation	1835-B Kramer Ln Ste 100 Austin, TX 78758	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rita	Mulkern	rita.mulkern@mdu.com	Great Plains Natural Gas	400 N 4th St Bismarck, ND 58501	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mary	Muller	cityofcaylon@frontiernet.net	Ceylon Water & Light Dept.	112 West Main Box 328 Ceylon, MN 56121	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeanne	Munlean	N/A	Arrowhead Electric Coop., Inc.	PO Box 39 Lutsen, MN 55612-0039	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Luayn	Murphy	N/A	Mountain Lake Municipal Utilities	1015 2nd Avenue Drawer C Mountain Lake, MN 56159	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gary	Myers	garym@hpuc.com	Hibbing Public Utilities	1902 E 6th Ave Hibbing, MN 55746	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ralph D.	Mykkanen	BADEMAIL-ralphm@mlccmn.com	Mille Lacs Electric Cooperative	P.O. Box 230 Aitkin, MN 56431	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dale	Narloek	dnarloek@citytrf.net	City of Thief River Falls	Power & Light Dept Box 528 Thief River Falls, MN 56701	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
J	Narum	N/A	Mabel Public Utilities	Box 425 Mabel, MN 55954	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jodean	Neil	N/A	Shelly Electric Dept.	PO Box 126 Shelly, MN 56581	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Nelson	davidnelson@kpcorp.com	Kandiyohi Power Cooperative	8605 47th St NE Spicer, MN 56280040	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Nelson	Michael_Nelson@cable.comcast.com	Comcast Corp.	183 Inverness Drive West Englewood, CO 80112	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Nelson	melson.calcity@acegroup.com	City Of Caledonia Electric Utility	P.O. Box 232 231 East Main Street Caledonia, MN 55921	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Nelson	N/A	Caledonia Light & Water Dept.	231 East Main Street PO Box 232 Caledonia, MN 55921	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Daniel C.	Nelson	dan@dunnelltelephone.com	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Eric	Nelson	fairfax@mcnhi.com	Fairfax Municipal Utilities	18 First St SE PO Box K Fairfax, MN 55332-0911	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Troy	Nemmers PE	tnemmers@fairmont.org	City of Fairmont	100 Downtown Plz. PO Box 751 Fairmont, MN 56031-0751	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
DeeAnne	Newville	dnewville@renville-sibley.coop	Renville-Sibley Cooperative Power Assn	103 Oak Street Box 68 Danube, MN 56230	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Nibaur	markn@austnutilties.com	Austin Utilities	400 Fourth Street NE Austin, MN 55912	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lynette	Nieuwsma		Beltrami Electric Cooperative, Inc.	411 Technology Drive PO Box 488 Bemidji, MN 566190488	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lyndall	Nipps	lyndall.nipps@windstream.com	Windstream	655 W. Broadway, Ste. 850 San Diego, CA 92101	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Michael	Nitchals	N/A	Willmar Munic. Utilities Comm.	700 Litchfield Avenue SW P.O. Box 937 Willmar, MN 56201	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Darrell	Nitschke	dnitschk@nd.gov	North Dakota Public Service Commission	600 E. Boulevard Avenue State Capital, 12th Floor, Dept 408 Bismarck, ND 585050480	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kate	O'Hair	kate.ohair@edf-re.com	EDF Renewable Energy	10 2nd Street NE Ste 400 Minneapolis, MN 55413-2652	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Financial	Officer		Emily Cooperative Telephone Company	P.O. Box 100 Emily, MN 564470100	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Daniel J.	Oginsky	N/A	ITC Holdings Corp.	27175 Energy Way, Sixth Floor Novi, MI 48377	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rick	Olesen	rolesen@lec.coop	Iowa Lakes Electric Cooperative	702 South 1st Street Estherville, IA 51334-1890	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeffrey J.	Olson	jeffolson@rrt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
J.	Orman	N/A	North Itasca Electric Cooperative, Inc.	PO Box 227 Bigfork, MN 56628	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Thomas L.	Osteraas	N/A	Excelsior Energy	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Greg	Palmer	gpalmern@greaternmgas.com	Greater Minnesota Gas, Inc.	PO Box 88 202 South Main Street Le Sueur, MN 56058	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Matthew	Pantzke	randallcity@brainherd.net	Randall Municipal Gas	PO Box 229 525 Pacific Avenue Randall, MN 56475	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Wayne	Paplow		City Of Dundee	111 N. Main Street Dundee, MN 56131	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sandra	Pasche	N/A	St. Charles Light & Water Dept.	830 Whitewater Avenue St. Charles, MN 55972	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jean	Pauk	jean.pauk@tdstelecom.com	TDS Telecom	525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Douglas J.	Paumen	N/A	United Power Association	PO Box 800 17845 East Highway 10 Elk River, MN 55330	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Glen	Pedersen	N/A	Benson Water & Light Dept.	1411 Pacific Avenue Benson, MN 56215	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Gloria	Pederson	gpederson@bevcominc.com	Cannon Valley Telephone, Inc.	123 West Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Marcia	Pelzel	N/A	Fairfax Gibbon Municipal Gas	112 SE 1st St PO Box K Fairfax, MN 55332	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rochelle	Pervisky	RPerivisky@exchange.hbci.com	Hiawatha Broadband	58 Johnson Street Winona, MN 55987	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Petsche	nblwmark@windstream.net	North Branch Municipal	6388 Maple Street North Branch, MN 55056	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark E.	Petsche		Wells Public Utilities	P.O. Box 96 101 1st Street S.E. Wells, MN 56097	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive Burnsville, MN 55306	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jennifer	Podolske		Wright Hennepin Co-Op Electric Assoc.	P.O. Box 330 6800 Electric Drive Rockford, MN 55373	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Curt	Punt	N/A	Detroit Lakes Public Utilities Commission	1025 Roosevelt Avenue PO Box 647 Detroit Lakes, MN 56501	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Don	Qualley	N/A	Lake Park Utilities	PO Box 239 Lake Park, MN 56554	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Don	Qualley	N/A	Lake Park Municipal Gas Div.	PO Box 239 Lake Park, MN 56554	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Raatz	draatz@bepec.com	Basin Electric Power Cooperative	1717 East Interstate Avenue Bismarck, ND 58501	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

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Tolaver	Rapp	Tolaver.Rapp@cliffsnr.com	Cliffs Natural Resources	200 Public Square Suite 3400 Cleveland, OH 441142318	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Regulatory	Records	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Reimers	breimers@ci.new-prague.mn.us	New Prague Utilities Commission	118 Central Avenue North New Prague, MN 56071	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300 Las Vegas, NV 89119-3514	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Riddell	telenutz@miecwb.net	Northern Telephone Company	13448 Co. Rd. 25 Wawina, MN 557369721	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charles	Riesen	crisen@minnkota.com	PKM Electric Cooperative	406 North Minnesota Street PO Box 108 Warren, MN 567620108	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Judith A	Riley	jriley@telecompliance.net	Mosaic Networkx LLC dba MX NETWORK	PO Box 720128 Oklahoma City, OK 73172-0128	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Vernell	Roberts		Wadena Light And Water	104 Jefferson Street North Wadena, MN 56402	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Carey	Roesel	croesel@tminc.com	Technologies Management, Inc.	PO Drawer 200 Winter Park, FL 327900200	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Clinton M.	Rogers	clintonmrogers@hotmail.com	Janesville Utilities	101 N. Mott, Box 0 Janesville, MN 560480617	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ryan	Rooney	Rooney@rea-alp.com	Runestone Electric Assn.	6875 Country Rd 28 SW Alexandria, MN 56308	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brad	Roos	brad@marshallutilities.com	Marshall Municipal Utilities	113 4th Street South Marshall, MN 56258	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Laureen	Ross McCalib	lrossmccalib@grenergy.com	Great River Energy	12300 Elm Creek Boulevard Maple Grove, MN 55369-4718	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Roussos	N/A	Convergia, Inc.	237 Hymns Blvd Pointe Claire, Quebec H9R 5C7 CANADA	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joseph	Roy		Northwest Gas	1608 NW 4th Street Grand Rapids, MN 55744	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Marc	Rozar		Custom Network Solutions, Inc.	Suite 102 210 E Route 4 Paramus, NJ 76525103	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dwaine	Rud	N/A	Stephen Public Utilities	PO Box 630 Stephen, MN 56757	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Craig	Rustad	crustad@minnkota.com	Minnkota Power	1822 Mill Road PO Box 13200 Grand Forks, ND 582083200	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Roger	Salo	bademalnymrdgas@gmail.com	New York Mills Municipal Gas System	PO Box H New York Mills, MN 56567-0368	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Peter J.	Samuelson	comfreywindenergy@frontier.net	Comfrey Wind Energy, LLC	58307 County Road 17 Comfrey, MN 56019	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Christopher	Sandberg	cksandberg@locklaw.com	LOCKRIDGE GRINDAL NAUEN PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jill	Sandford	jill.sandford@zayo.com	Zayo Group, LLC	400 Centennial Pkwy Ste 200 Louisville, CO 80027-1210	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Laura	Sandwick	N/A	Southern MN Municipal Power Agency	500 1st Ave SW Rochester, MN 55902-3303	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Sarvi	rushford@acegroup.cc	Rushford Electric Dept.	PO Box 430 Rushford, MN 55971	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Martin	Sawyer	N/A	Missouri River Energy Services	3724 W AVERA DR PO BOX 88920 Sioux Falls, SD 57109-8920	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeff	Schill	jeff.schill@netins.com	Iowa Network Services Inc	7760 Office Plaza Dr S West Des Moines, Iowa 50266	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Anna	Schmalzbauer	bademallanna@sparksenergyny.net	Sparks Energy, LLC	1913 Ewing Ave S Minneapolis, MN 55416	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Charles	Schmitz		New Ulm Public Utilities Commission	310 1st North Street New Ulm, MN 56073	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ted	Schoonover	caledoniactek@acegroup.cc	City of Caledonia	231 E. Main St. P.O. Box 232 Caledonia, MN 55921	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Schornack	N/A	Loretel Systems, Inc.	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Schornack	N/A	Felton Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Schornack	N/A	East Otter Tail Telephone Company	150 2nd Street SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Schornack	N/A	The Peoples Telephone Company of Bigfork	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Schornack	N/A	Arrowhead Communications Corporation	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Claudia	Schrull	CLAUDIA.SCHRULL@ENBRIDGE.COM	Enbridge Energy Company, Inc.	Suite 3300 1100 Louisiana Houston, TX 77002	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Schuldt	N/A	Eitzen Public Utilities	PO Box 110 Eitzen, MN 55931	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
William E.	Schwandt	mps@mpsutility.com	Moorhead Public Service	500 Cadar Avenue PO Box 779 Moorhead, MN 565610779	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tim	Seck	N/A	Elm Creek Wind, LLC	2221 Riverwood Place St. Paul, MN 55104	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

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Tim	Seck	N/A	Moraine Wind II, LLC	2221 Riverwood Place St. Paul, MN 55104	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Marcia	Seibert Volz	N/A	City of Fairfax	18 1st St SE PO Box K Fairfax, MN 55332	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Official	Service	j.dhein@cityofmora.com	Mora Public Utilities Commission	101 Lake Street S. Mora, MN 55051-1588	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Fabian	Sheehan	N/A	Island Gas Inc.	110 S Main St Bird Island, MN 55310	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Shurts	steve.shurts@ecmn.com	East Central Energy	412 North Main Braham, MN 55006	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Stephen	Shurts	shurts@owatonnautilities.com	Owatonna Public Utilities	P.O. Box 800 208 South Walnut Owatonna, MN 55060	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Brian	Sickels	N/A	MAPP Wind II, LLC	PacificCorp Power Marketing INC. 825 NE Multnomah St Portland, OR 97232	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Rosie	Sickler	N/A	Kasota Electric Light Dept.	PO Box 218 Kasota, MN 56050	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mrg	Simon	mrgsimon@mrenergy.com	Missouri River Energy Services	3724 W. Avera Drive P.O. Box 88920 Sioux Falls, SD 571098920	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Walter	Stolund	N/A	Brainerd Water & Light Dept.	1151 Highland Scenic Drive PO Box 373 Brainerd, MN 56401-0373	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Skelly		High Prairie Wind Farm I, LLC	Suite 700 808 Travis St. Houston, TX 77002	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sidney	Sletten	ssletten@beltramelectric.com	Beltrami Electric Cooperative	po box 488 Bemidji, Mn 56619	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Theresa	Slominski	tslominski@elkriverutilities.com	Elk River Municipal Utilities	PO Box 430 Elk River, MN 55330-0430	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Stu	Smith	BADEMAILsvutil@myclearwave.net	Spring Valley Public Utilities Comm.	104 South Section Avenue Spring Valley, MN 55975	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Patrick	Smith	patrick@geronimowind.com	Geronimo Wind Energy, LLC	7650 Edinborough Way, Ste 725 Edina, MN 55435	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ted	Smith	ted.smith@siouxvalleyenergy.com	Sioux Valley - Southwestern Elec Coop, Inc.	P O Box 216 Colman, SD 570170216	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Patrick	Smith	N/A	Black Oak Wind, LLC	c/o Geronimo Wind Energy 7650 Edinborough Way Ste 725 Edina, MN 55435	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Don	Snyders	don@alliancecom.net	Alliance Communications Cooperative, Inc.	PO Box 349 612 Third St Garretson, SD 57030	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Adam	Sokoliski	N/A	Heartland Wind, LLC	c/o Iberdrola Renewables 1125 NW Couch Street 700 Portland, OR 97209	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lyn	Solberg	N/A	Spring Grove Munic. Utility	118 1st Ave NW PO Box 218 Spring Grove, MN 559740218	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Ron	Spangler, Jr.	rspangler@otpcoc.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Patrick E.	Spethman		Hutchinson Utilities Commission	225 Michigan St. SE Hutchinson, MN 55350	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Randy	Spicer	rspicer@roseauelectric.coop	Roseau Electric Coop., Inc.	po box 100 Roseau, mn 56751	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
William J.	Spitzer	mayor@stcharlesmn.org	City of St. Charles	830 Whitewater Avenue St. Charles, MN 55972	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Joseph	Steffel	joseph.steffel@ci.buffalo.mn.us	City of Buffalo Municipal Electric	212 Central Avenue Buffalo, MN 55313	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lance J.M.	Steinhart	info@telecomcounsel.com	Attorney at Law	1725 Windward Concourse Ste 150 Alpharetta, GA 30005	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kate	Stem	N/A	Access Point, Inc.	1100 Crescent Green, Ste. 109 Cary, NC 27518	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tim	Stoner	timothy.stoner@belw.org	Blue Earth Light & Water Dept.	125 East Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Paul	Stowman	paul@rothsay.us	Rothsay Telephone Company	PO Box 158 137 1st St NW Rothsay, MN 56579-0158	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ronald	Streytle	ronstreytle@juno.com	Rochester Telecom Systems, Inc.	PO Box 235 Rochester, MN 559030235	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
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	SPL_SL_13-24_June 12, 2015 mailing
Keith	Stubbendick	N/A	Dairyland Power Cooperative	PO Box 817 La Crosse, WI 54602-0817	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Marty	Sunderman	marty@scpucc.com	Sauk Centre Public Utilities Commission.	101 Main Street South P.O. Box 128 Sauk Centre, MN 56378	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360 Houston, MN 559430360	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Guy	Swenson	gswenson@bvillemn.net	Barnesville Municipal Telephone Company	PO Box 550 101 Front St S Barnesville, MN 56514	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
James	Talcott	jim.talcott@nngco.com	Northern Natural Gas Company	1111 South 103rd Street Omaha, Nebraska 68124	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mike	Taylor	mtaylor@boreal.org	Grand Marais Public Utilities Comm.	15 Broadway North PO Box 600 Grand Marais, MN 55604	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
GB	Taylor Jr.	gtaylor@mncable.net	Baudette Municipal Light Plant	PO Box 548 Baudette, MN 56623	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
John	Tembrock	N/A	Juwi solar Inc.	1710 29th St Ste 1068 Boulder, CO 80301	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mike	Theisen		Northern Minnesota Utilities	910 Cloquet Ave. Cloquet, MN 55720	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark	Thoma	markthoma@wctatel.com	Winnebago Coop. Telecom Assoc.	704 E Main St Lake Mills, IA 50450	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jerry	Thompson	N/A	Cedar Valley Rural Electric Coop.	PO Box 70 St. Ansgar, IA 50472	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Carl	Thompson		PromiseVision Technology, Inc.	#212 1050 E 2nd Edmond, OK 73034	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Paul	Thompson	ptcu@aol.com	Community Utility Co.	104 E Main St Racine, MN 55967	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lowell	Thompson		City Of Ada	Public Works Box 32 Ada, MN 56510	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Steve	Thompson	steve@cmmpa.org	Central Minnesota Municipal Power Agency	459 S Grove St Blue Earth, MN 56013-2629	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
David	Thompson	N/A	Princeton Public Utilities	907 1st Street Princeton, MN 55371	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Tim	Thompson	ttthompson@lrec.coop	Lake Region Electric Cooperative	PO Box 643 1401 South Broadway Pelican Rapids, MN 56572	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Keith	Thorstad	N/A	West Stevens Wind, LLC	PO Box 321 Chokkia, MN 56221	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

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David	Todd	lanesboro@acegroup.cc	Lanesboro Public Utilities Commission	PO Box 333 Lanesboro, MN 55949	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Daniel	Tonder	d.tonder@mnpower.com	Minnesota Power	PO Box 60 Little Falls, MN 56345	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Darryl	Tveitbakk	dalene@mncable.net	Northern Municipal Power Agency	123 2nd St W Thief River Falls, MN 56701	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Troy	Vagle	tvagle@hallockmn.org	Hallock Municipal Gas Utility	Box 336 Hallock, MN 56728	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Louis	Van Hout	N/A	Shakopee Public Utilities	255 Sarazin St. Shakopee, MN 55379	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jim	Viekaryous	N/A	Roseau Munic. Power Plant	100 2nd Avenue PO Box 307 Roseau, MN 56751	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Mark F.	Vogt	N/A	Wright Hennepin Coop. Electric Assn.	6800 Electric Drive P.O. Box 330 Rockford, MN 553730330	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Patricia	Voorhees	regulatory@matrixbt.com	Touch 1 Communications, Inc.	7171 Forest Lane suite 700 Dallas, TX 75230	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Craig	Wainio	BADEMAILcwaiono@ci.mountain-iron.mn.us	Mountain Iron Light & Water Dept.	8586 Enterprise Drive So. Mountain Iron, MN 55768-8260	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Robert	Walsh	bwalsh@mnvalleyrec.com	Minnesota Valley Coop Light and Power	PO Box 248 501 S 1st St Montevideo, MN 55265	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Connie	Wangen	cwangen@princetonutilities.com	Princeton Public Utilities Commission	907 1st Street Princeton, MN 55371	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Anthony T.	Ward	atward@grpuc.org	Grand Rapids Public Utilities Commission	PO Box 658 500 SE 4th St Grand Rapids, MN 55744	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Greg A.	Ward	N/A	High Prairie Pipeline, LLC	858 Main Street, Ste 301 Durango, CO 81301	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jerry	Watts	jerry.watts@eink.com	EarthLink	3000 Columbia House Blvd Ste 106 Vancouver, WA 98661	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Avi	Weisman		Gold Line Telemanagement Inc.	180 West Beaver Creek Rd Richmond Hill, ON L4B 1B4 CANADA	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Frank	Welter	fwelter@peoplesrec.com	People's Energy Cooperative	1775 Lake Shady Ave S Oronoco, MN 55960-2351	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Paul	White	paul.white@prcwind.com	Project Resources Corp./Tamarac Line LLC/Ridgewind	618 2nd Ave SE Minneapolis, MN 55414	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ray H.	Wigern		Wells Public Utilities	101 First Street SE PO Box 96 Wells, MN 56097	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sandra	Williams	sandrawilliams@netoneint.com	Net One International, Inc.	6933 University Blvd. Winter Park, FL 32792-6707	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Bruce	Williams	N/A	Tyler Munic. Light & Power Dept.	PO Box 398 230 N Tyler St Tyler, MN 561780452	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jeff	Wohlers	bademalljwohler@warrenm innesota.com	Warren Light & Power Dept. - Electric	120 E. Bridge Ave. Warren, MN 56762	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Sherry	Wold		Blooming Prairie Public Utilities	146 Third Avenue SE Post Office Box 55 Blooming Prairie, MN 55917	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Daniel P	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	SPL_SL_13-24_June 12, 2015 mailing
David	Wolf	dwolf@gardonville.net	Gardonville Cooperative Telephone Association	800 Central Ave N Brandon, MN 56315	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Jack	Worm	jworm@chaskamn.com	City of Chaska Electric Department	660 Victoria Dr. Chaska, MN 55318	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Lori	Yager	Lyager@ci.anoka.mn.us	Anoka Water, Light Dept.	2015 1st Avenue N Anoka, MN 55303	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Dan	Yarano	N/A	Ulk Wind Farm, LLC	266 Highway 30 Pipestone, MN 56146	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing

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Linda	York	N/A	Alpha Electric Dept.	PO Box 97 Alpha, MN 56111	Paper Service	No	SPL_SL_13-24_June 12, 2015 mailing
Kathy	Zacher	citykaz@acegroup.cc	City Of Rushford	101 N. Mill St. PO Box 430 Rushford, MN 55971	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing
Nancy	Zaworski	financedept@cityofkasson.com	City Of Kasson ELECTRIC Dept.	401 Fifth St. SE Kasson, MN 55944	Electronic Service	No	SPL_SL_13-24_June 12, 2015 mailing

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jeffrey	Ansted	JAnsted@ambt.net	American Broadband and Telecommunications Company	One Seagate Toledo, OH 43604	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Issa	Asad	issa@QuadrantHoldings.com	Q Link Wireless LLC	499 E Sheridan St Ste 400 Dania Beach, FL 33004	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Sam	Bailey	Sam.Bailey@iwireless.com	i-Wireless	1 Levee Way Ste 3104 Newport, KY 41071	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Granada Telephone Company dba BEVCOMM	123 W 7th St Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Easton Telephone Co. dba BEVCOMM	123 West 7th Street Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Pine Island Telephone Company dba BEVCOMM	123 W 7th St Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Blue Earth Valley Telephone Co.	123 West 7th Street Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Cannon Valley Telecom, Inc.	123 W 7th St Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jim	Beattie	N/A	Eckles Telephone Company dba BEVCOMM	123 West 7th Street Blue Earth, MN 56013	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David	Bickett		Park Region Mutual Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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David	Bickett		Valley Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Birkholz	N/A	Osakis Telephone	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Birkholz	N/A	Home Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Birkholz	N/A	Melrose Telephone Company	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Birkholz	mark.birkholz@avig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Kathy	Boutwell	kathyb@chriscomco.net	Christensen Communications Co	104 Main Street West Madelia, MN 56062	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Danny	Busche	dannyb@means.net	Minnesota Valley Telephone Company	318 Second Ave East P O Box 310 Franklin, MN 55333-0310	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Danny	Busche	dannybusche@live.com	Winthrop Telephone Company	318 2nd Ave E PO Box 310 Franklin, MN 55333-0310	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mary	Calderon	mary.calderon@tagmobile.com	Tag Mobile, L.L.C.	1330 Capital Pkwy Carrollton, Texas 75006	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Olson	Chris	wphone@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebekia, MN 56477	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Elaine	Divebliss	elaine.Divebliss@virginmobileusa.com	Virgin Mobile USA, L.P.	10 Independence Blvd Warren, NJ 07059	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Melissa	Driskell	melissa.driskell@telrite.com	Telrite Corporation	4113 Monticello St Covington, GA 30014	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David L.	Dunning	N/A	Wolverton Telephone Company	PO Box 270 Park River, ND 58270	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Robin	Enkey	robine@budgetprepay.com	Budget PrePay, Inc. dba Budget Phone	1325 Barksdale Blvd Ste 200 Bossier City, LA 71111-4600	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Donna	Eul	donnaeul@fedtel.net	Federated Telephone	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Kristen	Farole	kfarole@terracominc.com	TerraCom, Inc.	401 E Memorial Rd Ste 400 Oklahoma City, OK 73114	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Erin	Felkema	info@lismoretele.com	Lismore Coop Telephone Co.	230 S. 3rd AvePO Box 127 Lismore, MN 56155	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Steven	Fenker	sfenker1@earthlink.com	Nexus Communications, Inc dba Nexus-TSI	2631 Morse Rd Columbus, OH 43231-5931	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Kari	Flanagan	karif@alliance.coop	Alliance Communications Cooperative, Inc.	P.O. Box 349 612 East 3rd Garretson, SD 57030	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Shari	Flanders	sflanders@polaritel.com	Polar Communications	PO Box 270 Park River, ND 58270	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
William	Haas	N/A	T-Mobile Central, LLC	601 Pennsylvania Av. NW Ste 800 Washington, DC 20004-2710	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Bruce	Hanson	N/A	Zumbrota Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Bruce	Hanson	N/A	Clara City Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Bruce	Hanson	bruce@hcinet.net	Sacred Heart Telephone Co.	1700 Technology Dr Ste 100 Willmar, MN 56201	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Bruce	Hanson	N/A	Starbuck Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Dwayne	Johnson	jtcbusiness@means.net	Johnson Telephone Co.	205 1st Ave NE PO Box 39 Renner, MN 56672-0039	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Steve	Katka	skatka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-8322	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Kenneth	Knuth	k.knuth@fecinc.com	Woodstock Telephone Company	337 Aetna St Ruhhton, MN 56170	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
John	Kroger	johnkroger@wctatel.com	Winnebago Cooperative Telecom Assn.	704 E. Main Street Lake Mills, IA 50450	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Nathan	Law	nathaniel@totalcallusa.com	Total Call Mobile, Inc	1411 W 190th St Ste 650 Gardena, CA 90248	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mary	Lohnes	mary_lohnes@mni.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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Lee	Maier	lee@runestone.net	Runestone Telephone Association	PO Box 336 100 Runestone Dr Hofman, MN 56339-0336	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Tom	Maroney	tmaroney@rv.net	Halstad Telephone Company	PO Box 55 345 2nd Ave W Halstad, MN 56548-0055	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Monty	Morrow	montymorrow@nu- telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Daniel C.	Nelson	dcndtc@bevcomm.net	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Robert	Olson	rolson@emily.net	Emily Cooperative Telephone Company	PO Box 100 Emily, MN 564470100	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Jeffrey J.	Olson	jeffolson@rt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Craig	Otterness	olter@springgrove.coop	Spring Grove Communications	PO Box 516 166 W Main St Spring Grove, MN 55974	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Julia	Redman Carler	jrcarter@readywireless.com	Boomerang Wireless LLC	955 Kacena Rd Ste A Hiawatha, IA 52233	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Robert	Riddell		Wilderness Valley Telephone Co. Inc.	13448 Co. Rd. 25 Wawina, MN 557369721	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Mark	Roach	mark.roach@cictelcom.net	Consolidated Telephone Company	1102 Madison Street PO Box 972 Brainerd, MN 56401	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David	Schornack	N/A	Arrowhead Communications Corporation	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David	Schornack	N/A	Twin Valley-Ulen Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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David	Schornack	N/A	East Otter Tail Telephone Company	150 2nd Street SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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David	Schornack	N/A	Callaway Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David	Schornack	N/A	Loretel Systems, Inc.	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
David	Schornack	N/A	The Peoples Telephone Company of Bigfork	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Bonnie	Simon	bsimon@lonsdaletel.com	Lonsdale Telephone Company	PO Box 358 126 South Main Street Lonsdale, MN 55046-0358	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360 Houston, MN 559430360	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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Lorren	Tingesdal	lorren@mabeltel.coop	Harmony Telephone Company	PO Box 368 214 N Main St Mabel, MN 55954-0368	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Melissa	Tschida	mtschida@sytek.com	Upsala Cooperative Telephone	PO Box 277 Upsala, MN 56384	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Curtiss	Wikstrom	curtw@wiktel.com	Wikstrom Telephone Company	PO Box 217 212 South Main St Karlstad, MN 56732-0217	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
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Robert	Yap	roberty@totalcallusa.com	Total Call Mobile, Inc.	1411 W. 190th St., Suite 650 Gardena, CA 90248	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC
Lezlie	Young	lezlie.p.young@windstream.com	Talk America Inc.	10802 Executive Center Dr Little Rock, AR 72211	Electronic Service	No	SPL_SL_SPL_SL_ETC List-DOC-PUC

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Worldview Video Relay Service, LLC dba
Worldview VRS
Johnny Michael President
3832 Dunbar Court
Brooklyn Park MN 55443-1975

X2Comm, Inc. dba DC Communications
Tina Tecce
270 S Main St
Flemington NJ 08822

XO Communications Services, LLC
Rex Knowles Ex Dir Reg
13865 Sunrise Valley Dr
Herndon VA 20171

YMax Communications Corp.
Mark Pavol Reg Mgr
PO Box 6785
West Palm Beach FL 33404-6785

Yestel USA, Inc.
Regulatory Contact Fin Controller
816 Peace Portal Dr
PMB#202
Blaine WA 98230

Zayo Enterprise Networks, LLC
Peter Chevalier General Counsel
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Louisville CO 80027-1210

Zayo Group, LLC
Charles Forst Counsel
400 Centennial Pkwy Ste 200
Louisville CO 80027-1210

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Jane Scott President
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Gainesville VA 20155

Zumbrota Telephone Company
Bruce Hanson Regulatory
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Willmar MN 56201

dishNET Wireline L.L.C.
Jeff Blum Deputy General Counsel
DISH
1110 Vermont NW Ste 750
Washington DC 20005

iBasis Retail, Inc. dba iBasis
Ellen Schmidt Senior Counsel
20 2ND AVE
Burlington MA 01803

iNetworks Group, Inc..
David J Smat
125 S Wacker Dr Ste 2510
Chicago IL 60606

inContact, Inc. dba UCN
Kimm Partridge Corporate Secretary
7730 S Union Park Ave Ste 500
Midvale UT 84047-5572

Convergia, Inc.
Joyce Tessier
237 Hymus Blvd
Point-Claire, QC H9R-5C7
CANADA

H

Enclosed: the Certificate of Additional Notice.

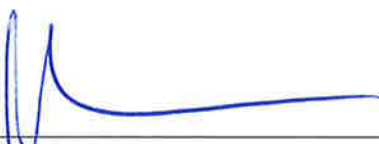
Minnesota Public Utilities Commission

CERTIFICATE OF GIVING ADDITIONAL NOTICE UNDER THE ADDITIONAL NOTICE PLAN

Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending Rulemaking; Revisor's ID Number R-4159

I certify that on June 12, 2015, at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on May 19, 2015. Specifically, I:

- Published the Notice of Intent to Adopt Rules, and the text of proposed rule changes, in the State Register;
- Mailed a copy of the Notice of Intent to Adopt Rules to everyone who has requested to receive it under Minn. Stat. § 14.14, subd. 1a;
- Gave notice to the Legislature as required by Minn. Stat. § 14.116;
- Published the Notice of Intent to Adopt Rules, the Statement of Need and Reasonableness, and the text of the proposed rules, on the Commission's website at <http://www.mn.gov/puc/aboutus/rulemaking-project/>;
- Mailed the Notice of Intent to Adopt Rules to the Commission's existing general rulemaking list, to Minnesota's utilities and pipeline companies, and to the service list for Commission docket number 13-24; and
- Issued a press release to all newspapers of general circulation throughout the state.



Christopher Moseng
Staff Attorney

For Immediate Release

Contact: MN Public Utilities Commission
Chris Moseng
Telephone: 651-201-2223
Fax: 651-297-7073
Email: christopher.moseng@state.mn.us
Web: <http://mn.gov/puc>.

MINNESOTA PUBLIC UTILITIES COMMISSION TO AMEND RULES GOVERNING COMMISSION PRACTICE AND PROCEDURE

Notice of Proposed Rules

St Paul, MN – June 12, 2015 - The Minnesota Public Utilities Commission announced its intent to amend Minnesota Rules Chapter 7829 to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

Generally, these changes include amending the rules to reflect electronic filing practices and to incorporate process improvements that will allow the Commission to operate more efficiently, while keeping Commission practice consistent with the public interest and the requirements of due process.

The Commission's Notice of Intent to Adopt the proposed rule amendments, along with the proposed rules, will be published in the June 15, 2015, *State Register*. All documents related to this proposed rulemaking are available on the Commission's website at <http://mn.gov/puc>.

Written comments on the proposed rules may be sent to Chris Moseng, Commission Attorney, Minnesota Public Utilities Commission, 121 7th Place E, Suite 350, St. Paul, Minnesota 55101-2147, by **4:30 p.m. July 17, 2015**. Written comments are most effective when you identify: (1) the specific proposed rule parts you are addressing; (2) your specific recommendation; and (3) the reason for your recommendation. Please refer to Docket Number **U-999/R-13-24** in your comments. If 25 or more persons submit a written request for a public hearing within the comment period, a hearing will be held at 10:00 a.m. on Monday, August 31, 2015, in the Commission's Large Hearing Room.

All documents, including the proposed rule amendments, are available on the Commission's website at <http://mn.gov/puc>. Select "Search eDockets."

###

I

Enclosed: the Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library.

Minnesota Public Utilities Commission

**CERTIFICATE OF MAILING THE STATEMENT OF NEED AND REASONABLENESS
TO THE LEGISLATIVE REFERENCE LIBRARY**

**Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules
Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending
Rulemaking; Revisor's ID Number R-4159**

I certify that on June 12, 2015, when the Dual Notice was mailed, I submitted an electronic copy of the Statement of Need and Reasonableness to the Legislative Reference Library via email to sonars@lrl.leg.mn. I mailed this copy to comply with Minnesota Statutes, sections 14.131 and 14.23. A copy of the cover letter is attached to this Certificate.



Christopher Moseng
Staff Attorney



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

June 12, 2015

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: Possible Amendments to Rules Governing Utility Proceeding, Practice, and Procedure,
Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate
Pending Rulemaking; Revisor's ID Number R-4159

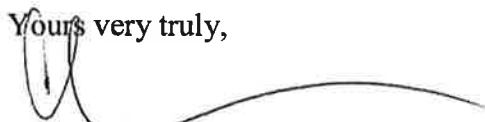
Dear Librarian:

The Minnesota Public Utilities Commission intends to adopt amendments to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions. We plan to publish a Dual Notice of Intent to Adopt Rules in the June 15, 2015, *State Register*.

The Commission has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Commission is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-201-2223.

Yours very truly,



Christopher Moseng
Staff Attorney

Enclosure: Statement of Need and Reasonableness

J

Enclosed: all written comments and submissions on the proposed rules that the Commission received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents.

The Commission received no requests for hearing.



85 7TH PLACE EAST, SUITE 500
SAINT PAUL, MINNESOTA 55101-2198
MN.GOV/COMMERCE
651.539.1500 FAX: 651.539.1547
AN EQUAL OPPORTUNITY EMPLOYER

July 15, 2015

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 on the Statement of Need and Reasonableness**
Docket No. U999/R-13-24

Dear Mr. Wolf:

Attached are the Comments of the Minnesota Department of Commerce (Department) in the following matter:

The Statement of Need and Reasonableness in the matter of Possible Amendments to the Rules Governing Proceeding, Practice, and Procedure, Minnesota Rules, Ch. 7829, excluding 7829.2550, which is the subject of a separate pending rulemaking.

The Department appreciates the opportunity to comment and is available to answer any questions the Commission may have.

Sincerely,

/s/ DIANE DIETZ
Public Utilities Rate Analyst

/s/ SUSAN MEDHAUG
Supervisor, Energy Regulation and Planning

DD/SM/lt
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

DOCKET NO. U999/R-13-24

I. BACKGROUND

On February 15, 2013, the Minnesota Public Utilities Commission (Commission) issued a notice of comment period on amendments to the Rules of Practice and Procedure in Minn. Rules Ch. 7829.

On August 1, 2013, the Commission considered the current docket during its agenda meeting, and, based on the discussion at that meeting, issued a second notice of comment period on August 7, 2013. The notice stated that parties may comment on any issue arising from the draft of possible amendments with emphasis on the following possible revisions: 1) Part 7829.0250 concerning possible sanctions for violations of the proposed Commission rule governing representations of fact or law to the Commission and 2) Part 7829.2600 concerning the following proposed language: "If commission staff recommend action not advocated by any party, at the request of any party and to the extent practicable, all parties must be granted an opportunity to comment."

On June 3, 2015, the Commission issued its Statement of Need and Reasonableness, *In the Matter of Possible Amendments to Rules Governing Proceeding, Practice and Procedure, Minnesota Rules, Ch. 7829, excluding 7829.2550* along with a notice of comment.

II. STATUTORY AUTHORITY

The Commission's statutory authority to adopt rules is set forth in Minn. Stat. sections 216A.05 and 216B.08.

The Administrative Procedure Act, Minnesota Statutes Ch. 14, requires the Commission to establish the need for the proposed rules by an affirmative presentation of facts. Minnesota Statutes sections 14.14, subd. 2 and 14.23.

II. DEPARTMENT COMMENTS

A. MINNESOTA RULES PART 7829.0400, SUBP. 5A SERVICE FILING REQUIREMENTS, SERVICE COMPLETION

In its June 3, 2005 Statement of Need and Reasonableness (SONAR), the Commission proposes the following amendment for Minnesota Rules part 7829.0400 (Service and Filing Requirements), subp. 5A (Service and Filing; Completion):

A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific documents, electronic service is complete upon receipt of confirmation of submission of the document. Filings are filed with the commission when they are received in the commission offices during regular business hours. sService by mail or facsimile transmission plus mail is complete upon mailing, except service upon the department, which is complete upon receipt by the department. unless the executive secretary directs otherwise for specific documents. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

In its SONAR, the Commission states that the amendments are necessary “to provide procedural requirements suitable for electronic filing.”¹ The SONAR further states as follows:

The Commission’s electronic filing system is operated jointly with the Department of Commerce. Electronic filings are completed in two-stages: (1) submission of the filing by a party or participant and (2) acceptance of the filing by the Department of Commerce. After an electronic filing is submitted, a person filing a document receives confirmation of the submission, and a submission number. When a filing is accepted, the person filing the document receives notification of acceptance.²

The Department recommends that the language of Minnesota Rules part 7829.0400, subpt. 5A be amended to read as follows:

A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific

¹ June 3, 2015 Statement of Need and Reasonableness of the Commission, page 6.

² *Ibid.*

documents, electronic service is complete upon ~~receipt of confirmation of submission~~ receipt of confirmation of acceptance of the document. Non-electronic filings are filed with served on the commission when they are received in the commission offices during regular business hours. Service by mail or facsimile transmission plus mail is complete upon mailing, except service upon the department, which is complete upon receipt by the department. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

The Commission's explanation of its electronic filing system consists of a two-stage process, including submission of a document by the party followed by acceptance of the submission by the Department. The language proposed in the Commission's SONAR for Minnesota Rules pt. 7829.0400, subpt. 5A, suggests a one-stage process, which ends upon submission of the document. The process, however, is not complete upon submission, as the Commission discusses in its SONAR.

When a party electronically files a document and presses the "submit" button, the party will automatically receive a confirmation message indicating that the transmission of the document was successful. At this point, the electronic filing process is not yet complete. After a document has been electronically submitted, the staff of the Department will open the e-filing (*i.e.*, electronic filing) queue and select the document to view it. During this step of the process, some documents will fail to open or may not appear at all. In such instances, the Department will "reject" the submission and send an email message to the party who filed the electronic document. This email message will verify the rejection of the e-filing document. Alternatively, if the Department staff opens the document and the submission appears to have been successful, the Department will "accept" the document and an email message, verifying the acceptance of the e-filing document, will automatically be sent to the party submitting the electronic document.

Whether a document is accepted or rejected by the Department, the e-filing process is not complete until the party making the e-filing receives the automatic email verifying that the e-filing was accepted, upon completion of the verification process by the Department. For this reason, the Department recommends that the Commission amend the proposed language in Minnesota Rules pt. 7829.0400, subpt. 5A to state that the "electronic service is complete upon acceptance of the document." Emphasis added.

/lt

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. U999/R-13-24

Dated this **15th** day of **July 2015**

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_13-24_Official
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_13-24_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_13-24_Official
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-24_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_13-24_Official
Charles	Hudak	chudak@fh2.com	FRIEND, HUDAK & HARRIS, LLP	3 Ravinia Dr Ste 1450 Atlanta, GA 303462131	Electronic Service	No	OFF_SL_13-24_Official
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	OFF_SL_13-24_Official
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_13-24_Official
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	OFF_SL_13-24_Official
David	Moeller	dmoeller@allte.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_13-24_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael R.	Moore	michael.moore@chartercom.com	Charter Communications, Inc.	12405 Powerscourt Drive St. Louis, MO 63131	Electronic Service	No	OFF_SL_13-24_Official
Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_13-24_Official
Ron	Spangler, Jr.	rspangler@otpc.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-24_Official
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinsline	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_13-24_Official
SaGonna	Thompson	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_13-24_Official
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-24_Official
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_13-24_Official
Kennard B.	Woods	kwoods@fh2.com	FRIEND, HUDAK & HARRIS, LLP	Suite 1450 Three Ravinia Drive Atlanta, GA 303462117	Electronic Service	No	OFF_SL_13-24_Official

Mendoza Law Office, LLC

1000 University Avenue West, Suite 222, St. Paul, MN 55104 • t: 651-330-8062 • www.mendozalawoffice.com

July 17, 2015

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

Re: *In the Matter of Possible Rulemaking to Rules Governing Utility Proceeding, Practice and Procedure, Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending Rulemaking*, MPUC Docket No.: U-999/R-13-24

Dear Mr. Wolf:

The Minnesota Cable Communications Association (MCCA) files these brief comments in response to the Commission's Dual Notice issued June 3, 2015 with respect to the above referenced matter.

MCCA generally supports the proposed rule amendments as published in the June 5, 2015 issue of the *State Register* and as published through eDockets on June 12, 2015. However, there is one minor correction MCCA believes should be made. Proposed rule 7829.1050, Subp. 1, relating to uncontested proceedings, provides in pertinent part:

Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt by the parties, participants, and commissioners for the purpose of Minnesota Statutes, section 216A.03, Subdivision 8, paragraph (b).

Minnesota Statutes section 216A.03, Subd. 8 provides, "Subcommittee decisions for which no objection is filed with the commission within ten days from the date of receipt of the written decision of the subcommittee are deemed decisions of the full commission."

MCCA believes that electronic *service* rather than electronic filing of an order should trigger the 10 day period under Minnesota Statutes section 216A.03, Subd. 8 upon which the decision of a subcommittee becomes a decision of the full commission. MCCA is concerned that it may be possible for an order to be filed but not served and that interested parties may not actually receive an order if it is only electronically filed. Thus, MCCA recommends that the words "and service" be inserted after the word "filing" in the excerpt from the proposed rule quoted above so that the final rule would read:

Electronic filing and service of an order reflecting disposition by the subcommittee constitutes receipt by the parties, participants, and

commissioners for the purpose of Minnesota Statutes, section 216A.03, Subdivision 8, paragraph (b).

MCCA believes this proposed change is consistent with the intent of the proposed rule, the data and views submitted by the public regarding proposed rule 7829.1050, and does not result in a “substantially different rule” than proposed by the Commission as defined under Minnesota Statutes section 14.05, Subd. 2. MCCA also believes this change would make the rule more consistent with Minnesota Statutes section 216A.03, Subd. 8, which refers to “receipt” of a Commission order by the parties as opposed to “filing” of an order by the Commission. Service rather than filing of an order should constitute official receipt by the parties to a Commission proceeding. Indeed, proposed rule 7829.0400, Subp. 5a as published by the Commission in this docket recognizes the distinction between “filing” and “service.”

MCCA also wishes to reply to comments filed July 15, 2015 by the Minnesota Department of Commerce (DOC). In its comments, the DOC seeks to amend proposed rule 7829.0400, Subp. 5A to provide that electronic service is not complete until a party receives a confirmation of acceptance of the document. While the DOC’s proposed rule amendment does not explicitly explain this, the DOC’s comments explain that it is the DOC, and not the Commission, that manually generates an email either confirming acceptance of a filing, or rejection of a filing. The DOC’s proposed amendment could create ambiguity with respect to determining whether or not a party has met a filing deadline established by the Commission. It is MCCA’s experience that the email confirmation of acceptance generated by the DOC can lag behind the automatic email confirmation of service generated by the eService system. This raises the question of whether a party that electronically files and serves a document prior to a 4:30 pm Commission deadline could have their submission determined to be late-filed if the confirmation of acceptance is not issued by the DOC until after the 4:30 pm deadline. Moreover, it raises the possibility that a party’s filing could be excluded from the record due to nothing more than a technological glitch.

MCCA believes the better approach is to not amend the proposed rule as recommended by the DOC. The new rules should allow the Commission to give the filing party the benefit of the doubt by deeming electronic service to be completed upon the auto-confirmation of submission. If there is a technological problem associated with the DOC or Commission’s receipt of a filing, the DOC can address that with the filing party by “rejecting” the submission, and asking the filing party to refile it. If the DOC or any other party suspects there was bad faith involved and that a document truly was late-filed for non-technological reasons, the DOC can request that the document be excluded from the record under proposed rule 7829.3150. However, if the problem with the filing was merely technological, the filing would still be considered to have been timely filed based on the time confirmation of service was issued. MCCA believes such an approach facilitates the public interest in maximizing public participation in Commission proceedings as opposed to potentially excluding a party from participation because of a technological glitch. MCCA also believes this approach will be less confusing to parties not as familiar with the Commission’s electronic filing system. Parties new to the

Mr. Daniel Wolf, Executive Secretary
July 17, 2015
Page 3 of 3

Commission or who do not interact regularly with the Commission may not understand the distinction between a confirmation of service and a confirmation of acceptance, or the effect these procedural events may have on whether or not their perspective will be heard. This approach is also more consistent with state policy which encourages rules that increase public participation in the formulation of administrative rules. *See*, Minn. Stat. section 14.001 (5).

MCCA further believes the DOC's proposed amendment rises to the level of a "substantially different rule" under Minn. Stat. section 14.05, Subd. 2. The effect of the DOC's amendment would be substantially different than the effect of the proposed rule because it changes the time at which electronic service is considered complete, potentially affecting whether or not a party's viewpoint is heard. For this reason, the MCCA respectfully opposes the amendment proposed by the DOC and requests that proposed final rule 7829.0400, Subp. 5A remains as published by the Commission in June.

Very truly yours,

MENDOZA LAW OFFICE, LLC

A handwritten signature in black ink, reading "Anthony S. Mendoza". The signature is fluid and cursive, with the first name "Anthony" and last name "Mendoza" clearly legible.

Anthony S. Mendoza

Enc.

cc: Service List

CERTIFICATE OF SERVICE

I, Valerie Mendoza, on behalf of the Minnesota Cable Communications Association 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:

**COMMENTS IN THE MATTER OF POSSIBLE RULEMAKING TO RULES
GOVERNING UTILITY PROCEEDING, PRACTICE AND PROCEDURE,
MINNESOTA RULES CHAPTER 7829, EXCLUDING PART 7829.2550**

(MPUC Docket No.: U-999/R-13-24)

Dated this 17th day of July 2015

/s/Valerie Mendoza, Paralegal

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	OFF_SL_13-24_Official
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_13-24_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_13-24_Official
Ian	Dobson	ian.dobson@ag.state.mn.us	Office of the Attorney General-RUD	Antitrust and Utilities Division 445 Minnesota Street BRM Tower St. Paul, MN 55101	Electronic Service	No	OFF_SL_13-24_Official
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Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	OFF_SL_13-24_Official
David	Moeller	dmoeller@allstate.com	Minnesota Power	30 W Superior St Duluth, MN 558022093	Electronic Service	No	OFF_SL_13-24_Official

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Carol A.	Overland	overland@legalelectric.org	Legalelectric - Overland Law Office	1110 West Avenue Red Wing, MN 55066	Electronic Service	No	OFF_SL_13-24_Official
Ron	Spangler, Jr.	rspangler@otpc.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-24_Official
Eric	Swanson	eswanson@winthrop.com	Winthrop Weinsline	225 S 6th St Ste 3500 Capella Tower Minneapolis, MN 554024629	Electronic Service	No	OFF_SL_13-24_Official
SaGonna	Thompson	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	OFF_SL_13-24_Official
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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_13-24_Official
Kennard B.	Woods	kwoods@fh2.com	FRIEND, HUDAK & HARRIS, LLP	Suite 1450 Three Ravinia Drive Atlanta, GA 303462117	Electronic Service	No	OFF_SL_13-24_Official



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE
500 LAFAYETTE ROAD
SAINT PAUL, MN 55155
651-296-6157
888-646-6367

July 17, 2015

Christopher Moseng
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

Re: Proposed Amendment to Rules Governing Utility Proceeding, Practice, and Procedure,
Minnesota Rules Chapter 7829, excluding part 7829.2550

Dear Mr. Moseng:

The Minnesota Department of Natural Resources (DNR) has reviewed proposed changes to Minnesota Rules Chapter 7829, excluding part 7829.2550, and has reviewed the Statement of Need and Reasonableness (SONAR).

Minnesota Rules Chapter 7829.0800 includes rules regarding intervention in proceedings and party status. The DNR recommends that the Public Utilities Commission (PUC) consider a change to these rules that would create a specific status for state agencies other than the Department of Commerce. We believe that neither the commenter nor the party status is particularly well-suited for agencies like the DNR to convey technical information and agency perspectives to the PUC. We further believe the special agency status would better facilitate interagency coordination on permitting and other key considerations. We would be pleased to work with the PUC to identify a mechanism in rule to formalize an interagency coordination role in proceedings.

Thank you for your consideration of this potential change to your draft rule. Please contact me with any questions.

Sincerely,

Randall Doneen
Environmental Review Unit

mndnr.gov



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Not enclosed: a notice of withdrawal of hearing request, evidence that the Commission sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received.

These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Commission to send a notice of withdrawal of hearing request.

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Enclosed: a copy of the adopted rules dated December 3, 2015.
The modifications to the proposed rules are reflected in the rules as
adopted and are approved by the Revisor of Statutes.

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Governing Utility Proceeding, Practice, Procedure**

1.3 **7829.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 4, see M.R.]

1.5 Subp. 5. [See repealer.]

1.6 [For text of subps 6 to 9, see M.R.]

1.7 Subp. 10. [See repealer.]

1.8 Subp. 11. **Miscellaneous filing.** "Miscellaneous filing" means a request or notice
1.9 that does not require determination of a utility's revenue requirement.

1.10 A miscellaneous filing includes a filing involving a new service offering; a change in
1.11 a utility's rates, services, terms, or conditions of service; a change in a utility's corporate
1.12 structure, assigned service area, or capital structure, when conducted separately from a
1.13 general rate proceeding; filings made under the rules governing automatic adjustment of
1.14 charges in chapter 7825; or any related matter.

1.15 The inclusion of a particular type of filing in this list does not require a filing that
1.16 would not otherwise be required or confer jurisdiction that would not otherwise be present.

1.17 Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific
1.18 commission action by a party within the context of an ongoing proceeding existing
1.19 commission docket. This does not include recommendations for action made in comments,
1.20 or in motions made during a proceeding before an administrative law judge.

1.21 [For text of subps 12 to 16, see M.R.]

1.22 Subp. 17. [See repealer.]

1.23 [For text of subps 18 and 19, see M.R.]

Subp. 19a. **Protected data.** "Protected data" means data filed with the commission that is either:

A. not public data or private data on individuals under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13; or

B. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. 20. [See repealer.]

Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person authorized by law to make a formal complaint to the commission.

[For text of subs 21 and 22, see M.R.]

Subp. 23. **Utility.** "Utility" means a gas or electric service provider, or a telephone utility under part 7810.0100, subpart 37.

7829.0250 REPRESENTATIONS TO COMMISSION.

A person who signs a pleading, motion, or similar filing, or enters an appearance at a commission meeting, by doing so represents that the person is authorized to do so, has a good faith belief that statements of fact made are true and correct, and that legal assertions are warranted by existing law or by a nonfrivolous argument for the extension or reversal of existing law or the modification or establishment of rules.

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** Filings must be made in a manner consistent with the filing requirements of Minnesota Statutes, section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. ~~If otherwise required to file electronically under Minnesota Statutes, section 216.17, subdivision 3, a person may file by facsimile transmission, mail, or personal delivery only~~ With the prior consent of the executive secretary, a person may file by facsimile transmission, mail, or personal delivery.

3.1 Subp. 2. [See repealer.]

3.2 [For text of subp 3, see M.R.]

3.3 Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible,
3.4 for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate
3.5 that the matter is before the Minnesota Public Utilities Commission. Filings after the
3.6 original filing must include the title and commission-assigned docket number of the matter.
3.7 Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes
3.8 a nonconforming filing for good cause shown. Electronic filings must be submitted in
3.9 a text-searchable format, and any scanned documents must include optical character
3.10 recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as
3.11 well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision
3.12 17, paragraph (a), shall also include the required data in an industry standard spreadsheet
3.13 format supported by the agencies' electronic filing system.

3.14 Subp. 5. **Service; method.** Service may be accomplished by first class mail, by
3.15 delivery in person, or electronically upon recipients who have agreed to electronic service
3.16 as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise
3.17 provided by law or commission order. ~~Service may also be accomplished by facsimile~~
3.18 ~~transmission, followed by first class mail.~~

3.19 Subp. 5a. **Service and filing; completion.** A document filed with the commission
3.20 must be served the same day on the persons listed on the appropriate service list, except
3.21 when this chapter permits service of a summary of the filing. Unless the executive
3.22 secretary directs otherwise for specific documents, electronic service is complete upon
3.23 receipt of confirmation of submission of the document. If the electronic filing system
3.24 administrator requires that a document be resubmitted, electronic service is complete
3.25 only upon receipt of a subsequent confirmation of submission. Filings are filed with the
3.26 commission when received ~~in the commission offices~~ during regular business hours.

Service by mail ~~or facsimile transmission plus mail~~ is complete upon mailing, except service upon the department, which is complete upon receipt by the department. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

[For text of subp 6, see M.R.]

7829.0410 MOTION FILINGS.

Subpart 1. **Form and content.** A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall file and serve a motion filing on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3.~~ A party shall, As a part of a motion filing, a party shall advise other parties that if they wish any opposition to oppose the motion they must file be filed and serve served on the same list of persons ~~a written response~~ within 14 days of service of the motion filing. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. **Responses.** A party responding to a motion filing shall file and serve a response on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3,~~ within 14 days of service of the motion filing.

7829.0430 WITHDRAWAL OF FILINGS.

Subpart 1. **Uncontested withdrawal.** The commission delegates to the executive secretary authority to approve the withdrawal of a filing. Approval will be granted by the executive secretary if the following conditions are met:

A. the party that submitted the filing has requested that the filing be withdrawn and has served notice on the persons listed on the official service list;

5.1 B. no person has expressed opposition to withdrawal of the filing within ten
5.2 days of service of the notice; and

5.3 C. no commissioner or commission staff person has identified a reason that the
5.4 matter should not be withdrawn.

5.5 Subp. 2. **Contested withdrawal.** If any person opposes a withdrawal request within
5.6 ten days of service of the notice, the commission will allow a filing to be withdrawn at the
5.7 request of the filing party if the commission determines that the proposed withdrawal:

5.8 A. does not contravene the public interest;

5.9 B. does not prejudice any party; and

5.10 C. does not concern a filing that raises issues requiring commission action.

5.11 If the commission determines that withdrawal would contravene the public interest or
5.12 would prejudice a party, the commission may permit withdrawal only subject to conditions
5.13 that mitigate the harm identified.

5.14 **7829.0500 PROTECTED DATA.**

5.15 Subpart 1. **Confidentiality protected.** Nothing in this chapter requires public
5.16 disclosure of protected data or any disclosure of privileged data.

5.17 Subp. 2. **Procedure for excision.** A person filing documents containing protected
5.18 data or other privileged information shall file one copy of the document with the protected
5.19 data redacted. The first page or cover page of a document from which protected data has
5.20 been excised must be clearly captioned in bold print "PUBLIC DOCUMENT - NOT
5.21 PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end
5.22 of the excised protected data must be identified. One copy of the document without
5.23 redactions shall be filed, designated as required in subpart 4, and identified as a not public
5.24 or trade secret document during the electronic submission process.

6.1 Subp. 3. **Identification of excised material.** When a person classifies an entire
6.2 document, or a substantial part of a document, as protected data, the person shall file a
6.3 description of the excised material that includes at least the following information: the
6.4 nature of the material, its authors, its general import, and the date on which it was prepared.

6.5 Subp. 4. **Document containing protected data.** The first page or cover page of a
6.6 document containing protected data must be clearly marked in bold print "NOT PUBLIC
6.7 DOCUMENT – NOT FOR PUBLIC DISCLOSURE" or with words of similar import.
6.8 Every page on which protected data appears must be similarly marked and the protected
6.9 data must be underlined, placed in brackets, or otherwise clearly identified as the data
6.10 which is to be protected from disclosure.

6.11 Subp. 5. **Statement required.** In all cases where a person or entity files data with the
6.12 commission that is identified as protected data, an accompanying statement justifying the
6.13 state agencies treating the data as protected data must also be filed. This justification must
6.14 include an explanation of how the data is classified under the Minnesota Government Data
6.15 Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege
6.16 recognized by law.

6.17 **7829.0600 GENERAL SERVICE LIST.**

6.18 Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of
6.19 filings and who are qualified to intervene under part 7829.0800 shall file with the utility
6.20 a written list of the types of filings they wish to receive, as well as the person's name,
6.21 address, and an electronic address if they agree to electronic service. The utility shall
6.22 maintain general service lists of persons who have filed these requests. The utility shall
6.23 add to each list the persons who intervened in its last general rate case and persons on
6.24 the official service list for its last filing of the same type.

6.25 [For text of subps 2 to 5, see M.R.]

7.1 **7829.0700 OFFICIAL SERVICE LIST.**

7.2 Subpart 1. **Content.** The official service list for each proceeding consists of the
7.3 names, addresses, and electronic addresses of the parties, and of the participants who have
7.4 filed a written request for inclusion on the service list with the executive secretary.

7.5 Subp. 2. **Establishment and updating.** The commission shall establish the official
7.6 service list at the conclusion of the initial comment period, or immediately following
7.7 an initial filing for which no initial comment period is required, and shall maintain and
7.8 provide the list electronically. Upon request, the commission shall mail a copy of the list
7.9 to the parties and to participants who have filed written requests for inclusion. A list
7.10 established before commission action on a petition for intervention must include those
7.11 persons whose intervention petitions are pending. Upon request, the commission shall
7.12 mail an updated official service list to the parties and participants if the official service list
7.13 is later expanded or reduced. The commission need not mail the official service list in
7.14 proceedings when the only parties are the department and a petitioner, complainant, or
7.15 respondent. The commission shall provide the official service list electronically rather
7.16 than by mail to a party who has agreed to electronic service as provided in Minnesota
7.17 Statutes, section 216.17, subdivision 4.

7.18 [For text of subp 3, see M.R.]

7.19 Subp. 4. **Name and address change.** A party or participant who wishes to change
7.20 the name or address of a person receiving service on behalf of the party or participant shall
7.21 provide written notice of the change to the executive secretary and to persons on the
7.22 official service list. The commission shall remove a participant from the official service
7.23 list after two attempts at service are returned as undeliverable.

7.24 [For text of subp 5, see M.R.]

8.1 **7829.0800 PETITION TO INTERVENE.**

8.2 Subpart 1. **Filing and service.** A person who desires to become a party to a
8.3 proceeding shall file a petition to intervene within the time set in this chapter. The petition
8.4 must be served on known parties and those persons on the utility's general service list for
8.5 the matter, if applicable. A petition to intervene must be signed by the person wishing to
8.6 become a party, or by the person's attorney or authorized representative.

8.7 [For text of subp 2, see M.R.]

8.8 Subp. 3. **Intervention as of right.** The department and the Office of the Attorney
8.9 General may intervene as of right in any proceeding before the commission. They become
8.10 parties upon filing comments under this chapter or upon written notice to the commission
8.11 of an intent to intervene, and need not file petitions to intervene, except when the rules of
8.12 the Office of Administrative Hearings require it.

8.13 [For text of subps 4 to 6, see M.R.]

8.14 **7829.0850 WITHDRAWAL OF A PARTY.**

8.15 A party wishing to withdraw must file a motion, which the commission will consider
8.16 promptly in the course of the proceeding.

8.17 **7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.**

8.18 Subpart 1. **Delegation of uncontested proceedings.** As authorized by Minnesota
8.19 Statutes, section 216A.03, subdivision 8, the commission may establish by order a
8.20 subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of
8.21 the commission only when:

8.22 A. commission staff determines a proceeding involves no disputed or novel
8.23 issues; and

8.24 B. no party, participant, or commissioner has requested that the proceeding not
8.25 be delegated to a subcommittee.

9.1 The commission will maintain on its Web site a list of all proceedings delegated
9.2 under this subpart, and will indicate the subcommittee's disposition for each proceeding.
9.3 ~~Electronic filing Service~~ of an order reflecting disposition by the subcommittee constitutes
9.4 receipt by the parties, participants, and commissioners for the purposes of Minnesota
9.5 Statutes, section 216A.03, subdivision 8, paragraph (b).

9.6 Subp. 2. **Other subcommittees.** This part does not limit the circumstances under
9.7 which the commission may delegate other functions to a subcommittee.

9.8 **7829.1250 COMMENT PROCEDURE VARIATION.**

9.9 Subpart 1. **When applied.** Unless otherwise provided in statute or rule, this part shall
9.10 apply to all comment periods established in this chapter.

9.11 Subp. 2. **Additional comments and comments on supplemental or corrected**
9.12 **filings.** If further information is required to make a fully informed decision, the
9.13 commission shall require additional comments and identify specific issues requiring
9.14 further development. The commission shall provide opportunity for other parties to
9.15 respond to additional comments, or to a supplemental or corrected filing, when the
9.16 additional comment, supplement, or correction raises a new issue.

9.17 **7829.1300 MISCELLANEOUS FILINGS.**

9.18 Subpart 1. **Summary.** A miscellaneous filing must include, on a separate page, a
9.19 one-paragraph summary of the filing, sufficient to apprise potentially interested parties
9.20 of its nature and general content.

9.21 Subp. 2. **Service.** The filing ~~utility~~ party shall serve copies of each miscellaneous
9.22 filing on which commission action is required within 60 days of filing, on the persons on
9.23 the applicable general service list, on the department, and on the Office of the Attorney
9.24 General. For other filings, the ~~utility~~ filing party may serve the summary described in

subpart 1 on persons on the applicable general service list. The ~~utility filing party~~ shall serve with the filing or the summary a copy of its general service list for the filing.

Subp. 3. **Content of filing.** In addition to complying with specific requirements imposed by statute or rule, miscellaneous filings must contain at least the following information:

A. the name, address, and telephone number of the filing party, without abbreviation;

B. the name, address, electronic address, and telephone number of the any attorney ~~for that represents~~ the filing party in the matter, if the filing party is so represented ~~by an attorney~~;

C. the date of the filing and the date the proposed rate or service change, if any, will go into effect;

D. the statute that the utility believes controls the time frame for processing the filing;

E. the signature, electronic address, and title of the utility employee responsible for the filing; and

F. if the contents of the filing are not established by statute or another commission rule, a description of the filing, its impact on rates and services, its impact on any affected person, and the reasons for the filing.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

~~Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities shall file a compliance filing within ten days of the effective date of a commission order requiring it.~~

11.1 **7829.1400 COMMISSION ACTION ON MISCELLANEOUS FILING;**
11.2 **COMMENTS.**

11.3 Subpart 1. **Initial comments.** In the absence of a commission order or notice
11.4 establishing a different comment period, a person wishing to comment on a miscellaneous
11.5 filing shall do so within 30 days of its filing with the commission. A person wishing to
11.6 comment on a new telephone service, competitive or noncompetitive, shall do so within
11.7 ten days of its filing with the commission. Comments must be served on the persons on
11.8 the utility's general service list for the filing, as well as on the filing utility.

11.9 [For text of subp 2, see M.R.]

11.10 Subp. 3. **Comments to include procedural recommendation.** A person
11.11 commenting on a miscellaneous filing and recommending its rejection, denial, or
11.12 modification shall specify whether the person believes the filing requires a contested
11.13 case proceeding, informal proceeding, expedited proceeding, or some other procedural
11.14 treatment, together with the person's reasons for recommending a particular procedural
11.15 treatment.

11.16 Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility
11.17 and other persons have ten days from the expiration of the original comment period to file
11.18 reply comments. Reply comments must be served on the utility and persons who have
11.19 filed comments on the miscellaneous filing. Reply comments must be limited in scope to
11.20 the issues raised in the initial comments.

11.21 Subp. 5. [See repealer.]

11.22 Subp. 6. [See repealer.]

11.23 Subp. 7. [See repealer.]

11.24 [For text of subp 8, see M.R.]

12.1 Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial
12.2 comments requesting a contested case proceeding on a miscellaneous filing, the
12.3 commission shall immediately set the matter for consideration on a date after the time
12.4 period for reply comments has run. If the commission finds a contested case proceeding is
12.5 required, the commission shall refer the matter to the Office of Administrative Hearings
12.6 pursuant to part 7829.1000, and the utility shall file its direct testimony in question and
12.7 answer form within 20 days of the commission's notice and order for hearing, unless
12.8 otherwise directed by the commission.

12.9 **7829.1500 INFORMAL COMPLAINT.**

12.10 Persons engaged in disputes with utilities may submit informal complaints by letter or
12.11 other writing, by telephone, electronically, or in person. Commission staff shall accept
12.12 these complaints and shall prepare a memorandum setting forth the substance of each
12.13 complaint and identifying the customer, the service address, and the utility.

12.14 **7829.1700 FORMAL COMPLAINT.**

12.15 [For text of subp 1, see M.R.]

12.16 Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent,
12.17 the department, and the Office of the Attorney General, as well as filed with the
12.18 commission. Formal complaints may also be filed in a manner consistent with the
12.19 electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. If filed
12.20 electronically, a formal complaint does not need to be mailed to the state agencies.

12.21 **7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.**

12.22 [For text of subp 1, see M.R.]

12.23 Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that
12.24 investigation is warranted, the commission shall serve the complaint on the respondent,
12.25 together with an order requiring the respondent to file an answer either stating that it

13.1 has granted the relief the complainant requests, or responding to the allegations of the
13.2 complaint. The answer must be filed with the commission and served on the complainant,
13.3 department, and Office of the Attorney General within 20 days of service of the complaint
13.4 and order.

13.5 Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent
13.6 has granted the relief sought by complainant. In that case, the complainant shall file a
13.7 reply within 20 days admitting or denying that relief has been granted. If the complainant
13.8 fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must
13.9 be served on the respondents, department, and Office of the Attorney General.

13.10 [For text of subp 4, see M.R.]

13.11 **7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.**

13.12 [For text of subp 1, see M.R.]

13.13 Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint
13.14 shall do so within 30 days of the date of a commission order requiring an answer to the
13.15 complaint. Comments must be served on the complainant, respondent, department, Office
13.16 of the Attorney General, and any other known parties.

13.17 Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of
13.18 the original comment period to file reply comments. Reply comments must be limited in
13.19 scope to the issues raised in the initial comments and must be served on the complainant,
13.20 respondent, department, Office of the Attorney General, and any other known parties.

13.21 [For text of subps 4 and 5, see M.R.]

13.22 Subp. 6. [See repealer.]

13.23 Subp. 7. [See repealer.]

13.24 Subp. 8. [See repealer.]

14.1 [For text of subp 9, see M.R.]

14.2 **7829.2000 ELECTRIC SERVICE AREA COMPLAINT.**

14.3 [For text of subp 1, see M.R.]

14.4 Subp. 2. **Service and filing.** A service area complaint must be served on the
14.5 respondent, department, and Office of the Attorney General, as well as filed with the
14.6 commission.

14.7 **7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT;**
14.8 **COMMENTS.**

14.9 Subpart 1. **Answer.** Within ten days of service of a service area complaint, a
14.10 respondent shall file an answer with the commission and serve it on the complainant,
14.11 department, and Office of the Attorney General.

14.12 Subp. 2. **Initial comments.** A person wishing to comment on a service area
14.13 complaint shall do so within ten days of the date the person was served. Comments must
14.14 be served on the complainant, respondent, department, Office of the Attorney General,
14.15 and any other known parties.

14.16 [For text of subp 3, see M.R.]

14.17 Subp. 4. [See repealer.]

14.18 Subp. 5. [See repealer.]

14.19 [For text of subp 6, see M.R.]

14.20 **7829.2300 CLASSIFICATION PETITION.**

14.21 [For text of subp 1, see M.R.]

14.22 Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the
14.23 petition on the department and Office of the Attorney General. The utility shall serve
14.24 the petition or the summary described in subpart 1 on those persons on the applicable

15.1 general service list and on those persons who were parties to its last general rate case or
15.2 incentive plan proceeding, if applicable.

15.3 Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the
15.4 form or completeness of a classification petition shall do so within ten days of its filing.
15.5 The filing utility shall reply to the challenge within five days of its filing. Challenges and
15.6 responses must be served on the department, Office of the Attorney General, persons on
15.7 the general service list for the filing, and any other known parties.

15.8 [For text of subp 4, see M.R.]

15.9 Subp. 5. **Initial comments.** A person wishing to comment on a classification
15.10 petition shall file initial comments within 20 days of the filing. Initial comments must
15.11 include a recommendation on whether the filing requires a contested case proceeding,
15.12 expedited proceeding, or some other procedural treatment, together with reasons for
15.13 recommending a particular procedural treatment. Initial comments must be served on the
15.14 utility, department, Office of the Attorney General, persons on the general service list
15.15 for the filing, and any other known parties.

15.16 [For text of subps 6 and 7, see M.R.]

15.17 Subp. 8. [See repealer.]

15.18 Subp. 9. [See repealer.]

15.19 [For text of subps 10 to 12, see M.R.]

15.20 Subp. 13. **Extending disposition period.** The commission may extend the
15.21 eight-month time frame in subpart 12 with the agreement of all parties or upon a finding
15.22 that the case cannot be completed within the required time and that there is a substantial
15.23 probability that the public interest would be harmed by enforcing the eight-month time
15.24 frame.

16.1 **7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.**

16.2 [For text of subp 1, see M.R.]

16.3 Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of
16.4 the filing on the department and Office of the Attorney General. The utility shall serve the
16.5 filing or the summary described in subpart 1 on the persons on the applicable general service
16.6 list and persons who were parties to its last general rate case or incentive plan proceeding.

16.7 [For text of subp 3, see M.R.]

16.8 Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the
16.9 form or completeness of a general rate case filing shall do so within ten days of its filing.
16.10 The filing utility shall reply to the challenge within five days of its filing. Challenges and
16.11 responses must be served on the department, Office of the Attorney General, persons on
16.12 the general service list for the filing, and any other known parties.

16.13 Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part
16.14 found to be substantially out of compliance with Minnesota Statutes, section 216B.16 or
16.15 237.075, or other requirement imposed by rule, statute, or previous commission order.
16.16 A filing under this part not rejected within 60 days of filing is considered accepted as in
16.17 substantial compliance with applicable filing requirements.

16.18 Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene
16.19 until the matter is referred to the Office of Administrative Hearings for a contested case
16.20 proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating
16.21 its intention to decide the matter on the basis of an informal or expedited proceeding.

16.22 [For text of subp 7, see M.R.]

16.23 **7829.2500 CERTIFICATE OF NEED FILING.**

16.24 Subpart 1. **Compliance.** Certificate of need applications must comply with the
16.25 requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota

17.1 Rules, chapters 7849, 7851, 7853, and 7855; and any other requirements imposed by
17.2 rule or statute.

17.3 [For text of subp 2, see M.R.]

17.4 Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on
17.5 the department and Office of the Attorney General. The applicant shall serve the filing
17.6 or the summary described in subpart 2 on those persons on an applicable general service
17.7 list and on those persons who were parties to its last general rate case or incentive plan
17.8 proceeding, if applicable.

17.9 Subp. 4. [See repealer.]

17.10 [For text of subp 5, see M.R.]

17.11 Subp. 6. **Solicitation of comments on filing compliance.** The commission shall
17.12 request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421
17.13 to 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, when it determines
17.14 that comments would be helpful in evaluating the filing's substantial compliance with the
17.15 requirements of those statutes and rules. The commission may delegate the authority to
17.16 request these comments to the executive secretary.

17.17 Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part
17.18 that is found to be substantially out of compliance with Minnesota Statutes, sections
17.19 216B.2421 to 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855; and any
17.20 other requirements imposed by rule or statute. A filing under this section not rejected
17.21 within 15 days of filing must be considered accepted as in substantial compliance with
17.22 applicable filing requirements.

17.23 Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene
17.24 until the matter is referred to the Office of Administrative Hearings for a contested case

18.1 proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating
18.2 its intention to decide the matter on the basis of an informal or expedited proceeding.

18.3 [For text of subp 9, see M.R.]

18.4 **7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.**

18.5 Subpart 1. **Filings required, service requirements.** At least three months before
18.6 filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or
18.7 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably
18.8 likely to be affected by the proposed pipeline. Applicants shall serve their proposed
18.9 plans on the following persons:

18.10 A. the Office of Energy Security of the Department of Commerce;

18.11 B. the Office of the Attorney General; and

18.12 C. the Army Corps of Engineers.

18.13 [For text of subps 2 to 8, see M.R.]

18.14 **7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.**

18.15 Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject
18.16 to statutory deadlines or as otherwise specified by the commission, parties shall file and
18.17 serve on the other parties any exceptions to an administrative law judge's report within 20
18.18 days of its filing ~~unless otherwise specified by the commission~~. In cases subject to statutory
18.19 deadlines, exceptions must be filed and served within 15 days of the filing of the report.

18.20 [For text of subp 2, see M.R.]

18.21 Subp. 3. **Oral argument.** Parties will be granted an opportunity for oral argument
18.22 before the commission prior to its decision.

19.1 **7829.2900 DECISION AND ORDER.**

19.2 Subpart 1. Service. The executive secretary shall serve a decision and order of
19.3 the commission on all parties and participants in the proceeding who are on the official
19.4 service list.

19.5 Subp. 2. Compliance filings. Unless otherwise ordered by the commission, utilities
19.6 shall file a compliance filing within ten days of the effective date of a commission order
19.7 requiring it.

19.8 **7829.3000 PETITION AFTER COMMISSION DECISION.**

19.9 Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by
19.10 a commission decision or order may file a petition for rehearing, amendment, vacation,
19.11 reconsideration, or reargument within 20 days of the date the decision or order is served
19.12 by the executive secretary. This subpart does not affect any statutory limit on the time
19.13 allowed for a petition for judicial review that may run concurrently.

19.14 [For text of subp 2, see M.R.]

19.15 Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration,
19.16 or reargument, and an answer, reply, or comment, must be served on the parties and
19.17 participants in the proceeding.

19.18 [For text of subps 4 to 7, see M.R.]

19.19 **7829.3150 UNTIMELY FILINGS.**

19.20 Subpart 1. **When filings may be excluded.** On its own motion or at the request of
19.21 any party or participant, the commission may exclude a filing from the record:

19.22 A. when the filing was not made within a time period established by rule,
19.23 notice, or commission order; and

B. upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness.

Documents in the agencies' electronic filing system excluded under this part shall remain in the agencies' electronic filing system, but shall be marked as "excluded from record by commission order" in search results.

Subp. 2. Required statement. A person filing a document outside a time period established by rule, notice, order, or statute shall clearly mark the document as "late filed" and include a statement explaining why the filing was untimely and why it should not be excluded by the commission.

Subp. 3. Documents offered less than one day before consideration. A party or participant offering a document less than one full business day prior to, or at, the commission meeting to consider issues relevant to the document, must provide ten paper copies to commission staff and sufficient paper copies for the offering party to distribute to all parties and to be available to members of the public in attendance. The offering party or participant must electronically file the document within one business day following the commission meeting if it was not electronically filed prior to the meeting.

7829.4000 EMERGENCY CIRCUMSTANCES.

Subpart 1. Declared emergency or pandemic. If the executive secretary determines that an in-person meeting of the commission is not practical or prudent because of a health pandemic or an emergency declared under Minnesota Statutes, chapter 12, commissioners may participate by telephone or other electronic means. If at least one commissioner intends to participate remotely, the commission shall provide the public notice required by Minnesota Statutes, section 13D.021, subdivision 4.

Subp. 2. Remote participation. If the required public notice has been given, the commission shall afford any absent commissioner or commissioners an opportunity to

21.1 participate in a commission meeting by telephone or other electronic means in a manner
 21.2 consistent with Minnesota Statutes, section 13D.021. The commission shall ensure that
 21.3 all commissioners, regardless of their location, can hear all discussion, testimony, and
 21.4 votes. Unless the meeting is closed for reasons authorized by statute, the commission
 21.5 shall ensure that members of the public who are present at the regular meeting location
 21.6 or monitoring remotely can hear all discussion, testimony, and votes. Commission votes
 21.7 shall be conducted via roll call.

21.8 **RENUMBERING INSTRUCTION.** The provisions of Minnesota Rules listed in
 21.9 Column A shall be renumbered to those listed in Column B. The revisor of statutes shall
 21.10 also make necessary cross-reference changes in Minnesota Rules consistent with the
 21.11 renumbering.

21.12	Column A	Column B
21.13	7829.2300, subpart 5	7829.2350, subpart 1
21.14	7829.2300, subpart 6	7829.2350, subpart 2
21.15	7829.2300, subpart 7	7829.2350, subpart 3
21.16	7829.2300, subpart 10	7829.2350, subpart 4
21.17	7829.2300, subpart 11	7829.2350, subpart 5
21.18	7829.2300, subpart 12	7829.2350, subpart 6
21.19	7829.2300, subpart 13	7829.2350, subpart 7
21.20	7829.3100	7829.1275
21.21	7829.3150	7829.0420

21.22 **REPEALER.** Minnesota Rules, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400,
 21.23 subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts
 21.24 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500,
 21.25 subpart 4, are repealed.

M

Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups.

This is not enclosed because the Commission did not adopt substantially different rules.

N

Enclosed: an unsigned draft of the Order Adopting Rules that
complies with the requirements in part 1400.2090.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John A. Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Amendments to Rules
Governing Proceeding, Practice, and
Procedure (Chapter 7829, excluding
7829.2550 which is subject to a separate
pending rulemaking)

ISSUE DATE: December 31, 2015

DOCKET NO. U-999/R-13-24

ORDER ADOPTING RULES

PROCEDURAL HISTORY

In 2013 the Commission opened this proceeding to consider modifying its rules of practice and procedure to eliminate outdated rule language, to address statutory changes, to clarify existing Commission procedures, and to establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

On July 10, 2014, at a duly noticed meeting, with a quorum present, the Commission authorized the proposal of rule amendments in Chapter 7829, excluding 7829.2550 which is subject to a separate pending rulemaking.¹ The proposed rules, along with a Notice of Intent to Adopt, were published in the June 15, 2015, *State Register*.

The Minnesota Department of Commerce (the Department), the Minnesota Department of Natural Resources, the Minnesota Cable Communications Association (the MCCA), and Legalelectric, Inc., filed comments recommending modifications to the proposed rules.

The Commission did not receive any hearing requests, and therefore cancelled the hearing originally scheduled for August 31, 2015.

The Commission received no requests for notice of the rules' submission to the Office of Administrative Hearings.

The Commission met on November 19, 2015, at a duly noticed meeting, with a quorum of its members present, to adopt the proposed rule amendments.

¹ *In the Matter of Possible Amendments to Rules Governing Certificates of Need and Site and Route Permits for Large Electric Power Plants and High-Voltage Transmission Lines; and to Rules Governing Notice Plan Requirements for High-Voltage Transmission Lines*, Docket. No. E,ET,IP-999/R-12-1246.

The agency has complied with all notice and procedural requirements in Minnesota Statutes, Chapter 14; Minnesota Rules, Chapter 1400; and other applicable law. At its November 19 meeting, the Commission adopted the rules, with modifications to the proposed rules as set forth below, and authorized the Executive Secretary to sign this Order.

FINDINGS AND CONCLUSIONS

I. Introduction

Having considered the entire record, the Commission finds that the proposed rules are needed and reasonable for the reasons set forth in the Statement of Need and Reasonableness. The Commission further finds that the modifications to the proposed rules described below are needed, reasonable, and do not result in substantially different rules.

II. Authority to Modify Proposed Rule

The Commission may adopt a modified proposed rule provided that the modifications do not render the rule substantially different from the rule proposed in the notice of intent to adopt rules.² The modifications described below are intended to be consistent with the requirements of Minn. Stat. § 14.05, subd. 2(b), which provides that

[a] modification does not make a proposed rule substantially different if:

- (1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;
- (2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and
- (3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

The scope announced in the notice of intent to adopt includes amendments to the Commission's procedural rules to "eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions."³

The changes described below are within that scope, and are a logical and fair result of the notice and the subsequent public comments. The changes are chiefly non-substantive editorial changes, clarifications, and modifications made in response to comments. The Commission will therefore adopt the proposed rule as modified, consistent with its authority under Minn. Stat. § 14.05, subd. 2(b).

² Minn. Stat. § 14.05, subd. 2.

³ Dual Notice, 39 *Minn. State Register* 1706 (June 15, 2015).

III. Modifications to Proposed Rules

The Commission will make the following modifications to the proposed rule, for the following reasons:

A. Part 7829.0100

The Commission will replace “ongoing proceeding” with “existing commission docket” in subpart 1 la to be more precise and eliminate a possible unintended ambiguity that could arise in inactive docketed proceedings.

B. Part 7829.0400

The Commission will modify subparts 5, and 5a to further refine those subparts to be consistent with electronic filing practice. Specifically, the Commission will eliminate service by facsimile because electronic filing, personal delivery, or first class mail are sufficient methods of service. Under the initially proposed rule, a facsimile alone could never accomplish service—facsimile service could only be accomplished in conjunction with first class mail—so removing references to service by facsimile does not substantially change the methods of service available.

The Commission will remove the reference in subpart 1 to Minnesota Statutes, section 216.17, subdivision 3, because it is superfluous. The statute applies to certain electronic filings with the Commission, but express reference to the statute is not necessary in this rule provision. The Commission will also remove the word “agencies” in subpart 4 because it is superfluous, and strike “in the commission offices” from subpart 5a, because the phrase is not consistent with electronic service. These changes are clarifying in nature and no change in substantive effect is intended.

The Commission will modify subpart 5a to accommodate the concern raised by the Department, in a way that is consistent with current electronic filing practices. The change is necessary to avoid an ambiguity about the timing of effective service that could arise. The subpart will now clarify that when the electronic filing system administrator requires a submission to be resubmitted, service is not retroactively effective.

C. Part 7829.0410

The Commission will modify this rule part to simplify and clarify the language, as follows:

Subpart 1. Form and content.

A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall file and serve a motion filing on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3.~~ A party shall, As a part of a motion filing, a party shall advise other parties that ~~if they wish any~~ opposition to ~~oppose~~ the motion ~~they must file be filed~~ and serve served on the same list of persons ~~a written response~~ within 14 days of service of the motion filing. The commission will consider only

motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. Responses.

A party responding to a motion filing shall file and serve a response on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3,~~ within 14 days of service of the motion filing.

The Commission will remove the references to Minnesota Statutes, section 216.17, subdivision 3, because they are superfluous. The statute applies to certain electronic filings with the Commission, but express reference to the statute was not necessary in these rule provisions. The remaining changes are grammatical and clarifying in nature. No change in substantive effect is intended.

D. Part 7829.0430

The Commission will modify this part to expressly establish a 10-day deadline to object to withdrawal of a filing. This change is necessary to establish a reasonable time in which to make an objection, and is reasonable because ten days is adequate time to raise an objection and is consistent with the Commission's established practice. This change is a logical outgrowth of the proposed rule, which implied a deadline without expressly stating what the deadline is or would be.

The Commission will also clarify that parties seeking to withdraw their filing must serve notice of their request on interested parties. This clarification is needed and reasonable to ensure that parties that may have an interest in objecting to the withdrawal are notified of the request to withdraw in time to object. This change is a logical outgrowth of the proposed rule, which provided an opportunity to object, but did not unambiguously require notice of that opportunity.

E. Part 7829.0700

The Commission will further modify subpart 2 to reflect necessary and reasonable changes consistent with electronic filing practice. Specifically, the rule will be changed to reflect that the official service list will be maintained and available electronically.

F. Part 7829.1050

The Commission will modify this part to address the concern raised by the Minnesota Cable Communications Association. The MCCA expressed concern that the rule as proposed did not properly address the possibility that an order might be filed and not served. The Commission will change the rule part to address service rather than filing.

The Commission will also revise subpart 2 to say "may delegate other functions" for additional clarity. No change in substantive effect is intended.

G. Part 7829.1300

The Commission will replace “[filing] utility” with “filing party” for consistency with changes elsewhere in this rule part. Because miscellaneous filings may be filed by parties other than utilities, it is reasonable and necessary to clarify that this rule part applies to parties and not just utilities. This change is a logical outgrowth of the proposed rule, which replaced “utility” with “party” in some, but not all, instances in this rule part.

The Commission will also relocate the proposed new subpart (subpart 6) to 7829.2900. This subpart pertains to compliance filings, and it is reasonable and necessary that it be located in a more generally applicable rule provision to avoid the implication that compliance filings are a subset of, or only arise out of, miscellaneous filings. The relocated subpart will now appear with the rule part discussing Commission decisions and orders.

H. Part 7829.1400

The Commission will add “unless otherwise directed by the commission” in subpart 9 for consistency with the Commission’s authority to establish deadlines. This is reasonable and necessary to ensure the Commission has flexibility to modify deadlines on a case by case basis as circumstances such as the complexity or urgency of the issues warrant. This change is a logical outgrowth of the proposed rule, which retained similar flexibility in similar circumstances, such as comment periods in part 7829.1250.

I. Part 7829.2700

The Commission will reorganize a sentence in subpart 1 for clarity. The subpart will be changed to read:

Subpart 1. Exceptions to administrative law judge's report.

Except in cases subject to statutory deadlines or as otherwise specified by the commission, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing ~~unless otherwise specified by the commission~~.

In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

No change in substantive effect is intended.

IV. Conclusion

The Commission adopts and incorporates the Statement of Need and Reasonableness as the factual basis for the proposed rules, as modified above. The Commission finds that the proposed rules, as modified above, are needed and reasonable. The Commission adopts the proposed rules, as modified above.

ORDER

1. The Commission adopts the above-captioned rules, in the form set out in the *State Register* on June 15, 2015, with the modifications set forth above and indicated in the Revisor's draft, file number AR-4159, dated December 3, 2015.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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.

O

Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings. No persons requested notification of the submission of the rules to the Office of Administrative Hearings.

P

Enclosed: any other document or evidence to show compliance with any other law or rule that the Commission is required to follow in adopting these rules. These are:

- P.1. The Certificate of Sending Notice to Legislators per Minnesota Statutes, section 14.116.
- P.2. The Certificate of Consulting with the MMB per Minnesota Statutes, section 14.131. And, MMB's memo dated January 5, 2015, in response.

Minnesota Public Utilities Commission

**CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND
REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING
COMMISSION**

**Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules
Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending
Rulemaking; Revisor's ID Number R-4159**

I certify that on June 12, 2015, when the Commission mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by either depositing them in the United States mail with postage prepaid or by sending an electronic copy via e-mail. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.



Christopher Moseng
Staff Attorney



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

June 12, 2015

Senator John Marty, Chair
Senate Environment and Energy Committee
c/o
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David Osmek,
Ranking Minority Member
Senate Environment and Energy Committee
19 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Pat Garofalo, Chair
House Job Growth and Energy Affordability
Policy and Finance Committee
485 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Tim Mahoney,
Ranking Minority Member
House Job Growth and Energy Affordability
Policy and Finance Committee
345 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David J. Tomassoni, Chair
Senate Environment, Economic Development
and Agriculture Budget Division
c/o
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Bill Ingebrigtsen,
Ranking Minority Member
Senate Environment, Economic Development
and Agriculture Budget Division
143 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Hoppe, Chair
House Commerce and Regulatory Reform
Committee
543 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Atkins,
Ranking Minority Member
House Commerce and Regulatory Reform
Committee
349 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Dan Sparks, Chair
Senate Jobs, Agriculture and Rural
Development Committee
c/o
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Gary H. Dahms,
Ranking Minority Member
Senate Jobs, Agriculture and Rural
Development Committee
121 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

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PHONE (651) 296-7124 • FAX (651) 297-7073 • TDD (651) 297-1200 • 121 7th PLACE EAST • SUITE 350 • SAINT PAUL, MINNESOTA 55101-2147

Re: Possible Amendments to Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending Rulemaking; Revisor's ID Number R-4159

Dear Legislators:

Executive Summary: the Public Utilities Commission intends to adopt rule amendments to eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

Generally, these changes include amending the rules to reflect electronic filing practices and to incorporate process improvements that will allow the Commission to operate more efficiently while keeping Commission practice consistent with the public interest and the requirements of due process.

Minnesota Statutes, section 14.116, states:

(b) When an agency mails notice of intent to adopt rules under section 14.14 or 14.22, the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

We plan to publish a Notice of Intent to Adopt Rules in the June 15, 2015, *State Register* and are now mailing the Notice under section 14.14 or 14.22.

As required by section 14.116, the Commission is sending you a copy of the notice and the Statement of Need and Reasonableness. For your information, we are also enclosing a copy of the proposed rules.

If you have any questions about these rules, please contact me at 651-201-2223.

Yours very truly,



Chris Moseng
Staff Attorney

Enclosures: Notice of Intent to Adopt Rules
Statement of Need and Reasonableness
Proposed Rules

CC: Legislative Coordinating Commission via email to: lcc@lcc.leg.mn

Minnesota Public Utilities Commission

CERTIFICATE OF CONSULTING WITH COMMISSIONER OF MANAGEMENT AND BUDGET IN COMPLIANCE WITH MINNESOTA STATUTES, SECTION 14.131

Proposed Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, Excluding Part 7829.2550, Which is Subject to a Separate Pending Rulemaking; Revisor's ID Number R-4159

I certify that on January 28, 2015, at St. Paul, Ramsey County, Minnesota, I consulted with the Commissioner of Minnesota Management and Budget in compliance with Minnesota Statutes, section 14.131, by mailing a letter with these enclosures:

1. The Governor's Office Proposed Rule and SONAR Form.
2. The January 26, 2015, Revisor's draft of the proposed rule.
3. The January 28, 2015, draft of the SONAR.



Christopher Moseng
Staff Attorney



Office Memorandum

Date: April 6, 2015

To: Christopher Moseng
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

From: Betsy Hammer, Executive Budget Officer
Minnesota Management & Budget

Phone: 651-201-8022

Subject: Review of the Proposed Rules of the Public Utilities Commission Concerning Governing Proceeding, Practice, and Procedure, Minnesota Rules, Ch. 7829, excluding 7829.2550, Revisor's ID Number R-04159

BACKGROUND

The Public Utilities Commission (PUC) proposes to amend rules governing proceedings, practices, and procedures. These rules were last updated at a time when electronic filings did not exist. The proposed amendments update rules to accommodate electronic filings, statutory changes, clarifications to existing practice, procedural requirements, and grammatical updates.

EVALUATION

The SONAR notes that any costs would be borne by Minnesota utilities, stakeholder groups, and individuals with business before the PUC; theoretically, utilities could pass on costs to their consumers, which could include local units of government. However, the SONAR also notes that the costs of complying with the proposed amendments are negligible. The proposed amendments are largely technical and housekeeping in nature.

On behalf of the Commissioner of Management & Budget, I have reviewed the proposed rule and related SONAR. Based upon the information provided to me by the Public Utilities Commission, there does not appear to be a significant cost to local units of government.

cc: Angela Vogt, Budget Division Team Leader

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John A. Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Amendments to Rules
Governing Proceeding, Practice, and
Procedure (Chapter 7829, excluding
7829.2550 which is subject to a separate
pending rulemaking)

ISSUE DATE: December 31, 2015

DOCKET NO. U-999/R-13-24

ORDER ADOPTING RULES

PROCEDURAL HISTORY

In 2013 the Commission opened this proceeding to consider modifying its rules of practice and procedure to eliminate outdated rule language, to address statutory changes, to clarify existing Commission procedures, and to establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions.

On July 10, 2014, at a duly noticed meeting, with a quorum present, the Commission authorized the proposal of rule amendments in Chapter 7829, excluding 7829.2550 which is subject to a separate pending rulemaking.¹ The proposed rules, along with a Notice of Intent to Adopt, were published in the June 15, 2015, *State Register*.

The Minnesota Department of Commerce (the Department), the Minnesota Department of Natural Resources, the Minnesota Cable Communications Association (the MCCA), and Legalectric, Inc., filed comments recommending modifications to the proposed rules.

The Commission did not receive any hearing requests, and therefore cancelled the hearing originally scheduled for August 31, 2015.

The Commission received no requests for notice of the rules' submission to the Office of Administrative Hearings.

The Commission met on November 19, 2015, at a duly noticed meeting, with a quorum of its members present, to adopt the proposed rule amendments.

¹ *In the Matter of Possible Amendments to Rules Governing Certificates of Need and Site and Route Permits for Large Electric Power Plants and High-Voltage Transmission Lines; and to Rules Governing Notice Plan Requirements for High-Voltage Transmission Lines*, Docket. No. E,ET,IP-999/R-12-1246.

The agency has complied with all notice and procedural requirements in Minnesota Statutes, Chapter 14; Minnesota Rules, Chapter 1400; and other applicable law. At its November 19 meeting, the Commission adopted the rules, with modifications to the proposed rules as set forth below, and authorized the Executive Secretary to sign this Order.

FINDINGS AND CONCLUSIONS

I. Introduction

Having considered the entire record, the Commission finds that the proposed rules are needed and reasonable for the reasons set forth in the Statement of Need and Reasonableness. The Commission further finds that the modifications to the proposed rules described below are needed, reasonable, and do not result in substantially different rules.

II. Authority to Modify Proposed Rule

The Commission may adopt a modified proposed rule provided that the modifications do not render the rule substantially different from the rule proposed in the notice of intent to adopt rules.² The modifications described below are intended to be consistent with the requirements of Minn. Stat. § 14.05, subd. 2(b), which provides that

[a] modification does not make a proposed rule substantially different if:

- (1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;
- (2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and
- (3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

The scope announced in the notice of intent to adopt includes amendments to the Commission's procedural rules to "eliminate outdated rule language, address statutory changes, articulate and clarify existing Commission procedures, and establish procedural requirements that permit the Commission to more effectively perform its quasi-legislative and quasi-judicial functions."³

The changes described below are within that scope, and are a logical and fair result of the notice and the subsequent public comments. The changes are chiefly non-substantive editorial changes, clarifications, and modifications made in response to comments. The Commission will therefore adopt the proposed rule as modified, consistent with its authority under Minn. Stat. § 14.05, subd. 2(b).

² Minn. Stat. § 14.05, subd. 2.

³ Dual Notice, 39 *Minn. State Register* 1706 (June 15, 2015).

III. Modifications to Proposed Rules

The Commission will make the following modifications to the proposed rule, for the following reasons:

A. Part 7829.0100

The Commission will replace “ongoing proceeding” with “existing commission docket” in subpart 11a to be more precise and eliminate a possible unintended ambiguity that could arise in inactive docketed proceedings.

B. Part 7829.0400

The Commission will modify subparts 5, and 5a to further refine those subparts to be consistent with electronic filing practice. Specifically, the Commission will eliminate service by facsimile because electronic filing, personal delivery, or first class mail are sufficient methods of service. Under the initially proposed rule, a facsimile alone could never accomplish service—facsimile service could only be accomplished in conjunction with first class mail—so removing references to service by facsimile does not substantially change the methods of service available.

The Commission will remove the reference in subpart 1 to Minnesota Statutes, section 216.17, subdivision 3, because it is superfluous. The statute applies to certain electronic filings with the Commission, but express reference to the statute is not necessary in this rule provision. The Commission will also remove the word “agencies” in subpart 4 because it is superfluous, and strike “in the commission offices” from subpart 5a, because the phrase is not consistent with electronic service. These changes are clarifying in nature and no change in substantive effect is intended.

The Commission will modify subpart 5a to accommodate the concern raised by the Department, in a way that is consistent with current electronic filing practices. The change is necessary to avoid an ambiguity about the timing of effective service that could arise. The subpart will now clarify that when the electronic filing system administrator requires a submission to be resubmitted, service is not retroactively effective.

C. Part 7829.0410

The Commission will modify this rule part to simplify and clarify the language, as follows:

Subpart 1. Form and content.

A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall file and serve a motion filing on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. A party shall,~~ As a part of a motion filing, a party shall advise other parties that ~~if they wish any~~ opposition to oppose the motion ~~they must file~~ be filed and serve served on the same list of persons ~~a written response~~ within 14 days of service of the motion filing. The commission will consider only

motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. Responses.

A party responding to a motion filing shall file and serve a response on the persons listed on the official service list ~~and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3,~~ within 14 days of service of the motion filing.

The Commission will remove the references to Minnesota Statutes, section 216.17, subdivision 3, because they are superfluous. The statute applies to certain electronic filings with the Commission, but express reference to the statute was not necessary in these rule provisions. The remaining changes are grammatical and clarifying in nature. No change in substantive effect is intended.

D. Part 7829.0430

The Commission will modify this part to expressly establish a 10-day deadline to object to withdrawal of a filing. This change is necessary to establish a reasonable time in which to make an objection, and is reasonable because ten days is adequate time to raise an objection and is consistent with the Commission's established practice. This change is a logical outgrowth of the proposed rule, which implied a deadline without expressly stating what the deadline is or would be.

The Commission will also clarify that parties seeking to withdraw their filing must serve notice of their request on interested parties. This clarification is needed and reasonable to ensure that parties that may have an interest in objecting to the withdrawal are notified of the request to withdraw in time to object. This change is a logical outgrowth of the proposed rule, which provided an opportunity to object, but did not unambiguously require notice of that opportunity.

E. Part 7829.0700

The Commission will further modify subpart 2 to reflect necessary and reasonable changes consistent with electronic filing practice. Specifically, the rule will be changed to reflect that the official service list will be maintained and available electronically.

F. Part 7829.1050

The Commission will modify this part to address the concern raised by the Minnesota Cable Communications Association. The MCCA expressed concern that the rule as proposed did not properly address the possibility that an order might be filed and not served. The Commission will change the rule part to address service rather than filing.

The Commission will also revise subpart 2 to say "may delegate other functions" for additional clarity. No change in substantive effect is intended.

G. Part 7829.1300

The Commission will replace “[filing] utility” with “filing party” for consistency with changes elsewhere in this rule part. Because miscellaneous filings may be filed by parties other than utilities, it is reasonable and necessary to clarify that this rule part applies to parties and not just utilities. This change is a logical outgrowth of the proposed rule, which replaced “utility” with “party” in some, but not all, instances in this rule part.

The Commission will also relocate the proposed new subpart (subpart 6) to 7829.2900. This subpart pertains to compliance filings, and it is reasonable and necessary that it be located in a more generally applicable rule provision to avoid the implication that compliance filings are a subset of, or only arise out of, miscellaneous filings. The relocated subpart will now appear with the rule part discussing Commission decisions and orders.

H. Part 7829.1400

The Commission will add “unless otherwise directed by the commission” in subpart 9 for consistency with the Commission’s authority to establish deadlines. This is reasonable and necessary to ensure the Commission has flexibility to modify deadlines on a case by case basis as circumstances such as the complexity or urgency of the issues warrant. This change is a logical outgrowth of the proposed rule, which retained similar flexibility in similar circumstances, such as comment periods in part 7829.1250.

I. Part 7829.2700

The Commission will reorganize a sentence in subpart 1 for clarity. The subpart will be changed to read:

Subpart 1. Exceptions to administrative law judge's report.

Except in cases subject to statutory deadlines or as otherwise specified by the commission, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing ~~unless otherwise specified by the commission~~.

In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

No change in substantive effect is intended.

IV. Conclusion

The Commission adopts and incorporates the Statement of Need and Reasonableness as the factual basis for the proposed rules, as modified above. The Commission finds that the proposed rules, as modified above, are needed and reasonable. The Commission adopts the proposed rules, as modified above.

ORDER

1. The Commission adopts the above-captioned rules, in the form set out in the *State Register* on June 15, 2015, with the modifications set forth above and indicated in the Revisor's draft, file number AR-4159, dated December 3, 2015.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Daniel P. Wolf
Executive Secretary



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.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rule
Amendment to Rules Governing Utility
Proceeding, Practice, and Procedure,
Minnesota Rules Chapter 7829, excluding
part 7829.2550

**ORDER ON REVIEW
OF ADDITIONAL NOTICE
PLAN AND DUAL NOTICE**

This matter came before Administrative Law Judge Barbara J. Case upon the Minnesota Public Utilities Commission's request for a legal review under Minn. R. 1400.2060, .2080 (2013) of the Additional Notice Plan and Dual Notice of Intent to Adopt Rules in the above-captioned proceeding.

Under its Additional Notice Plan, the Commission plans to notify Minnesota's utilities and pipeline companies, those on the Commission's official service list for this proceeding, and everyone who has requested to receive the Notice of Intent to Adopt Rules pursuant to Minn. Stat. § 14.14, subd. 1a (2014). The Commission also plans to issue a press release to all newspapers of general circulation throughout the state.

Based upon a review of the written submissions by the Commission,

IT IS HEREBY ORDERED THAT:

1. The Additional Notice Plan is **APPROVED**.
2. The Dual Notice is **APPROVED**.

Dated: May 19, 2015

s/Barbara J. Case

BARBARA J. CASE
Administrative Law Judge



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

June 8, 2015

The Honorable Barbara L. Neilson
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

RECEIVED
2015 JUN 10 AM 7:33
ADMINISTRATIVE
HEARINGS

Re: In the Matter of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution; Revisor's ID Number R-04218; OAH Docket No. 11-2500-32109

Dear Judge Neilson:

The Minnesota Public Utilities Commission requests that the Office of Administrative Hearings review and approve its rules governing White Pages Directory Publication and Distribution for legality and form according to Minnesota Statutes, section 14.26. Upon receipt of OAH approval, the Commission will adopt the rules. Enclosed for your review are the documents required by Office of Administrative Hearings Rules, part 1400.2310, items A to P. Paragraphs A to P of this letter are keyed to items A to P of part 1400.2310. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason that the document is not applicable.

- A. Enclosed: the Request for Comments as published in the State Register on October 14, 2013.
- B. Not enclosed: a petition for rulemaking. This is not enclosed because no petition was filed regarding these rules.
- C. Enclosed: the proposed rules dated November 21, 2014, with the Revisor's certificate of approval.
- D. Enclosed: the Statement of Need and Reasonableness.
- E. Enclosed: the Notice of Intent to Adopt Rules, as mailed, and the Notice of Intent to Adopt Rules, as published in the State Register on January 20, 2015.
- F. Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Commission to omit the text of the proposed rules from the Notice Of Intent To Adopt Rules published in the State Register. This is not enclosed because the Commission

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included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.

- G. Enclosed: the Certificate of Mailing the Notice of Intent to Adopt Rules and the Certificate of Accuracy of the Mailing List.
- H. Enclosed: Certificates of Additional Notice.
- I. Enclosed: the Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library.
- J. Enclosed: all written comments and submissions on the proposed rules that the Commission received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents. The Commission received no requests for hearing.
- K. Not enclosed: a notice of withdrawal of hearing request, evidence that the Commission sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received. These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Commission to send a notice of withdrawal of hearing request.
- L. Enclosed: a copy of the adopted rules dated May 4, 2015. The modifications to the proposed rules are reflected in the rules as adopted and are approved by the Revisor of Statutes.
- M. Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups. This is not enclosed because the Commission did not adopt substantially different rules.
- N. Enclosed: the Order Adopting Rules that complies with the requirements in part 1400.2090.
- O. Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings. No persons requested notification of the submission of the rules to the Office of Administrative Hearings.
- P. Enclosed: any other document or evidence to show compliance with any other law or rule that the Commission is required to follow in adopting these rules. These are:
 - P.1. The Certificate of Sending Notice to Legislators per Minnesota Statutes, section 14.116.
 - P.2. The Certificate of Consulting with the MMB per Minnesota Statutes, section 14.131. And, MMB's memo dated January 5, 2015, in response.

If you have questions or wish to discuss anything with me, please contact me at 651-201-2223. After you complete your review, please send any correspondence to me at the following address:

Chris Moseng
Minnesota Public Utilities Commission
121 7th Place E., Suite 350
St. Paul, MN 55101

Sincerely,

Chris Moseng
Staff Attorney



Request for Comments as published in the State Register on October 14, 2013

Official Notices

Minnesota Department of Human Services (DHS)

Transition to Economic Stability

MFIP Transitional Standard with Supplemental Nutrition Assistance Program (SNAP) Cost of Living (COLA) Adjustment for November 1, 2013

Minnesota Statute 256J.24, Subd. 5a requires the Commissioner of Human Services to adjust the food portion of the Minnesota Family Investment Program (MFIP) transitional standards on October 1 of each year to reflect the COLA to the Supplemental Nutrition Assistance Program (SNAP). Due to the American Recovery and Reinvest Act of 2009 (ARRA) sunset, states must adjust all household allotments twice in 2013. The first adjustment took effect October 1, 2013. The second adjustment of the sunset becomes effective November 1, 2013. The statute also requires the Commissioner to publish the adjusted transitional standards for assistance unit sizes one to ten. The transitional standard consists of a cash and food portion. The MFIP transitional standards and cash and food portions effective November 1, 2013 are listed below.

Family Size	1	2	3	4	5	6	7	8	9	10	Over 10
Transitional Standard	\$417	\$745	\$978	\$1,190	\$1,367	\$1568	\$1709	\$1888	\$2065	\$2,237	\$170
Cash Portion	\$250	\$437	\$532	\$621	\$697	\$773	\$850	\$916	\$980	\$1,035	\$53
Food Portion	\$167	\$308	\$446	\$569	\$670	\$795	\$859	\$972	\$1,085	\$1,202	\$117

Ombudsman for Mental Health and Developmental Disabilities

Advisory Committee

Notice of Advisory Committee Meeting 17 October 2013

The Ombudsman for MHDD Advisory Committee will hold a meeting from 9:00 a.m. to 12:00 p.m. on October 17, 2013. The meeting will be held in Suite 420 Metro Square Bldg., 121 - 7th Place East, St. Paul. Please RSVP to Courtney at (651) 757-1800.

Minnesota Public Utilities Commission (PUC)

REQUEST FOR COMMENTS on Possible Amendment to Rules Concerning White Pages Directory Publication and Distribution

Subject of Rule. The Minnesota Public Utilities Commission requests comments on possible amendments to its rules governing the publication and distribution of white pages directories (*Minnesota Rules* 7810.2900, 7811.0600, and 7812.0600). The Commission is considering modifying its rule requiring mandatory distribution of white pages directories to better balance the interests of those affected by the requirement.

The Commission wishes to identify and analyze, on a statewide basis, all issues implicated by the white pages distribution requirement, and, if appropriate, to modify the relevant rules.

The current rule requires delivery of a printed directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer. Recently, parties have requested that the Commission vary this rule, in part because the economic and environmental burden of requiring printed directories may outweigh the directories' usefulness.

Official Notices

The Commission is likely to consider modifying or eliminating the requirement that local service providers deliver printed directories, and also consider allowing or requiring electronic publication of directories. The Commission may consider these options independent of one another, but the availability of electronic directories may inform how the Commission evaluates the need for printed directory delivery.

The current working draft would allow local service providers to continue providing printed directories, and would require each local service provider who wishes to provide electronically published directories to (1) solicit a customer's format preference, (2) provide a directory in the customer's preferred format, and (3) exercise its business judgment concerning the format to provide to customers that do not indicate a preference.

Possible alternatives to the working draft approach include:

- Maintaining the status quo: requiring printed directories be provided unless customers "opt-out," with no requirement for electronically published directories.
- Requiring printed directories be provided unless customers "opt-out," with a requirement that electronically published directories be made available.
- Requiring electronic directories be made available unless customers "opt-in" to receive a printed directory.
- Requiring local service providers to presume, unless a customer specifies otherwise, that customers who receive paper bills wish to receive printed directories, and customers who receive electronic bills do not wish to receive printed directories.
- Requiring electronic directories be made available, with no printed directory requirement.
- Another requirement or combination of requirements not yet identified.

The Commission seeks comment on issues raised by its working draft. In particular, the Commission asks for comments that address the following questions:

1. Should the Commission establish by rule whether electronically published directories should be accessible to the public or to a limited class of persons such as customers? If so, what should the Commission require? The working draft leaves this determination to each local service provider.
2. Should the Commission establish by rule the "default" format of directories (that is, the format of directories provided to customers who do not notify their local service provider of their preference)? If so, what should the Commission require? The working draft leaves the format determination to each local service provider for customers that do not specify a preferred format.
3. Should the Commission's rule distinguish between Business and Residential customers, either by requiring different default directory formats or by permitting local service providers to provide Business and Residential listings in different formats? The working draft leaves the default format determinations to each local service provider, and allows local service providers to publish some listings electronically, and others in print, if a customer does not specify a preferred format.

When commenting on the draft of possible amendments and the above questions, the Commission would find it helpful for comments to address the following considerations in conjunction with any recommendation:

- the expense, materials, effort, and environmental consequences of distributing printed directories;
- the effect on customers who may prefer to receive printed directories, and on customers who may prefer to receive electronic directories;
- the privacy issues that may arise from electronic publication of directory information;
- the economic effects, including identifying any other federal or state regulations that may have a cumulative effect;
- any other issue the Commission should consider.

Persons Affected. Amendments to the rules would affect all Minnesota Local Service Providers governed by *Minnesota Rules* 7811.0600 and 7812.0600, customers of those providers, and any non-customers that receive white pages directories. A Local Service Provider is a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the Commission. Local service provider includes both local exchange carriers and competitive local exchange carriers. Other entities involved in the printing and distribution of telephone directories could be indirectly affected.

Statutory Authority. *Minnesota Statutes*, section 237.16, subdivision 8, authorizes the Commission to adopt rules applicable to all telephone companies and telecommunications carriers that prescribe standards for quality of service, including any additional standards or requirements necessary to ensure the provision of high-quality telephone services throughout the state.

Official Notices

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing or orally until 4:30 p.m. on December 6, 2013. Please refer to PUC Docket No. P-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee to comment on the possible amendments. The Commission welcomes comments that address whether to appoint an advisory committee. If you are willing to serve on an advisory committee, please indicate that as well.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the possible amendments, and requests for more information on the possible amendments should be addressed to: Christopher Moseng, Staff Attorney, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota, 55101-2147; telephone: (651) 201-2223, Fax: (651) 297-7073; E-mail christopher.moseng@state.mn.us.

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.

Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Working Draft. The Commission's current working draft of the possible amendments is set forth below. The draft can also be viewed on the Commission's Public Rulemaking Docket, located at: <http://www.puc.state.mn.us/PUC/consumers/consumers-rulemaking-projects> or at <http://www.puc.state.mn.us>, select "Search eDockets," enter the year (13) and the docket number (459), select "Search."

7810.0100 DEFINITIONS.

Subp. 11a. Complete Directory.

"Complete directory" means a directory that includes the information compiled under Rule 7810.2900, subpart 1, whether printed, electronically published, or some combination thereof. A complete directory includes, but is not limited to:

A. printed or electronically published business and residential listings; or

B. a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest, and publication of the remainder of the local calling area either electronically or in separate printed volumes.

Subp. 26a. Local Service Provider.

"Local Service Provider" or "LSP" means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

7810.2900 FORM AND CONTENT OF DIRECTORIES.

Subpart 1. Basic Requirements.

Telephone directories shall be regularly compiled and shall contain each customer's name, telephone number, and, if practica, address, except they shall not contain public telephone numbers or telephone numbers that are unlisted at the customer's request. Upon issuance, a local service provider shall distribute to all customers served by that directory a complete directory consistent with the customer option provisions of Rule 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.

Subp. 2. Printed Directories.

Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices

Official Notices

as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request.

Printed directories shall:

- A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;
- B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and
- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of telephone company business offices;

Subp. 3. Electronically Published Directories.

Electronically published directories shall:

- A. display the name of the local service provider, the area included in the directory, and the date the directory information was last updated;
- B. display information pertaining to emergency calls, including information for police and fire departments, prior to each directory search;
- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of telephone company business offices;
- D. be prominently displayed on, and accessible to customers from, the company's website; and,
- E. prohibit automated remote access, including but not limited to automated remote access made by a search engine indexer or data aggregator.

7810.2950 DIRECTORIES: CUSTOMER OPTION.

Subpart 1. Customer Option.

A Local Service Provider may publish printed or electronic directories, or some combination thereof. Local service providers that do not intend to electronically publish directories shall distribute a printed directory to each customer, except where an offer is made and explicitly refused by the customer. A Local Service Provider that publishes an electronic directory must deliver a printed directory if that is the customer's format preference. Local service providers shall make available a complete directory to each customer, and shall:

- A. conduct an initial survey of existing customers' directory format preference prior to any directory format change;
- B. present each new customer an opportunity to establish a directory format preference;
- C. permit a customer to establish or change their directory format preference at any time;
- D. annually notify customers of the directory format preference on record and how to change it;

Subp. 2. When No Customer Option is Specified.

Local service providers shall determine whether customers who do not state a directory format preference will receive a printed directory, have access to an electronically published directory, or a combination thereof. Local service providers shall notify customers how the complete directory will be provided, including how to access any electronically published portion.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. Required services.

F. one white pages complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format, one copy of any other directory within the local calling area or except where an offer is made and explicitly refused by the customer;

Official Notices

Statutory Authority: *Minnesota Statutes*, s. 216A.05; 237.10; 237.16

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. Required services.

F. ~~one white pages complete~~ directory per year ~~for each local calling area~~, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format, one copy of any other directory within the local calling area or except where an offer is made and explicitly refused by the customer;

Statutory Authority: *Minnesota Statutes*, s. 216A.05; 237.10; 237.16

Minnesota Department of Transportation (MnDOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF DEBARMENT

NOTICE IS HEREBY GIVEN that the Department of Transportation ("MnDOT") has ordered that the following vendors be debarred for a period of thirty (30) months, effective August 22, 2011 until February 22, 2014:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN
- Danner Family Limited Partnership and its affiliates, South St. Paul, MN
- Ell-Z Trucking, Inc. and its affiliates, South St. Paul, MN
- Danner Environmental, Inc. and its affiliates, South St. Paul, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective March 25, 2011 until March 25, 2014:

- Philip Joseph Franklin, Leesburg, VA
- Franklin Drywall, Inc. and its affiliates, Little Canada, MN
- Master Drywall, Inc. and its affiliates, Little Canada, MN

NOTICE IS HEREBY GIVEN that MnDOT has ordered that the following vendors be debarred for a period of three (3) years, effective May 6, 2013 until May 6, 2016:

- Gary Francis Bauerly and his affiliates, Rice, MN
- Gary Bauerly, LLC and its affiliates, Rice, MN
- Watab Hauling Co. and its affiliates, Rice, MN

Minnesota Statute section 161.315 prohibits the Commissioner, counties, towns, or home rule or statutory cities from awarding or approving the award of a contract for goods or services to a person who is suspended or debarred, including:

- 1) any contract under which a debarred or suspended person will serve as a subcontractor or material supplier,
- 2) any business or affiliate which the debarred or suspended person exercises substantial influence or control, and
- 3) any business or entity, which is sold or transferred by a debarred person to a relative or any other party over whose actions the debarred person exercises substantial influence or control, remains ineligible during the duration of the seller's or transfer's debarment.

B

Not enclosed: a petition for rulemaking

C

Proposed rules dated November 21, 2014, with the Revisor's certificate of approval

1.1 **Public Utilities Commission**1.2 **Proposed Permanent Rules Relating to Residential White Pages Directory**
1.3 **Publication and Distribution**1.4 **7810.0100 DEFINITIONS.**1.5 [For text of subps 1 to 11, see M.R.]

1.6 Subp. 11a. **Complete directory.** "Complete directory" means a directory that
1.7 includes the information compiled under part 7810.2900, subpart 1, whether printed,
1.8 electronically published, or some combination thereof. For example, a complete directory
1.9 may comprise of a printed subset of exchanges in a local calling area relevant to customers
1.10 in a particular geographic area or community of interest and publication of the remainder
1.11 of the local calling area either electronically or in separate printed volumes.

1.12 [For text of subps 12 to 26, see M.R.]

1.13 Subp. 26a. **Local service provider or LSP.** "Local service provider" or "LSP"
1.14 means a telephone company or telecommunications carrier providing local service in
1.15 Minnesota pursuant to a certificate of authority granted by the commission. Local service
1.16 provider includes both local exchange carriers and competitive local exchange carriers.

1.17 [For text of subps 27 to 40, see M.R.]1.18 **7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.**

1.19 Subpart 1. **Basic requirements.** Telephone directories shall be regularly published,
1.20 listing the name, address when practical, and telephone number of all customers, except
1.21 public telephones and numbers unlisted at customer's request. The name of the telephone
1.22 utility, the area included in the directory, the year and month of issue, shall appear on the
1.23 front cover. Information pertaining to emergency calls such as for the police and fire
1.24 departments shall appear conspicuously in the front part of the directory pages. The
1.25 directory shall contain such instructions concerning placing local and long distance calls,

calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request. Telephone directories shall be regularly compiled, and shall contain each customer's name, telephone number, and, if practical, address, except public telephones and numbers unlisted at the customer's request. Upon issuance, a local service provider shall provide to all customers served by that directory a complete directory consistent with the customer option provisions of part 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.

Subp. 2. Printed directories. Printed directories shall:

A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;

B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and

C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices.

Subp. 3. Electronically published directories. Any electronic directory a local service provider directs its customers to shall comply with subpart 1 and part 7810.2950. Electronically published directories shall:

A. display the name of the local service provider;

B. display information pertaining to emergency calls, including information for police and fire departments;

3.1 C. display instructions concerning placing local and long distance calls, calls
3.2 to repair and directory assistance services, calls to local, state, and federal government
3.3 offices, and the location of local service provider business offices; and

3.4 D. be prominently displayed on and accessible from the company's Web site.

3.5 **7810.2950 DIRECTORIES; CUSTOMER OPTION.**

3.6 A local service provider may publish printed or electronic directories, or some
3.7 combination thereof. A local service provider that does not make an electronic directory
3.8 available shall distribute a printed directory to each customer, except where an offer is
3.9 made and explicitly refused by the customer. A local service provider that publishes an
3.10 electronic directory shall provide, at least as often as print directories are issued, notice
3.11 to customers of the availability of an electronic directory, instructions explaining how
3.12 the electronic directory may be accessed, notice that a printed directory is available on
3.13 request, and instructions explaining how to make a request for a printed directory. A local
3.14 service provider that publishes an electronic directory must deliver a printed directory if
3.15 requested by the customer. A local service provider shall not:

3.16 A. require customers to divulge any personally identifiable information, except
3.17 name and delivery address, in order to request a complete directory that is printed or
3.18 contained on a portable physical electronic medium;

3.19 B. require users to create an account or log in, or otherwise provide any
3.20 personally identifiable information in order to access an electronic directory;

3.21 C. obtain, use, or retain any personally identifiable information from customer
3.22 use of or request for a directory, except for the limited purpose of providing a directory in
3.23 the requested format; or

3.24 D. market services, including through its affiliate or publisher, other than
3.25 directories to requesting customers.

4.1 **7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.**

4.2 Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part
4.3 of its local service offering, the following to all customers within its service area:

4.4 [For text of items A to E, see M.R.]

4.5 F. ~~one white pages complete~~ directory per year for each local calling area,
4.6 which may include more than one local calling area, ~~except where an offer is made and~~
4.7 ~~explicitly refused by the customer~~ consistent with the customer option provisions of part
4.8 7810.2950 and, upon a customer's request and in the customer's preferred format among
4.9 the formats offered by the local service provider, one copy of any other directory within
4.10 the local calling area;

4.11 [For text of items G to K, see M.R.]

4.12 **7812.0600 BASIC SERVICE REQUIREMENTS.**

4.13 Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part
4.14 of its local service offering, the following to all customers within its service area:

4.15 A. single party voice-grade service and touch-tone capability;

4.16 B. 911 or enhanced 911 access;

4.17 C. 1 + intraLATA and interLATA presubscription and code-specific equal access
4.18 to interexchange carriers subscribing to its switched access service;

4.19 D. access to directory assistance, directory listings, and operator services;

4.20 E. toll and information service-blocking capability without recurring
4.21 monthly charges as provided in the commission's ORDER REGARDING LOCAL
4.22 DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38
4.23 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING
4.24 ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16,

5.1 1996), which are incorporated by reference, are not subject to frequent change, and are
5.2 available through the statewide interlibrary loan system;

5.3 F. one ~~white pages~~ complete directory per year for each local calling area,
5.4 which may include more than one local calling area, ~~except where an offer is made and~~
5.5 ~~explicitly refused by the customer~~ consistent with the customer option provisions of part
5.6 7810.2950 and, upon a customer's request and in the customer's preferred format among
5.7 the formats offered by the local service provider, one copy of any other directory within
5.8 the local calling area;

5.9 G. a white pages and directory assistance listing, or, upon customer request,
5.10 a private listing that allows the customer to have an unlisted or unpublished telephone
5.11 number;

5.12 H. call-tracing capability according to chapter 7813;

5.13 I. blocking capability according to the commission's ORDER ESTABLISHING
5.14 CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING
5.15 SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER
5.16 RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are
5.17 incorporated by reference, are not subject to frequent change, and are available through
5.18 the statewide interlibrary loan system; and

5.19 J. telecommunications relay service capability or access necessary to comply
5.20 with state and federal regulations.

5.21 [For text of subps 2 to 7, see M.R.]

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Residential White Pages Directory Publication and Distribution

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapters 7810, 7811, and 7812

The attached rules are approved for
publication in the State Register

A blue ink signature of Ryan S. Inman, written in a cursive style, is positioned above a horizontal line.

Ryan S. Inman
Assistant Deputy Revisor

D

Statement of Need and Reasonableness



Page 1 of 1

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to Rules
Concerning White Pages Directory Publication
and Distribution

ISSUE DATE: January 16, 2015

DOCKET NO. P-999/R-13-459

STATEMENT OF NEED AND
REASONABLENESS

**I.
INTRODUCTION**

The Minnesota Public Utilities Commission proposes to amend its rules concerning white pages directory publication and distribution, which are located in Minnesota Rules parts 7810.2900, 7811.0600, and 7812.0600. In 2012, 2013, and 2014, parties have requested that the Commission vary these rules, in part because the economic and environmental burden of requiring printed directories may outweigh the directories' usefulness.

The proposed amendments update the rules to allow Local Service Providers to determine whether they will offer electronic directories to satisfy the rules' directory requirement, while ensuring that individual customers may continue to receive printed directories if that is their preference.

**II.
THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMATS**

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 the Public Utilities Commission through their preferred Telecommunications Relay Service.

**III.
STATUTORY AUTHORITY**

Minnesota Statutes, sections 237.10 and 237.16 authorize the Commission to adopt rules pertaining to the conduct of intrastate telephone business.

IV. STATEMENT OF NEED

The Administrative Procedure Act, Minn. Stat. Ch. 14, requires the Commission to establish the need for the proposed rules by an affirmative presentation of facts. Minn. Stat. §§ 14.14, subd. 2, and 14.23.

The proposed rules are necessary to update the Commission's existing rules related to telephone directories. Commission rules currently require delivery of a printed white pages directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer.¹ Recently, parties have requested that the Commission vary this rule, in part because the economic and environmental burden of requiring printed directories may outweigh the directories' usefulness.

V. STATEMENT OF REASONABLENESS

The Minnesota Administrative Procedure Act also requires the Commission to establish that the proposed rules are a reasonable solution to the problems they are intended to address, that the Commission relied on evidence in choosing the approach adopted in the rules, and that the evidence relied on is rationally related to the approach the Commission chose to adopt. Minn. Stat. §§ 14.14., subd. 2, and 14.23. Minn. R. 1400.2070, subp. 1.

A. The process used to develop the rules facilitated informed decision-making and was the most efficient method for establishing reasonable rules.

The Commission notified all persons who could be identified as potentially interested in or affected by the rules. After issuing a Request for Comments that resulted in recommendations made by stakeholders, the Commission reviewed the recommendations, revised the draft, and sought additional comments. The Commission incorporated several changes that were reasonable, were responsive to the needs of diverse stakeholders, and that carried out the policy objectives that the Commission set forth at the outset of the rulemaking.

B. The rules' approach to implementing policy goals is reasonable.

The Commission has determined that the proposed rules are the most reasonable way to update the rules to accommodate electronic publication of directories. The reasonableness of each specific provision is addressed below.

¹ Minn. R. 7810.2900, 7811.0600, and 7812.0600.

VI. ANALYSIS OF INDIVIDUAL RULES

7810.0100 DEFINITIONS.

Subp. 11a. Complete Directory.

“Complete directory” means a directory that includes the information compiled under part 7810.2900, subpart 1, whether printed, electronically published, or some combination thereof. For example, a complete directory may comprise a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest and publication of the remainder of the local calling area either electronically or in separate printed volumes.

This definition is necessary and reasonable to clarify the use of the term “complete directory” in this rule chapter. The term is used to specify the directory content requirements while permitting the requirements to be satisfied with printed directories, electronic directories, or both in combination.

Subp. 26a. Local Service Provider.

“Local Service Provider” or “LSP” means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

This definition is necessary and reasonable to clarify the use of the term “Local Service Provider” in part 7810. The term is defined in parts 7811.0100 and 7812.0100, and used in parts 7811.0600 and 7812.0600 to identify the regulated parties to whom the directory requirement applies. Because other proposed amendments use “Local Service Provider” in part 7810, the definition is proposed to be repeated in 7810.0100 for clarity.

7810.2900 FORMAT, CONTENT AND DISTRIBUTION OF DIRECTORIES.

~~Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be~~

~~distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request.~~

It is necessary and reasonable to subdivide this existing rule part into subparts that govern the format, content, and distribution of electronic and printed directories. Because the format and distribution of electronic directories is different from the format and distribution of printed directories, the proposed requirements governing the two formats reasonably and necessarily reflect those differences. The substance of the portion proposed to be struck is largely restated in the proposed new subparts immediately below, as is appropriate for electronic or printed directories.

Subpart 1. Basic Requirements.

Telephone directories shall be regularly compiled and shall contain each customer's name, telephone number, and, if practical, address, except public telephones and numbers unlisted at the customer's request. Upon issuance, a local service provider shall provide to all customers served by that directory a complete directory consistent with the customer option provisions of Rule 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.

This subpart is necessary and reasonable to state the basic requirements for compilation of directory content, whether distributed in printed or electronic form. Distribution of a complete directory can be accomplished with printed directories, electronic directories, or both in combination, as is consistent with the other proposed rule provisions.

Subp. 2. Printed Directories.

Printed directories shall:

- A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;
- B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and
- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices.

This subpart is necessary and reasonable to state the basic requirements for printed directories. The requirements state the requirements that currently exist under part 7810.2900, with slight modification to include the requirement that directories contain instructions for calling local, state, and federal government offices.

Subp. 3. Electronically Published Directories.

Any electronic directory to which a Local Service Provider directs its customers shall comply with the provisions of parts 7810.2900, subpart 1 and 7810.2950. Electronically published directories shall:

- A. display the name of the local service provider;
- B. display information pertaining to emergency calls, including information for police and fire departments;
- C. display instructions concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices; and
- D. be prominently displayed on, and accessible from, the company's website.

This subpart is necessary and reasonable to state the basic requirements for electronically published directories. The requirements state the requirements that currently exist under part 7810.2900, with slight modification to accommodate the differences between printed and electronic directories, and to include the requirement that directories contain instructions for calling local, state, and federal government offices.

7810.2950 DIRECTORIES: CUSTOMER OPTION.

A local service provider may publish printed or electronic directories, or some combination thereof. A local service provider that does not make an electronic directory available shall distribute a printed directory to each customer, except where an offer is made and explicitly refused by the customer. A local service provider that publishes an electronic directory shall, at least as often as print directories are issued, provide notice to customers of the availability of an electronic directory, instructions on how the electronic directory may be accessed, notice that a printed directory is available upon request, and instructions on how to make the request for a printed directory. A local service provider that publishes an electronic directory must deliver a printed directory if requested by the customer. A local service provider shall not:

- A. require customers to divulge any personally identifiable information other than their name and delivery address in order to request a complete directory that is printed or contained on a portable physical electronic medium;
- B. require users to create an account, log in, or otherwise provide any personally identifiable information in order to access an electronic directory; and

- C. obtain, use, or retain any personally identifiable information from customer use of or request for a directory, except for the limited purpose of providing a directory in the format requested; and
- D. market services, including through its affiliate or publisher, other than directories to such requesting customers.

This provision is necessary and reasonable to ensure that customer choice is reasonably reflected in how local service providers fulfill the directory requirement. The proposed rule part allows Local Service Providers to determine whether they will offer electronic directories in lieu of printed directories, but ensures that individual customers may elect to receive printed directories if that is their preference. The proposed rule part also allows Local Service Providers *not* to publish electronic directories and to continue to deliver printed directories consistent with the status quo. Finally, in cases where an electronic directory is the Local Service Provider's default option, the proposed rule part requires notice to customers to ensure they know how to access or receive their preferred directory format.

The four prohibited activities in subparts A through D are necessary and reasonable to prevent Local Service Providers from using information or opportunities obtained in the course of fulfilling the directory requirement for purposes other than satisfying their obligation.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. Required services.

- F. ~~one white pages complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area or except where an offer is made and explicitly refused by the customer;~~

The amendments to this subpart are necessary and reasonable to use the term "complete directory," for consistency with the other proposed amendments, and to strike the offer-refusal language because the language is relocated to rule part 7810.2950. The revised language recognizes existing industry practice to provide directories that may contain a subset of a local calling area but does not change the basic obligation to provide directories for the local calling area.

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. Required services.

- F. ~~one white pages complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area or except where an offer is made and explicitly refused by the customer;~~

The amendments to this subpart are necessary and reasonable to use the term “complete directory,” for consistency with the other proposed amendments, and to strike the offer-refusal language because the language is relocated to rule part 7810.2950. The revised language recognizes existing industry practice to provide directories that may contain a subset of a local calling area but does not change the basic obligation to provide a directory for the local calling area.

VII. REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the Statement of Need and Reasonableness. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

- A. A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule. Minn. Stat. § 14.131 (1).**

The following persons will probably be affected by the proposed rules:

- All Minnesota telephone companies or telecommunications carriers providing local service in Minnesota under a certificate of authority granted by the Commission.
- The customers of Minnesota telephone companies or telecommunications carriers providing local service in Minnesota under a certificate of authority granted by the Commission.

The following persons will probably bear the costs of the proposed rules:

- All Minnesota telephone companies or telecommunications carriers providing local service in Minnesota under a certificate of authority granted by the Commission.
- The customers of Minnesota telephone companies or telecommunications carriers providing local service in Minnesota under a certificate of authority granted by the Commission.

The following persons will probably benefit from the proposed rules:

- Minnesota telephone companies or telecommunications carriers providing local service in Minnesota under a certificate of authority granted by the Commission, and their customers, will benefit from greater flexibility in the permissible methods of providing telephone directories.
- B. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues. Minn. Stat. § 14.131 (2).**

In relation to the existing rules, the probable costs to the agency to implement and enforce the proposed amendments are negligible.

In relation to the existing rules, the probable costs to any other agency to implement and enforce the proposed amendments are negligible.

The Commission anticipates no effect on state revenues.

C. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule. Minn. Stat. § 14.131 (3).

The purpose of the proposed rules is to update the requirement that local service providers deliver telephone directories by reasonably allowing publication of electronic directories to satisfy the directory requirement.

The Commission has identified no less costly or less intrusive methods to achieve the purpose of the proposed amendments. The Commission reaches this conclusion after thorough consideration of the comments received in the course of this rulemaking, in light of the Commission's need to adopt rules pertaining to the conduct of intrastate telephone business. Only by amending the Commission's rules can the Commission update the telephone directory requirement to recognize electronic telephone directories.

D. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule. Minn. Stat. § 14.131 (4).

The purpose of the proposed rules is to update the requirement that local service providers deliver telephone directories by reasonably allowing publication of electronic directories to satisfy the directory requirement.

The Commission considered and rejected keeping the existing directory rules without amendment. The existing rules were last revised before the internet was a viable and often preferred means of distributing directory information. Since that time, experience and comments in response to this rulemaking have informed the Commission's understanding of the costs and benefits of printed and electronic directories. The existing rules therefore no longer serve the needs of the public. In order to best balance the diverse interests of local service providers, customers, and the public in the telephone directory requirement, rule amendments are necessary.

The Commission considered and rejected eliminating the directory requirement. The Commission still believes that the provision of telephone directories is a reasonable and necessary basic service requirement for local telephone service. Eliminating the requirement to distribute directories could deprive customers of something the Commission has determined to be a basic aspect of telephone service.

The Commission considered and rejected requiring electronic telephone directories. Not all local service providers wish to provide electronic directories, and not all customers prefer to use electronic directories. The Commission concluded that making electronic directories optional but not mandatory was the most reasonable way to balance the diverse interests of local service providers, customers, and the public.

The Commission considered and rejected prohibiting the publication of printed directories and allowing only electronic directories. The Commission concluded that circumstances are not appropriate for such a dramatic shift. Some local service providers still wish to distribute printed directories, and many customers would be unable to access an electronic directory. The Commission concluded that making electronic directories optional but not mandatory was the most reasonable way to balance the diverse interests of local service providers, customers, and the public.

E. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals. Minn. Stat. § 14.131 (5).

In relation to the existing rules, the probable costs to comply with the proposed amendments are negligible to significantly lower than complying with the existing rule. The rule effectively maintains the status quo for local service providers, but provides them an additional option for satisfying the requirement that is likely to be less costly than the existing option.

F. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals. Minn. Stat. § 14.131 (6).

In the absence of the proposed amendments, the Commission's rules would continue to require printed directories and would not address format or content requirements for electronic directories. The costs of these consequences would be borne by Minnesota local service providers, their customers, and the greater public. They would include the economic and environmental costs of unnecessary printed directory publication, which include substantial CO₂ emissions and natural resource consumption in both the production and disposal of unwanted printed material.

G. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference. Minn. Stat. § 14.131 (7).

No existing federal regulations concern the requirement to provide telephone directories as a basic aspect of telephone service. Accordingly, there are no differences to assess.

H. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. . . . '[C]umulative effect' means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules. Cumulative effects can result from individually minor but collectively significant rules adopted over a period of time. Minn. Stat. § 14.131 (8).

No other federal or state regulations are related to the specific purpose to require distribution of directories as a basic aspect of telephone service. Therefore, this consideration is not applicable for this rule.

VIII.

CONSIDERATION OF PERFORMANCE BASED REGULATORY SYSTEMS

Minn. Stat. §§ 14.002 and 14.131 require the Commission to describe how, in developing the rules, it considered and implemented performance-based standards that emphasize superior achievement in meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

The Commission was guided by performance-based regulatory principles as it developed these proposed amendments. The proposed amendments extend duties and burdens no further than is necessary to fulfill the intended policy objective of ensuring the quality of basic local telephone service. The proposed amendments maximize flexibility for regulated entities to provide directories in a format of their choosing in balance with customers' interest in receiving directories they will find useful and the public's interest in reducing unnecessary waste.

IX.

COST OF RULE COMPLIANCE

As required by Minnesota Statutes, section 14.131, the Commission will consult with Minnesota Management and Budget (MMB). The Commission will do this by sending MMB copies of the documents that the Commission sends to the Governor's Office for review and approval on the same day they are sent to the Governor's office. The Commission will do this before publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Commission will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to the Office of Administrative Hearings (OAH).

For some proposed rules, Minnesota Statutes, section 14.127, requires the agency to determine if the cost of complying with proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The proposed rules are exempt from this requirement, however, because the requirement does not apply to rules proposed by the Public Utilities Commission. Minnesota Statutes, section 14.127, subdivision 4(d).

X. EFFECTS ON LOCAL GOVERNMENTS

Minnesota Statutes, section 14.128 requires the agency to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval.

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The agency has determined that they do not based on this Statement of Need and Reasonableness, the review conducted by the Commissioner of Management and Budget, and comments received on possible proposed rule drafts.

The proposed rules do not impose specific requirements, administrative burdens, or costs on local governments. Therefore the Commission has determined that local governments will not be required to adopt or amend ordinances or other regulations to comply with the proposed rules. Furthermore, the Commission consulted with the Commissioner of Management and Budget, as required by Minnesota Statutes, section 14.131. The Commissioner of Management and Budget determined that the proposed changes will not affect or impose significant costs on local units of government.

Additionally, no comments from stakeholders indicated that local governments would be affected by, or be required to adopt or amend local regulations, to comply with the proposed rules.

XI. LIST OF WITNESSES

If these rules go to a public hearing, the Commission does not plan to rely on any non-agency witnesses at any rule hearing.

XII. LIST OF EXHIBITS

In support of the need for and reasonableness of the proposed rules, the Commission anticipates that it will enter the following exhibits into the hearing record:

1. Request for Comments (38 S.R. 502, October 14, 2013).
2. Comments in response to Request for Comments submitted by: Minnesota Pollution Control Agency, Product Stewardship Institute, Pinnacle Publishing, LLC, CenturyLink, Dex Media East, Inc. (Dex), Citizens Telecommunications Company of

Minnesota, LLC, and Frontier Communications of Minnesota, Inc., Minnesota Department of Commerce, The Minnesota Cable Communications Association, and the Minnesota Telecom Alliance.

3. Comments in response to Notice of Comment Period submitted by: CenturyLink, Dex Media East, Inc. (Dex), Citizens Telecommunications Company of Minnesota, LLC, and Frontier Communications of Minnesota, Inc., Minnesota Department of Commerce, The Minnesota Cable Communications Association, and the Minnesota Telecom Alliance.

XII. ADDITIONAL NOTICE PLAN

To ensure that the public has sufficient notice to participate in a proposed rulemaking, the Administrative Procedure Act requires agencies to take certain steps to publicize their rulemakings. In addition, Minn. Stat. § 14.14, subd. 1a, requires agencies to make unspecified additional efforts to notify persons who might be affected by proposed rules, and § 14.131 requires agencies to describe these efforts in their Statement of Need and Reasonableness.

The Commission plans to publicize its proposed rule changes by:

- Publishing the Notice of Intent to Adopt Rules, and the text of proposed rule changes, in the State Register.
- Mailing a copy of the Notice of Intent to Adopt Rules to everyone who has requested to receive it under Minn. Stat. § 14.14, subd. 1a.
- Giving notice to the Legislature as required by Minn. Stat. § 14.116.
- Publishing the Notice of Intent to Adopt Rules and this Statement of Need and Reasonableness, including the text of the proposed rules, on the Commission's website at <http://www.mn.gov/puc/aboutus/rulemaking-project/>.
- Mailing the Notice of Intent to Adopt Rules to the Commission's existing general and telecom rulemaking lists, the Department of Commerce's lists for Large Local Exchange Carriers, Small Local Exchange Carriers, Competitive Local Exchange Carriers, and to the service lists for Commission docket numbers 12-140, 12-1236, 14-775, and 13-459.
- Issuing a press release to all newspapers of general circulation throughout the state.

The Commission's Notice Plan includes giving the notice required by statute. The Commission will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. The Commission will also give notice to the Legislature as required under Minnesota Statutes, section 14.116.

The Commission's Notice Plan did not include notifying the Commissioner of Agriculture under Minnesota Statutes, section 14.111 because the rules do not affect farming operations.

**XIII.
CONCLUSION**

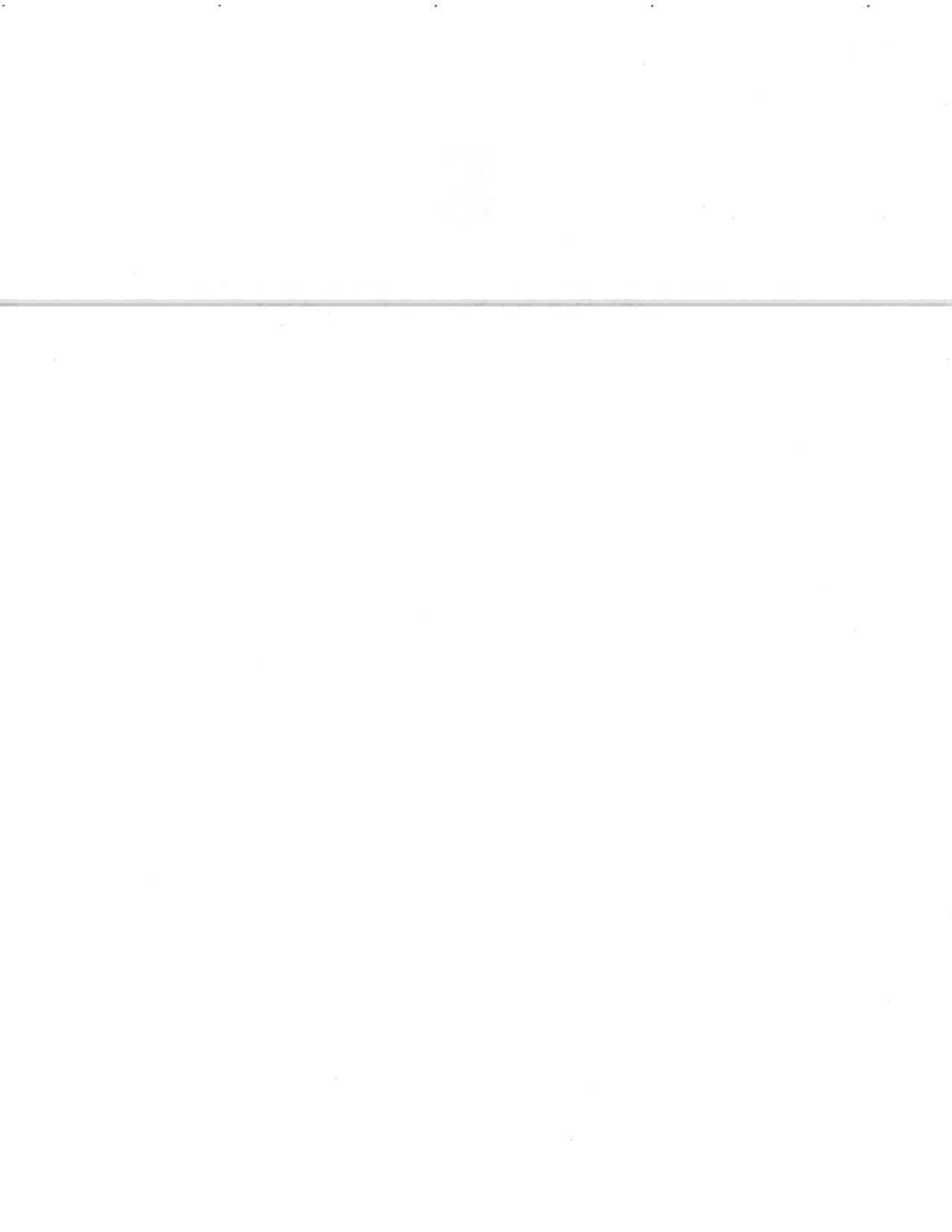
Based on the foregoing, the proposed rules are both needed and reasonable.

Jan 16, 2015
Date

Daniel P. Wolf
Daniel P. Wolf
Executive Secretary

E

**Notice of Intent to Adopt Rules, as mailed, and the Notice of Intent to Adopt Rules,
as published in the State Register on January 20, 2015**



Minnesota Public Utilities Commission

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4218

Proposed Amendment to Rules Concerning White Pages Directory Publication and Distribution

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 19, 2015, a public hearing will be held in the Public Utilities Commission's Large Hearing Room, 121 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, March 2, 2015. To find out whether the rules will be adopted without a hearing or if a hearing will be held, you should contact the agency contact person after February 19, 2015 and before Monday, March 2, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Christopher Moseng at Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, (651) 201-2223, and christopher.moseng@state.mn.us. Please refer to Commission Docket No. E-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Subject of Rules and Statutory Authority. Commission rules currently require delivery of a printed white pages directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer.

The proposed rules would allow Local Service Providers to determine whether they will offer electronic directories in lieu of printed directories, except when individual customers elect to receive printed directories. The proposed rules also allow Local Service Providers *not* to publish electronic directories and to continue to deliver printed directories consistent with the status quo. Finally, in cases where an electronic directory is the Local Service Provider's default option, the proposed rules require notice to customers to ensure they know how to access or receive their preferred directory format.

The statutory authority to adopt the rules is Minnesota Statutes, sections 237.10 and 237.16. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, February 19, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person or the Commission's electronic filing system by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Please refer to

Commission Docket No. E-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request for a public hearing in writing, which must be e-filed, or the agency contact person must receive, by 4:30 p.m. on Thursday, February 19, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for March 2, 2015, will be canceled if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after February 19, 2015, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson's legal assistant Kendra McCausland can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7870, and FAX 651-539-0300.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period be extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

All comments and responses must be received at the Office of Administrative Hearings by fax, delivery, or U.S. Mail, or e-filed in Commission Docket No. E-999/R-13-459 using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>, by 4:30 p.m. on the due date. Please refer to OAH docket No. 11-2500-32109 in your comments. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Commission requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person, or for free at the Commission's Website: <http://www.mn.gov/puc/aboutus/rulemaking-project/> under Docket No. 13-459.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask

to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date

Jan 8, 2015

Daniel P. Wolf

Daniel P. Wolf
Executive Secretary

Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Public Utilities Commission (PUC)

Proposed Permanent Rules Relating to Residential White Pages Directory Publication and Distribution

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4218

Proposed Amendment to Rules Concerning White Pages Directory Publication and Distribution

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 19, 2015, a public hearing will be held in the Public Utilities Commission's Large Hearing Room, 121 - 7th Place East, St. Paul, Minnesota 55101, starting at 10:00 a.m. on Monday, March 2, 2015. To find out whether the rules will be adopted without a hearing or if a hearing will be held, you should contact the agency contact person after February 19, 2015 and before Monday, March 2, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Christopher Moseng at Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, **phone:** (651) 201-2223, and **e-mail:** christopher.moseng@state.mn.us. Please refer to Commission Docket No. E-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Subject of Rules and Statutory Authority. Commission rules currently require delivery of a printed white pages directory to each customer of a local service provider, except where an offer for a directory is made and explicitly refused by the customer.

The proposed rules would allow Local Service Providers to determine whether they will offer electronic directories in lieu of printed directories, except when individual customers elect to receive printed directories. The proposed rules also allow Local Service Providers *not* to publish electronic directories and to continue to deliver printed directories consistent with the status quo. Finally, in cases where an electronic directory is the Local Service Provider's default option, the proposed rules require notice to customers to ensure they know how to access or receive their preferred directory format.

Proposed Rules

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 237.10 and 237.16. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Thursday, February 19, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person or the Commission's electronic filing system by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Please refer to Commission Docket No. E-999/R-13-459 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. You must make your request for a public hearing in writing, which must be e-filed, or the agency contact person must receive, by 4:30 p.m. on Thursday, February 19, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for March 2, 2015, will be canceled if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 201-2223 after February 19, 2015, to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Barbara L. Neilson is assigned to conduct the hearing. Judge Neilson's legal assistant Kendra McCausland can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7870, and **fax:** (651) 539-0300.

Hearing Procedure. If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period be extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

All comments and responses must be received at the Office of Administrative Hearings by fax, delivery, or U.S. Mail, or e-filed in Commission Docket No. E-999/R-13-459 using the Commission's electronic filing system located at:

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<https://www.edockets.state.mn.us/EFiling>

by 4:30 p.m. on the due date. Please refer to OAH docket No. 11-2500-32109 in your comments. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The Commission requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person, or for free at the Commission's Website: <http://www.mn.gov/puc/aboutus/rulemaking-project/> under Docket No. 13-459.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the Commission may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 8 January 2015

Daniel P. Wolf, Executive Secretary
Public Utilities Commission

7810.0100 DEFINITIONS.

[For text of subps 1 to 11, see M.R.]

Subp. 11a. Complete directory. "Complete directory" means a directory that includes the information compiled under part 7810.2900, subpart 1, whether printed, electronically published, or some combination thereof. For example, a complete directory may comprise of a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest and publication of the remainder of the local calling area either electronically or in separate printed volumes.

[For text of subps 12 to 26, see M.R.]

Subp. 26a. Local service provider or LSP. "Local service provider" or "LSP" means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

[For text of subps 27 to 40, see M.R.]

7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.

Subpart 1. Basic requirements. Telephone directories shall be regularly published, listing the name, address when practical, and

Proposed Rules

telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request. Telephone directories shall be regularly compiled, and shall contain each customer's name, telephone number, and, if practical, address, except public telephones and numbers unlisted at the customer's request. Upon issuance, a local service provider shall provide to all customers served by that directory a complete directory consistent with the customer option provisions of part 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.

Subp. 2. **Printed directories.** Printed directories shall:

A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;

B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and

C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices.

Subp. 3. **Electronically published directories.** Any electronic directory a local service provider directs its customers to shall comply with subpart 1 and part 7810.2950. Electronically published directories shall:

A. display the name of the local service provider;

B. display information pertaining to emergency calls, including information for police and fire departments;

C. display instructions concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices; and

D. be prominently displayed on and accessible from the company's Web site.

7810.2950 DIRECTORIES; CUSTOMER OPTION.

A local service provider may publish printed or electronic directories, or some combination thereof. A local service provider that does not make an electronic directory available shall distribute a printed directory to each customer, except where an offer is made and explicitly refused by the customer. A local service provider that publishes an electronic directory shall provide, at least as often as print directories are issued, notice to customers of the availability of an electronic directory, instructions explaining how the electronic directory may be accessed, notice that a printed directory is available on request, and instructions explaining how to make a request for a printed directory. A local service provider that publishes an electronic directory must deliver a printed directory if requested by the customer. A local service provider shall not:

A. require customers to divulge any personally identifiable information, except name and delivery address, in order to request a complete directory that is printed or contained on a portable physical electronic medium;

B. require users to create an account or log in, or otherwise provide any personally identifiable information in order to access an electronic directory;

C. obtain, use, or retain any personally identifiable information from customer use of or request for a directory, except for the limited purpose of providing a directory in the requested format; or

D. market services, including through its affiliate or publisher, other than directories to requesting customers.

Proposed Rules

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

[For text of items A to E, see M.R.]

F. ~~one white pages complete directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;~~

[For text of items G to K, see M.R.]

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

A. single party voice-grade service and touch-tone capability;

B. 911 or enhanced 911 access;

C. 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;

D. access to directory assistance, directory listings, and operator services;

E. toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16, 1996), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system;

F. ~~one white pages complete directory per year for each local calling area, which may include more than one local calling area, except where an offer is made and explicitly refused by the customer consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;~~

G. a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;

H. call-tracing capability according to chapter 7813;

I. blocking capability according to the commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system; and

J. telecommunications relay service capability or access necessary to comply with state and federal regulations.

[For text of subps 2 to 7, see M.R.]

F

Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Commission to omit the text of the proposed rules from the Notice Of Intent To Adopt Rules published in the State Register. This is not enclosed because the Commission included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.




**Certificate of Mailing the Notice of Intent to Adopt Rules and the
Certificate of Accuracy of the Mailing List**

Minnesota Public Utilities Commission

**CERTIFICATE OF MAILING THE DUAL NOTICE TO THE RULEMAKING
MAILING LIST**

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota
Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that on January 16, 2015, at least 33 days before the end of the comment period, at St. Paul, Ramsey County, Minnesota, I mailed the Dual Notice and the proposed rules by depositing a copy in the United States mail with postage prepaid, or sending an electronic copy via email, to all persons and associations on the rulemaking mailing list established by Minnesota Statutes, section 14.14, subdivision 1a.



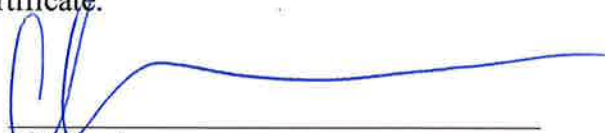
Christopher Moseng
Staff Attorney

Minnesota Public Utilities Commission

CERTIFICATE OF ACCURACY OF THE MAILING LIST

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that the list of persons and associations who have requested that their names be placed on the Public Utilities Commission rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of January 16, 2015. A copy of the mailing list is attached to this Certificate.



Christopher Moseng
Staff Attorney

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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	No	OFF_SL_13-459_R-13-459 Service List
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Mark J.	Angell		Angell And Associates	1075 Rosewood Drive Grapevine, TX 76051	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Deborah S.	Arnolt		IG2, Inc.	5018 196th Street Fresh Meadows, NY 113651319	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
James	Beatlie	jbeatlie@bevcomm.com	Rural Communications Holding Corp.	123 W 7th Street Blue Earth, MN 56013	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
David J.	Benke	david.j.benke@state.mn.us	MN Pollution Control Agency	520 Lafayette Road North St. Paul, MN 55155	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Dirk	Berger	dberger@bevcomm.com	BEVCOMM Eckles Telephone Company	115 Main Street W. New Prague, MN 56071	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kevin	Beyer	mnpucnotices@fedtel.net	Federated Telephone Cooperative	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
David	Bickett		Valley Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
David	Bickett		Park Region Mutual Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Birkholz	N/A	Home Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Birkholz	N/A	Melrose Telephone Company	150 Second St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Birkholz	mark.birkholz@arvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Birkholz	N/A	Osakis Telephone	150 2nd St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Birkholz	N/A	Mainstreet Communications, LLC	150 Second St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Nancy	Blankenhagen	nancyblankenhagen@nuc-telcom.net	New Ulm Telecom Inc.	P.O. Box 697 27 N. Minnesota Street New Ulm, MN 560730697	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kathy	Boutwell	kathyb@chriscomco.net	Christensen Communications Co	104 Main Street West Madelia, MN 56062	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Mark B.	Bring	mbring@otpcoc.com	Otter Tail Power Company	215 South Cascade Street PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Tim	Brinkman	tim.brinkman@parkregion.com	Park Region Mutual Telephone Co.	100 Main Street PO Box 277 Underwood, MN 56586	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Diane	Browning	diane.c.browning@sprint.com	Sprint Corporation	KSOPHN0314-3A459 6450 Sprint Pkwy Overland Park, KS 66251	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Danny	Busche	dannyb@means.net	Minnesota Valley Telephone Company	318 Second Ave East P O Box 310 Franklin, MN 55333-0310	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Lance	Casey	lance.casey@consolidated.com	Consolidated Communications	N/A	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Scott	Cassel	N/A	Product Stewardship Institute, Inc.	29 Stanhope Street, Third Floor Boston, MA 02116	Paper Service	No	OFF SL_13-459_R-13-459 Service List
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Olson	Chris	wcphone@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebekka, MN 56477	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Cathy	Clucas	BADEMAILclathy.clucas@centurylink.com	CenturyLink	200 South 5th St Room 2300 Minneapolis, MN 55402	Paper Service	No	OFF SL_13-459_R-13-459 Service List
Regulatory	Contact	wci.regulatory@windstream.com	Windstream Communications, Inc.	600 Willowbrook Office Park Fairport, NY 14450	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Rod	Cox	rod.cox@tdsmetro.com	TDS Metrocom	Suite 6000 525 Junction Road Madison, WI 53717	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Haleh	Davary	haleh.davary@verizon.com	Verizon	c/o VERIZON 201 Spear St FL 7 San Francisco, CA 94105	Electronic Service	No	OFF SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Daryl	Ecker	daryl.ecker@parkregion.com	Park Region Mutual Telephone Co.	P.O. Box 277 Underwood, MN 56586	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Christianson	Farms			RR 2 Miltona, MN 56354	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Jeffrey	Feldman	jfeldman@everesttv.com	FTTH Communications L.L.C.	c/o EverestTV Two Executive Drive, Site 635 Fort Lee, NJ 07024	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
George	Fish	gfish@gytel.com	Garden Valley Telephone Company	PO Box 259 201 Ross Ave Erskine, MN 56535-0259	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Charles	Forst	charles.forst@zayo.com	Zayo Group, LLC	400 Centennial Pkwy Site 200 Louisville, CO 80027	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Susan	Freeman		Network Operator Services, Inc.	P.O. Box 3529 Longview, TX 75606	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Paul	Fuglie		Verizon Select Services	HQE01H21 600 Hidden Ridge Irving, TX 75038	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Wayne	Gandy		Encompass Communications, LLC	Suite 286 119 West Tyler Street Longview, TX 75601	Paper Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Bill	Garcia	bill.garcia@windstream.com	Windstream	1800 Old Pecos Trail, Suite J Santa Fe, NM 87505	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Shelly	Geerdes	sgeerdes@pinnaclepub.com	Pinnacle Publishing, LLC	4030 Technology Drive NW Bemidji, MN 56601	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Edward H.	Griffin		US LEC Communications, Inc.	6801 Morrison Blvd. Charlotte, NC 28211	Paper Service	No	OFF SL_13-459_R-13-459 Service List
Donna	Gunderson		Johnson Telephone Company	205 1st Avenue NE PO Box 39 Remer, MN 56672	Paper Service	No	OFF SL_13-459_R-13-459 Service List
Mary	Haberek	mhaberek@arni.net	AMI Communications, Inc.	300 Cardinal Drive, Suite 280 St. Charles, IL 60175	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Robert L.	Hammond, Jr.	N/A	BEVCOMM, Inc.	123 W 7th St Blue Earth, MN 56013-1309	Paper Service	No	OFF SL_13-459_R-13-459 Service List
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF SL_13-459_R-13-459 Service List
Bruce	Hanson	N/A	Zumbrota Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	OFF SL_13-459_R-13-459 Service List
William	Heaston	bill.heaston@sdhcommunications.com	PrairieWave Telecommunications, Inc.	2900 W. 10th Street Sioux Falls, SD 57104	Electronic Service	No	OFF SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ted	Heckmann	ted.heckmann@cibell.com	Cincinnati Bell Any Distance, Inc.	P.O. Box 2301 221 E. Fourth Street, 1280 Cincinnati, OH 45201-2301	Electronic Service 03-	No	OFF_SL_13-459_R-13-459 Service List
Jerry	Heiberger	jerry.heiberger@itctel.com	Interstate Telecommunications Coop.	P.O. Box 920 Clear Lake, SD 57226	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Andy	Hennis	andyh@chriscomco.net	Christensen Communications Company	104 West Main Street Madelia, MN 56062	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Scott	Hoffmann	hoffmann@wins.net	Wisconsin Independent Network, LLC	Box 107 800 Wisconsin Street Eau Claire, WI 547033612	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Paul	Hoge	phoge@crosslake.net	Crosslake Communications	35910 County Road 66 PO Box 70 Crosslake, MN 56442	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Rich	Homer		Guaranteed Phone Service	#1 2201 West Broadway Council Bluffs, IA 51501	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Karen	Hyde	bademailkaren.hyde@level3.com	Level 3 Communications	200 Technology Drive Pittsburgh, PA 15219	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Marja	Johnson	lisa@cicom.net	Coast International Inc.	14303 West 95TH Street Lenexa, KS 66215	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street - Suite 1200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Steve	Kalka	skalka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-8322	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
John	Kroger	johnkroger@wctatel.com	Winnebago Cooperative Telecom Assn.	704 E. Main Street Lake Mills, IA 50450	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kevin	Larson	klarson@ctctelcom.com	Consolidated Telephone Company	PO Box 972 1102 Madison St Brainerd, MN 56401	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Larry	Laskowski		Network Billing Systems	155 Willowbrook Blvd Wayne, NJ 7470	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Mary	Lohnes	mary_lohnes@mni.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Bill	Loonan		Lismore Coop. Telephone Co.	PO Box 127 Lismore, MN 56155	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Gregory	Ludvigsen	gregoryludvigsen@live.com	Ludvigsen's Law Offices	1360 University Ave, W., Suite 104 PMB 120 St. Paul, MN 55104-4092	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kathy	Lund	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	27 North Minnesota P.O. Box 697 New Ulm, MN 56073	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lee	Maier	lee@runestone.net	Runestone Telephone Association	PO Box 336 100 Runestone Dr Hoffman, MN 56339-0336	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
James	Mancuso	jmanuso@clearworld.net	Clear World Communications	3501 South Harbor Blvd. Suite 200 Santa Ana, CA 92704	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Thomas	Margavio	tm5886@att.com	BellSouth Long Distance, Inc.	AT&T Midtown Center 675 W Peachtree Ste 17E21 Atlanta, GA 30375	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Francie	McComb		Talk America, Inc.	2134 W. Laburnum Ave. Richmond, VA 232274342	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Anthony	Mendoza	tony@mendozalaoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St Paul, MN 55116	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Shelby	Michlin		Network Billing Systems, LLC	155 Willowbrook Blvd. Wayne, NJ 7470	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Monty	Morrow	montymorrow@nu-telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Michael	Nelson	Michael_Nelson@cable.comcast.com	Comcast Corp.	183 Inverness Drive West Englewood, CO 80112	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
David	Nelson	davidnelson@xpcoop.com	Kandyohi Power Cooperative	P.O. Box 40 8605 47th Street NE Spicer, MN 562880040	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Daniel C.	Nelson	dcdndr@bevcomm.net	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Financial	Officer		Emily Cooperative Telephone Company	P.O. Box 100 Emily, MN 564470100	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Jeffrey J.	Olson	jeffolson@rt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Jean	Pauk	jean.pauk@tdstelecom.com	TDS Telecom	525 Junction Road Madison, WI 53717	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Gloria	Pederson	gpederson@bevcomm.com	Cannon Valley Telephone, Inc.	123 West Seventh Street Blue Earth, MN 56013	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Rochelle	Pervisky	RPerivisky@exchange.hbci.com	Hiawatha Broadband	58 Johnson Street Winona, MN 55987	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Diane	Peters	diane.peters@level3.com	Level 3 Communications, LLC	225 Kenneth Dr. Rochester, NY 14623-4277	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive Burnsville, MN 55306	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300 Las Vegas, NV 89119-3514	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Robert	Riddell	telenuitz@mlecwb.net	Northern Telephone Company	13448 Co. Rd. 25 Wawina, MN 557369721	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Judith A	Riley	jrliley@telecompliance.net	Mosaic Networkx LLC dba MX NETWORK	PO Box 720128 Oklahoma City, OK 73172-0128	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Carey	Roesel	croesel@iminc.com	Technologies Management, Inc.	PO Drawer 200 Winter Park, FL 327900200	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Steve	Roussos	N/A	Convergia, Inc.	237 Hymns Blvd Pointe Claire, Quebec H9R 5C7 CANADA	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Marc	Rozar		Custom Network Solutions, Inc.	Suite 102 210 E Route 4 Paramus, NJ 76525103	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Jill	Sandford	jill.sandford@zayo.com	Zayo Group, LLC	360 Hamilton Avenue White Plains, NY 10601	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Jeff	Schill	jeff.schill@netins.com	Iowa Network Services Inc	4201 Corporate Drive West Des Moines, Iowa 50266	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
David	Schornack	N/A	Felton Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
David	Schornack	N/A	Loretal Systems, Inc.	150 Second Street SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
David	Schornack	N/A	East Otter Tail Telephone Company	150 2nd Street SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
David	Schornack	N/A	The Peoples Telephone Company of Bigfork	150 2nd St. SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Schornack	N/A	Arrowhead Communications Corporation	150 Second Street SW Perham, MN 56573	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
James	Seliga	N/A	FTTH Communications L.L.C.	2930 146th St Ste 105 Rosemount, MN 55068	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Don	Snyders	don@alliancecom.net	Alliance Communications Cooperative, Inc.	PO Box 349 612 Third St Garretson, SD 57030	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Lance J.M.	Steinhart	info@telecomcounsel.com	Attorney at Law	1725 Windward Concourse Ste 150 Alpharetta, GA 30005	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Kate	Stern	BADEMAIL.kate.stern@accesspointinc.com	Access Point, Inc.	1100 Crescent Green, Ste. 109 Cary, NC 27518	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Paul	Stowman	paul@rothsay.us	Rothsay Telephone Company	PO Box 158 137 1st St NW Rothsay, MN 56579-0158	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360 Houston, MN 559430360	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Mike	Theisen		Northern Minnesota Utilities	910 Cloquet Ave. Cloquet, MN 55720	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Mark	Thoma	markthoma@wctatel.com	Winnebago Coop. Telecom Assoc.	704 E Main St Lake Mills, IA 50450	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Carl	Thompson		PromiseVision Technology, Inc.	#212 1050 E 2nd Edmond, OK 73034	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Patricia	Voorhees	regulatory@matrixbt.com	Touch 1 Communications, Inc.	7171 Forest Lane suite 700 Dallas, TX 75230	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Jerry	Watts	jerry.watts@elink.com	EarthLink	3000 Columbia House Blvd Ste 106 Vancouver, WA 98661	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Avi	Weisman		Gold Line Telemanagement Inc.	180 West Beaver Creek Rd Richmond Hill, ON L4B 1B4 CANADA	Paper Service	No	OFF_SL_13-459_R-13-459 Service List
Sandra	Williams	sandrawilliams@netoneint.com	Net One International, Inc.	6933 University Blvd. Winter Park, FL 32792-6707	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
Lyle R.	Williamson	Lyle.Williamson@Verizon.com	Verizon Wireless	8350 E Crescent Pkwy Ste 200 Greenwood Village, CO 80111	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List
David	Wolf	dwolf@gcl.net	Gardenville Cooperative Telephone Association	800 Central Ave N Brandon, MN 56315	Electronic Service	No	OFF_SL_13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	No	OFF SL 13-459_R-13-459 Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ahern	ahern.michael@dorsey.com	Dorsey & Whitney, LLP	50 S 6th St Ste 1500 Minneapolis, MN 554021498	Electronic Service	No	SPL_SL_Rulemaking - Master
Christopher	Anderson	canderson@alliate.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	SPL_SL_Rulemaking - Master
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	SPL_SL_Rulemaking - Master
Roger	Avelsgard	ravelsgard@breckenridgemn.net	City of Breckenridge Utilities	420 Nebraska Ave Breckenridge, MN 56520	Electronic Service	No	SPL_SL_Rulemaking - Master
Jim	Benning	jbenning@duluthmn.gov	City of Duluth	Room 202 411 West First Street Duluth, MN 55802	Paper Service	No	SPL_SL_Rulemaking - Master
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Master
Mark	Birkholz	mark.birkholz@arvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	SPL_SL_Rulemaking - Master
Bruce	Bjerke	bbjerke@minnkota.com	Clearwater-Polk Electric	315 Main Avenue North PO Box O Bagley, MN 566211001	Electronic Service	No	SPL_SL_Rulemaking - Master
Jim	Bowers	N/A	North St. Paul Public Works	2400 Margaret St. N. St. Paul, MN 55109-3020	Paper Service	No	SPL_SL_Rulemaking - Master
Michael	Bradley	mike.bradley@lawmoss.com	Moss & Barnett	150 S. 5th Street, #1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_Rulemaking - Master
Richard G.	Burud	burud@federatedrea.coop	Federated Rural Electric Assoc.	PO Box 69 77100 US Highway 71 Jackson, MN 56143	Electronic Service	No	SPL_SL_Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Patrick D.	Crocker	contact@nationwideregulatorycompliance.com	CROCKER & CROCKER	The Kalamazoo Building 107 West Michigan, 4th Floor Kalamazoo, MI 490074752	Electronic Service	No	SPL_SL__Rulemaking - Master
Jie	Cui	joui@onecommunications.com	CTC Communications Corp. d/b/a EarthLink Business	225 Cedar Hill St Ste 111 Marlborough, MA 01752	Electronic Service	No	SPL_SL__Rulemaking - Master
Jean	Dawson		MN Government Report	B-12 Press Room State Capitol St. Paul, MN 55155	Paper Service	No	SPL_SL__Rulemaking - Master
Liza	Donabauer	ldonabauer@arlingtonmn.com	City of Arlington	204 Shamrock Drive Arlington, MN 55307	Electronic Service	No	SPL_SL__Rulemaking - Master
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	SPL_SL__Rulemaking - Master
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes	SPL_SL__Rulemaking - Master
William	Flynn, Esq.		LINDQUIST & VENNUM P.L.L.P.	4200 IDS Center 80 South 8th Street Minneapolis, MN 55402	Paper Service	No	SPL_SL__Rulemaking - Master
Tony	Gebhard	tony@sytek.com.com	Upsala Cooperative Telephone Association	PO Box 366 117 Main St Upsala, MN 56384	Electronic Service	No	SPL_SL__Rulemaking - Master
Marv	Grunig	winull@windom-mn.com	Windom Municipal Utilities	444 9th Street Windom, MN 56101	Electronic Service	No	SPL_SL__Rulemaking - Master
Steven J.	Haaven	shaaven@minnkota.com	Wild Rice Electric Cooperative, Inc.	PO Box 438 502 North Main Mahnommen, MN 56557	Electronic Service	No	SPL_SL__Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Diane	Hanson	dhanson@bvillemn.net	Barnesville Munc. Phone & Electric	PO Box 550 102 Front Street North Barnesville, MN 56514	Electronic Service	No	SPL_SL__Rulemaking - Master
Bruce	Hanson	N/A	Clara City Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL__Rulemaking - Master
Robert J.	Hauge	lccity@hickorytech.net	Lake Crystal Municipal Utilities	100 E. Robinson Street P.O. Box 86 Lake Crystal, MN 560550086	Electronic Service	No	SPL_SL__Rulemaking - Master
Dan	Hayes		Southern Minnesota Municipal Power	500 1st Avenue SW Rochester, MN 559023303	Paper Service	No	SPL_SL__Rulemaking - Master
William	Heaston	bill.heaston@sdccommunications.com	PrairieWave Telecommunications, Inc.	2900 W. 10th Street Sioux Falls, SD 57104	Electronic Service	No	SPL_SL__Rulemaking - Master
Charles	Heins	cheins@ci.redwood-falls.mn.us	Redwood Falls Public Utilities	PO Box 526 Redwood Falls, MN 562830526	Electronic Service	No	SPL_SL__Rulemaking - Master
John	Herron	N/A	City Of Melrose / Melrose Public Util.	225 East First Street N. Melrose, MN 56352	Paper Service	No	SPL_SL__Rulemaking - Master
Dan	Hoskins	danh@wikitel.com	North Star Electric	P.O. Box 719 Baudette, MN 56623	Electronic Service	No	SPL_SL__Rulemaking - Master
Timothy	Ibisch	cityadmin@heartlandpower.org	City of Tyler	230 N. Tyler Street Tyler, MN 56178	Electronic Service	No	SPL_SL__Rulemaking - Master
Jane	Johnson		City Of Grove City	P.O. Box 98 Groove City, MN 56243	Paper Service	No	SPL_SL__Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Korwin	Johnson	kjohnson@agralite.com	Agrialite Electric Cooperative	PO Box 228 320 East Highway 12 Benson, MN 56215	Electronic Service	No	SPL_SL__Rulemaking - Master
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Master
Linda	Klinkner	lindak@nu-telcom.net	New Ulm Telecom, Inc.	400 Second North PO Box 697 New Ulm, MN 560730697	Electronic Service	No	SPL_SL__Rulemaking - Master
Thomas G.	Koehler	TGK@IBEW160.org	Local Union #160, IBEW	2909 Anthony Ln St Anthony Village, MN 55418-3238	Electronic Service	No	SPL_SL__Rulemaking - Master
Brian	Krambeer	bkramber@lec.coop	Tri-County Electric Cooperative	PO Box 626 31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	SPL_SL__Rulemaking - Master
Pamela	LaBine	nashwaukcityhall@mchsl.com	Nashwauk Public Utilities	301 Central Avenue Nashwauk, MN 55769	Electronic Service	No	SPL_SL__Rulemaking - Master
David	Larson	dave.larson@fosston.com	Fosston Municipal Utilities	220 E 1st St. PO Box 239 Fosston, MN 56542	Electronic Service	No	SPL_SL__Rulemaking - Master
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL__Rulemaking - Master
Michael	Loeffler	mike.loeffler@nngco.com	Northern Natural Gas Co.	CORP HQ, 714 1111 So. 103rd Street Omaha, NE 681241000	Electronic Service	No	SPL_SL__Rulemaking - Master
General	Manager		Lake Country Power	Grand Rapids Service Center 2810 Elida Drive Grand Rapids, MN 55744	Paper Service	No	SPL_SL__Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Meyer	dave@glencoeightandpower.com	Glencoe Light and Power Commission	305 11th Street East Glencoe, MN 55336	Electronic Service	No	SPL_SL_Rulemaking - Master
Deb	Mohelski	debmohehski@mlwl.us	Moose Lake Water And Light Commission	P.O. Box 418 401 Douglas Ave Moose Lake, MN 55767	Electronic Service	No	SPL_SL_Rulemaking - Master
Michael	Monsrud	N/A	Bagley Public Utilities	18 Main Ave. S. PO Box M Bagley, MN 56621	Paper Service	No	SPL_SL_Rulemaking - Master
Katherine	Mudge	katherine.mudge@megapath.com	MegaPath Corporation	1835-B Kramer Ln Ste 100 Austin, TX 78758	Electronic Service	No	SPL_SL_Rulemaking - Master
Ralph D.	Mykkanen	BADEMAIL- ralphm@mlcmmn.com	Mille Lacs Electric Cooperative	P.O. Box 230 Aitkin, MN 56431	Paper Service	No	SPL_SL_Rulemaking - Master
Dale	Narloek	dnarloek@citytrf.net	City of Thief River Falls	Power & Light Dept Box 528 Thief River Falls, MN 56701	Electronic Service	No	SPL_SL_Rulemaking - Master
DeeAnne	Newville	dnewville@renville-sibley.coop	Renville-Sibley Cooperative Power Assn	103 Oak Street Box 88 Danube, MN 56230	Electronic Service	No	SPL_SL_Rulemaking - Master
Mark	Nibaur	markn@austinutilities.com	Austin Utilities	400 Fourth Street NE Austin, MN 55912	Electronic Service	No	SPL_SL_Rulemaking - Master
Wayne	Paplow		City Of Dundee	111 N. Main Street Dundee, MN 56131	Paper Service	No	SPL_SL_Rulemaking - Master
Mark E.	Petsche		Wells Public Utilities	P.O. Box 96 101 1st Street S.E. Wells, MN 56097	Paper Service	No	SPL_SL_Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jennifer	Podolske		Wright Hennepin Co-Op Electric Assoc.	P.O. Box 330 6800 Electric Drive Rockford, MN 55373	Paper Service	No	SPL_SL__Rulemaking - Master
Tolaver	Rapp	Tolaver.Rapp@cliffsnr.com	Cliffs Natural Resources	200 Public Square Suite 3400 Cleveland, OH 441142318	Electronic Service	No	SPL_SL__Rulemaking - Master
Vernell	Roberts		Wadena Light And Water	104 Jefferson Street North Wadena, MN 56402	Paper Service	No	SPL_SL__Rulemaking - Master
Clinton M.	Rogers	clintonmrogers@hotmail.com	Janesville Utilities	101 N. Mott, Box 0 Janesville, MN 560480617	Electronic Service	No	SPL_SL__Rulemaking - Master
Brad	Roos	bradr@marshallutilities.com	Marshall Municipal Utilities	113 4th Street South Marshall, MN 56258	Electronic Service	No	SPL_SL__Rulemaking - Master
Christopher	Sandberg	cksandberg@locklaw.com	LOCKRIDGE GRINDAL NAUEN PLLP	100 Washington Ave S Ste 2200 Minneapolis, MN 55401	Electronic Service	No	SPL_SL__Rulemaking - Master
Marcia	Seibert Volz	N/A	City of Fairfax	18 1st St. SE PO Box K Fairfax, MN 55332	Paper Service	No	SPL_SL__Rulemaking - Master
William J.	Spitzer	mayor@stcharlesmn.org	City of St. Charles	830 Whitewater Avenue St. Charles, MN 55972	Paper Service	No	SPL_SL__Rulemaking - Master
Joseph	Steffel	joseph.steffel@ci.buffalo.mn.us	City of Buffalo Municipal Electric	212 Central Avenue Buffalo, MN 55313	Electronic Service	No	SPL_SL__Rulemaking - Master
Tim	Stoner	timothy.stoner@belw.org	Blue Earth Light & Water Dept.	125 East Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL__Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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	SPL_SL__Rulemaking - Master
Daniel	Tonder	d.tonder@minnpower.com	Minnesota Power	PO Box 60 Little Falls, MN 56345	Electronic Service	No	SPL_SL__Rulemaking - Master
Anthony T.	Ward	atward@grpuc.org	Public Utilities Commission	P O Box 658 500 SE 4th Street Grand Rapids, MN 55744	Electronic Service	No	SPL_SL__Rulemaking - Master
Ray H.	Wigern		Wells Public Utilities	101 First Street SE PO Box 96 Wells, MN 56097	Paper Service	No	SPL_SL__Rulemaking - Master
Sandra	Williams	sandrawilliams@netoneint.com	Net One International, Inc.	6933 University Blvd. Winter Park, FL 32792-6707	Electronic Service	No	SPL_SL__Rulemaking - Master
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	SPL_SL__Rulemaking - Master
Kathy	Zacher	citykaz@acegroup.cc	City Of Rushford	101 N. Mill St. PO Box 430 Rushford, MN 55971	Electronic Service	No	SPL_SL__Rulemaking - Master

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	SPL_SL_Rulemaking - Telecom
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	SPL_SL_Rulemaking - Telecom
Mark J.	Angell		Angell And Associates	1075 Rosewood Drive Grapevine, TX 76051	Paper Service	No	SPL_SL_Rulemaking - Telecom
Deborah S.	Arnott		IG2, Inc.	5018 196th Street Fresh Meadows, NY 113651319	Paper Service	No	SPL_SL_Rulemaking - Telecom
James	Beattie	jbeattie@bevcomm.com	Rural Communications Holding Corp.	123 W 7th Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Dirk	Berger	dberger@bevcomm.com	BEVCOMM Eckles Telephone Company	115 Main Street W, New Prague, MN 56071	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Kevin	Beyer	mnpucnotices@fedtel.net	Federated Telephone Cooperative	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	SPL_SL_Rulemaking - Telecom
David	Bickett		Park Region Mutual Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_Rulemaking - Telecom
David	Bickett		Valley Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mark	Birkholz	N/A	Mainstreet Communications, LLC	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mark	Birkholz	N/A	Home Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom

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Mark	Birkholz	N/A	Osakis Telephone	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mark	Birkholz	mark.birkholz@arvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mark	Birkholz	N/A	Melrose Telephone Company	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
Nancy	Blankenhagen	nancyblankenhagen@nu- telcom.net	New Ulm Telecom Inc.	P.O. Box 697 27 N. Minnesota Street New Ulm, MN 560730697	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Kathy	Boutwell	kathyb@chriscomco.net	Christensen Communications Co	104 Main Street West Madelia, MN 56062	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Mark B.	Bring	mbring@cipco.com	Otter Tail Power Company	215 South Cascade Street PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Tim	Brinkman	tim.brinkman@parkregion.c om	Park Region Mutual Telephone Co.	100 Main Street PO Box 277 Underwood, MN 56586	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Diane	Browning	diane.c.browning@sprint.c om	Sprint Corporation	KSOPHN0314-3A459 6450 Sprint Pkwy Overland Park, KS 66251	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Danny	Busche	dannyb@means.net	Minnesota Valley Telephone Company	318 Second Ave East P O Box 310 Franklin, MN 55333-0310	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Lance	Casey	lance.casey@consolidated.com	Consolidated Communications	N/A	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	Yes	SPL_SL_Rulemaking - Telecom
Olson	Chris	wcphone@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebek, MN 56477	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Cathy	Clucas	BADEMAILcathy.clucas@centurylink.com	CenturyLink	200 South 5th St Room 2300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Rulemaking - Telecom
Regulatory	Contact	wci.regulatory@windstream.com	Windstream Communications, Inc.	600 Willowbrook Office Park Fairport, NY 14450	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Rod	Cox	rod.cox@dsmetro.com	TDS Metrocom	Suite 6000 525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Jie	Cui	jcu@onecommunications.com	CTC Communications Corp. d/b/a EarthLink Business	225 Cedar Hill St Ste 111 Marlborough, MA 01752	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Haleh	Davary	haleh.davary@verizon.com	Verizon	c/o VERIZON 201 Spear St FL 7 San Francisco, CA 94105	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Daryl	Ecker	daryl.ecker@parkregion.com	Park Region Mutual Telephone Co.	P.O. Box 277 Underwood, MN 56586	Paper Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	SPL_SL_Rulemaking - Telecom
Christianson	Farms			RR 2 Miltona, MN 56354	Paper Service	No	SPL_SL_Rulemaking - Telecom
Jeffrey	Feldman	jfeldman@everesttv.com	FTTH Communications L.L.C.	c/o EverestTV Two Executive Drive, 635 Fort Lee, NJ 07024	Electronic Service	No	SPL_SL_Rulemaking - Telecom
George	Fish	gfish@gvtel.com	Garden Valley Telephone Company	PO Box 259 201 Ross Ave Erskine, MN 56535-0259	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Charles	Forst	charles.forst@zayo.com	Zayo Group, LLC	400 Centennial Pkwy Ste 200 Louisville, CO 80027	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Susan	Freeman		Network Operator Services, Inc.	P.O. Box 3529 Longview, TX 75606	Paper Service	No	SPL_SL_Rulemaking - Telecom
Paul	Fuglie		Verizon Select Services	HQE01H21 600 Hidden Ridge Irving, TX 75038	Paper Service	No	SPL_SL_Rulemaking - Telecom
Wayne	Gandy		Encompass Communications, LLC	Suite 286 119 West Tyler Street Longview, TX 75601	Paper Service	No	SPL_SL_Rulemaking - Telecom
Bill	Garcia	bill.garcia@windstream.com	Windstream	1800 Old Pecos Trail, Suite J Santa Fe, NM 87505	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Edward H.	Griffin		US LEC Communications, Inc.	6801 Morrison Blvd. Charlotte, NC 28211	Paper Service	No	SPL_SL_Rulemaking - Telecom
Donna	Gunderson		Johnson Telephone Company	205 1st Avenue NE PO Box 39 Remer, MN 56672	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mary	Haberek	mhaberek@ami.net	AMI Communications, Inc.	300 Cardinal Drive, Suite 280 St. Charles, IL 60175	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Robert L.	Hammond, Jr.	N/A	BEVCOMM, Inc.	123 W 7th St Blue Earth, MN 56013-1309	Paper Service	No	SPL_SL_Rulemaking - Telecom
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JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_Rulemaking - Telecom
William	Heaston	bill.heaston@sdcncommunications.com	PrairieWave Telecommunications, Inc.	2900 W. 10th Street Sioux Falls, SD 57104	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Ted	Heckmann	ted.heckmann@cinbell.com	Cincinnati Bell Any Distance, Inc.	P.O. Box 2301 221 E. Fourth Street, 1280 Cincinnati, OH 45201-2301	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Jerry	Heiberger	jerry.heiberger@itctel.com	Interstate Telecommunications Coop.	P.O. Box 920 Clear Lake, SD 57226	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Andy	Hennis	andyh@chriscomco.net	Christensen Communications Company	104 West Main Street Madelia, MN 56062	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Scott	Hoffmann	hoffmann@wins.net	Wisconsin Independent Network, LLC	Box 107 800 Wisconsin Street Eau Claire, WI 547033612	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Paul	Hoge	phoge@crosslake.net	Crosslake Communications	35910 County Road 66 PO Box 70 Crosslake, MN 56442	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Rich	Homer		Guaranteed Phone Service	#1 2201 West Broadway Council Bluffs, IA 51501	Paper Service	No	SPL_SL_Rulemaking - Telecom
Karen	Hyde	bademailkaren.hyde@level3.com	Level 3 Communications	200 Technology Drive Pittsburgh, PA 15219	Paper Service	No	SPL_SL_Rulemaking - Telecom
Marja	Johnson	lisa@cicom.net	Coast International Inc.	14303 West 95TH Street Lenexa, KS 66215	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bernidji, MN 56601	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Steve	Katka	skatka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-4322	Electronic Service	No	SPL_SL_Rulemaking - Telecom
John	Kroger	johnkroger@wctatel.com	Winnepago Cooperative Telecom Assn.	704 E. Main Street Lake Mills, IA 50450	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kevin	Larson	klarson@cctelcom.com	Consolidated Telephone Company	PO Box 972 1102 Madison St Brainerd, MN 56401	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Larry	Laskowski		Network Billing Systems	155 Willowbrook Blvd Wayne, NJ 7470	Paper Service	No	SPL_SL__Rulemaking - Telecom
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St Paul, MN 551012130	Electronic Service	Yes	SPL_SL__Rulemaking - Telecom
Mary	Lohnes	mary_lohnes@mml.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Bill	Loonan		Lismore Coop. Telephone Co.	PO Box 127 Lismore, MN 56155	Paper Service	No	SPL_SL__Rulemaking - Telecom
Kathy	Lund	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	27 North Minnesota P.O. Box 697 New Ulm, MN 56073	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Lee	Maler	lee@runestone.net	Runestone Telephone Association	PO Box 336 100 Runestone Dr Hofman, MN 56339-0336	Electronic Service	No	SPL_SL__Rulemaking - Telecom
James	Mancuso	j.mancuso@clearworld.net	Clear World Communications	3501 South Harbor Blvd. Suite 200 Santa Ana, CA 92704	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Thomas	Margavio	tm5886@att.com	BellSouth Long Distance, Inc.	AT&T Midtown Center 675 W Peachtree Ste 17E21 Atlanta, GA 30375	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Francie	McComb		Talk America, Inc.	2134 W. Laburnum Ave. Richmond, VA 232274342	Paper Service	No	SPL_SL__Rulemaking - Telecom

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Shelby	Michlin		Network Billing Systems, LLC	155 Willowbrook Blvd. Wayne, NJ 7470	Paper Service	No	SPL_SL_Rulemaking - Telecom
Monty	Morrow	montymorrow@nu-telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Daniel C.	Nelson	dcdtrc@bevcomm.net	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Michael	Nelson	Michael_Nelson@cable.comcast.com	Comcast Corp.	183 Inverness Drive West Englewood, CO 80112	Electronic Service	No	SPL_SL_Rulemaking - Telecom
David	Nelson	davidnelson@xpcorp.com	Kandiyohi Power Cooperative	P.O. Box 40 8605 47th Street NE Spicer, MN 562880040	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Financial	Officer		Emily Cooperative Telephone Company	P.O. Box 100 Emily, MN 564470100	Paper Service	No	SPL_SL_Rulemaking - Telecom
Jeffrey J.	Olson	jeffolson@rrt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Jean	Pauk	jean.pauk@tdstelecom.com	TDS Telecom	525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Gloria	Pederson	gpederson@bevcomm.com	Cannon Valley Telephone, Inc.	123 West Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Rochelle	Pervisky	RPervisky@exchange.nbci.com	Hiawatha Broadband	58 Johnson Street Winona, MN 55987	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Diane	Peters	diane.peters@level3.com	Level 3 Communications, LLC	225 Kenneth Dr. Rochester, NY 14623-4277	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive Burnsville, MN 55306	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300 Las Vegas, NV 89119-3514	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Robert	Riddell	telenutz@mlcwb.net	Northern Telephone Company	13448 Co. Rd. 25 Wawina, MN 557369721	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Judith A	Riley	j.riley@telecompliance.net	Mosaic Network LLC dba MX NETWORK	PO Box 720128 Oklahoma City, OK 73172-0128	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Carey	Roesel	croesel@lminc.com	Technologies Management, Inc.	PO Drawer 200 Winter Park, FL 327900200	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Steve	Roussos	N/A	Convergia, Inc.	237 Hymns Blvd Pointe Claire, Quebec H9R 5C7 CANADA	Paper Service	No	SPL_SL_Rulemaking - Telecom
Marc	Rozar		Custom Network Solutions, Inc.	Suite 102 210 E Route 4 Paramus, NJ 76525103	Paper Service	No	SPL_SL_Rulemaking - Telecom
Jill	Sandford	jill.sandford@zayo.com	Zayo Group, LLC	360 Hamilton Avenue White Plains, NY 10601	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jeff	Schill	jeff.schill@netins.com	Iowa Network Services Inc	4201 Corporate Drive West Des Moines, Iowa 50266	Electronic Service	No	SPL_SL_Rulemaking - Telecom
David	Schornack	N/A	Arrowhead Communications Corporation	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
David	Schornack	N/A	East Otter Tail Telephone Company	150 2nd Street SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
David	Schornack	N/A	Loretel Systems, Inc.	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
David	Schornack	N/A	The Peoples Telephone Company of Bigfork	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
David	Schornack	N/A	Felton Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_Rulemaking - Telecom
James	Seliga	N/A	FTTH Communications L.L.C.	2930 146th St Ste 105 Rosemount, MN 55068	Paper Service	No	SPL_SL_Rulemaking - Telecom
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Kate	Stern	BADEMAIL.kate.stern@accesspointinc.com	Access Point, Inc.	1100 Crescent Green, Ste. 109 Cary, NC 27518	Paper Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Paul	Stowman	paul@rothsay.us	Rothsay Telephone Company	PO Box 158 137 1st St NW Rothsay, MN 56579-0158	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Ronald	Streyle	ronstreyle@juno.com	Rochester Telecom Systems, Inc.	PO Box 235 Rochester, MN 559030235	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360 Houston, MN 559430360	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Mike	Theisen		Northern Minnesota Utilities	910 Cloquet Ave. Cloquet, MN 55720	Paper Service	No	SPL_SL_Rulemaking - Telecom
Mark	Thoma	markthoma@wctatel.com	Winnebago Coop. Telecom Assoc.	704 E Main St Lake Mills, IA 50450	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Carl	Thompson		PromiseVision Technology, Inc.	#212 1050 E 2nd Edmond, OK 73034	Paper Service	No	SPL_SL_Rulemaking - Telecom
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Patricia	Voorhees	regulatory@matixbt.com	Touch 1 Communications, Inc.	7171 Forest Lane suite 700 Dallas, TX 75230	Electronic Service	No	SPL_SL_Rulemaking - Telecom
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	SPL_SL_Rulemaking - Telecom

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jerry	Watts	jerry.watts@ehk.com	EarthLink	3000 Columbia House Blvd Ste 106 Vancouver, WA 98661	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Avi	Weisman		Gold Line Telemanagement Inc.	180 West Beaver Creek Rd Richmond Hill, ON L4B 1B4 CANADA	Paper Service	No	SPL_SL__Rulemaking - Telecom
Sandra	Williams	sandrawilliams@netoneint. com	Net One International, Inc.	6933 University Blvd. Winter Park, FL 32792-6707	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Lyle R.	Williamson	Lyle.Williamson@Verizon.c om	Verizon Wireless	8350 E Crescent Pkwy Ste 200 Greenwood Village, CO 80111	Electronic Service	No	SPL_SL__Rulemaking - Telecom
David	Wolf	dwolf@gctel.net	Gardenville Cooperative Telephone Association	800 Central Ave N Brandon, MN 56315	Electronic Service	No	SPL_SL__Rulemaking - Telecom
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	SPL_SL__Rulemaking - Telecom

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Legal Department
1000 Progress Pl
Concord NC 28025

U13797 CLEC 6231
ARNAN Services, Inc.
Renee Ladd
5125 Mill Rd
Red Wing MN 55066

U13796 CLEC 6228
Access Communications, Inc.
Charles Forst
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Plymouth MN 55446

U13193 CLEC 5537
Access Point, Inc.
Abigail Tucker Regulatory Compliance An
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Cary NC 27518-8105

U13819 CLEC 6261
Advanced Integrated Technologies Inc.
Greg Lohrenz Pres
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U10047 SLEC 500
Albany Mutual Telephone Association
Steve Katka General Manager/COO
131 6th St
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U10073 SLEC 501
Arrowhead Communications Corp.
David Schornack
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U13687 CLEC 6080
BCN Telecom, Inc.
Richard M Boudria President
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U14053 CLEC 6659
Bandwidth.com CLEC, LLC
Lisa Jill Freeman VP & Reg Compliance
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U14047 CLEC 6652
Big River Telephone Company, LLC
Gerald J Howe
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Cape Girardeau MO 63702

U14101 CLEC 6738
AEX Communications, Inc.
Thomas M Fletcher
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Edina MN 55435

U10031 CLEC 442
AT&T Corp.
Karl Wardin Regional VP, Reg
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Chicago IL 60606

U14078 CLEC 6696
Access Media 3, Inc.
Natasha Parrilli
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Oak Brook IL 60523-8828

U13313 CLEC 5639
Ace Link Telecommunications, Inc. dba Ac
David Schroeder
207 E Cedar Street
Houston MN 55943-8713

U13843 CLEC 6286
Airespring, Inc.
Cynthia Firstman Dir Fin
6060 Sepulveda Blvd ste 220
Van Nuys CA 91411-2512

U13463 CLEC 5801
Alexandria Light and Power(P)
Allen Crowser General Manager
PO Box 609
316 Fillmore Street
Alexandria MN 56308-0609

U10077 SLEC 402
Arvig Telephone Company
Jean M Pauk State Governr Affairs Mngr-A
TDS Telecom
525 Junction Rd
Madison WI 53717

U13555 CLEC 5903
BEVCOMM, Inc. dba BEVCOMM
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Blue Earth MN 56013

U10131 SLEC 502
Barnesville Municipal Telephone Company
Guy Swenson Tech Coordinator
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U10149 SLEC 403
Blue Earth Valley Telephone Company dba
Jim Beattie Regulatory
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Blue Earth MN 56013-1309

U13585 CLEC 5939
ANPI Business, LLC
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U14070 CLEC 6685
ATC Outdoor DAS, LLC
Janae Walker Bronson
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U13417 CLEC 5747
Access One, Inc.
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U10036 SLEC 401
Ace Telephone Association
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U6832 CLEC 6832
Airus, Inc.
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U10403 SLEC 528
Alliance Communications Cooperative, Inc
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U13689 CLEC 6082
BBY Networks, Inc.
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Best Buy Networks
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U13432 CLEC 5762
BT Communications Sales LLC
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U10140 SLEC 504
Benton Cooperative Telephone Company
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U10156 SLEC 404
Bridge Water Telephone Company
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U13872 CLEC 6336
Broadband Dynamics, L.L.C.
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U13800 CLEC 6236
Broadwing Communications, LLC
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U13586 CLEC 5940
COMTECH 21, LLC
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U13879 CLEC 6347
Cbeyond Communications, LLC dba Birch
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U10738 SLEC 551
CenturyTel of Minnesota, Inc. dba Century
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Minneapolis MN 55402

U13286 CLEC 5615
Charter Fiberlink CC VIII, LLC
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U10640 SLEC 545
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U13242 CLEC 5575
City of Buffalo
Merton Auger City Admin
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U10231 SLEC 511
Clara City Telephone Exchange Company
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U14092 CLEC 6720
Common Point LLC
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U14052 CLEC 6658
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U13745 CLEC 6168
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U10213 SLEC 507
Callaway Telephone Company
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U13251 CLEC 5583
Central Transport Group, LLC
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U10935 SLEC 563
CenturyTel of Northwest Wisconsin, LLC d
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U14090 CLEC 6716
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U12559 CLEC 3165
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U13119 CLEC 5473
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U10233 SLEC 512
Clements Telephone Company, Inc.
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U6917 CLEC 6917
Compudyne, Inc.
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U14091 CLEC 6719
Broadvox-CLEC, LLC
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U13262 CLEC 5593
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U10215 SLEC 508
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U10227 SLEC 509
CenturyTel of Chester, Inc. dba CenturyLir
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U12718 CLEC 5096
Centurylink Communications, LLC
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U13914 CLEC 6412
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U12251 CLEC 3123
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U10320 SLEC 408
East Otter Tail Telephone Company
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U13067 CLEC 5423
Electric Lightwave, LLC
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U10335 SLEC 521
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U12980 CLEC 5340
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U10363 CLEC 522
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U10366 CLEC 523
Federated Telephone Cooperative
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U14009 CLEC 6589
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U6841 CLEC 6841
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U13160 CLEC 5508
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U10315 SLEC 518
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U10323 SLEC 519
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U11037 CLEC 430
Embarq Minnesota, Inc. dba CenturyLink
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U14098 CLEC 6731
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U10363 SLEC 522
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U10367 SLEC 524
Felton Telephone Company, Inc.
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U13798 CLEC 6232
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U12954 CLEC 5316
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U10223 CLEC 405
Frontier Communications of Minnesota, Inc
Scott Bohler
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U6840 CLEC 6840
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U10445 SLEC 532
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U10459 SLEC 535
Home Telephone Company
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U13659 CLEC 6039
Hypercube Telecom, LLC
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U13440 CLEC 5772
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U10295 SLEC 515
Interstate Telecommunications Cooperativ
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U13844 CLEC 6287
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Geoff Cookman
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U13825 CLEC 6267
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Integra Telecom of Minnesota, Inc.
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U12262 CLEC 3144
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Beth Tollefson
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Kasson MN 55944

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Kasson MN 55944

U13306 CLEC 5634
Knology of the Plains, Inc. dba WOW! Inter
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U13482 CLEC 5822
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U10586 SLEC 541
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Bonnie Simon reg
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U10724 SLEC 420
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U13916 CLEC 6414
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U10661 CLEC 3012
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U13231 CLEC 5321
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U13345 CLEC 5656
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U10642 SLEC 546
Manchester-Hartland Telephone Co.
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U10643 SLEC 414
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U10647 CLEC 3038
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U13869 CLEC 6329
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U14041 CLEC 6640
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U12876 CLEC 5242
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U14037 CLEC 6636
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U6852 CLEC 6852
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Lake Mary FL 32746

U10855 CLEC 425
Runestone Telephone Association
Lee Maier
PO Box 336
Hoffman MN 56339-0336

U12819 CLEC 5188
Securus Technologies, Inc.
Curtis Hopfinger Director-Reg & Gov'n't A
14651 Dallas Pkwy Ste 600
Dallas TX 75254-8815

U13650 CLEC 6026
Sound Choice Communications, LLC
Eric James Osterberg Officer
PO BOX 17010
Minneapolis MN 55417

U6875 CLEC 6875
Spectrotel, Inc.
Ross Artale COO
3535 State Highway 66 STE 7
Neptune NJ 07753

U13842 CLEC 6285
St. Olaf College
Craig Dunton Director of Telecommunica
1520 St. Olaf Ave
Northfield MN 55057-1098

U10785 CLEC 423
Paul Bunyan Rural Telephone Coop
Gary Johnson Gen Mgr
1831 Anne Street NW
Bemidji MN 56601-5660

U13889 CLEC 6370
Preferred Long Distance, Inc.
Keith Nussbaum President
16830 Ventura Blvd Ste 350
Encino CA 91436

U10706 CLEC 421
Qwest Corporation
JoAnn Hanson
200 S 5TH ST STE 2200
Minneapolis MN 55402

U6859 CLEC 6859
Redwood County Telephone Company
Mark Birkholz
160 2nd St SW
Perham MN 56573

U10851 SLEC 560
Rothsay Telephone Company
Wayne Stowman President
137 1st St NW
Rothsay MN 56579

U10914 SLEC 561
Sacred Heart Telephone Company
Bruce Hanson Regulatory
1700 Technology Dr Ste 100
Willmar MN 56201

U6890 CLEC 6890
SelecTel, Inc.
Matt O'Flaherty President
1825 N Bell St
Freemont NE 68025

U10937 SLEC 3076
South Dakota Network, LLC
William P Heaston
2900 W 10th St
Sioux Falls SD 57104-2543

U10942 SLEC 564
Spring Grove Communications
Craig Otterness
166 W Main St
Spring Grove MN 55974

U10952 SLEC 565
Starbuck Telephone Company
Bruce Hanson Regulatory
1700 Technology Dr Ste 100
Willmar MN 56201

U13950 CLEC 6454
SunGard NetWork Solutions Inc.
Thomas Quinn Mgr Tax & Compliance
680 E Swedesford Rd
Wayne PA 19087-1605

U6906 CLEC 6906
TNCI Operating Company LLC
Jeff Compton Pres & CEO
114 E Haley St Ste A
Santa Barbara CA 93101-2347

U14068 CLEC 6683
TTM Operating Corporation, Inc.
Kurt C Maass
146 N Canal St Ste 210
Seattle WA 98103-8652

U13616 CLEC 5981
TW Telecom of Minnesota LLC
Pamela Hollick Vice President of Regulation
4625 W 86th St Ste 500
Indianapolis IN 46268

U13198 CLEC 5542
Tekstar Communications, Inc.
David Schornack General Manager
dbaArvig Communication Systems
150 2nd St. SW
Perham MN 56573

U6885 CLEC 6885
Telcologix, LLC
Linda Dobinson Operations Officer
209 W 1st St. ste 200
Duluth MN 55802-1909

U14049 CLEC 6654
TeleCommunication Systems, Inc.
Kim Scovill
275 West St
Annapolis MD 21401

U14076 CLEC 6694
TeleQuality Communications, Inc.
Jeff Reynolds President
16601 Blanco Rd Ste 207
San Antonio TX 78232

U13792 CLEC 6224
Telecom One, Inc.
Carrie Schmidt
13400 Bishops Lane Ste 295
Brookfield WI 53005-6231

U14056 CLEC 6665
Telephone Associates of Minnesota, Inc.
Kathy Conner
329 Grand Ave
Superior WI 54880

U13002 CLEC 5361
Telephone Associates, Inc.
Joe Mattison CFO
329 Grand Avenue
Superior WI 54880

U13146 CLEC 5496
Teleport Communications America, LLC
Karl Wardin Regional VP, Regulatory
225 W Randolph St, 27C350
Chicago IL 60606

U13867 CLEC 6326
Telrite Corporation
Melissa Driskell Regulatory Manager
4113 Monticello St, Ste 330
Covington GA 30014

U10789 SLEC 554
The Peoples Telephone Company of Bigfork
Mark Birkholz
150 2nd St. SW
Perham MN 56573

U11022 SLEC 429
Twin Valley-Ulen Telephone Co.
Mark Birkholz
150 2nd St SW
Perham MN 56573

U6873 CLEC 6873
US Signal Company, L.L.C.
Katherine Barker Marshall
201 Ionia Ave SW
Grand Rapids MI 49503

U11025 CLEC 465
USLink, Inc. dba TDS METROCOM
Peter Healy
525 Junction Rd, Ste 6000
Madison WI 53717

U11040 CLEC 566
Upsala Cooperative Telephone Association
Melissa Tschida
PO Box 277
Upsala MN 56384

U11040 SLEC 566
Upsala Cooperative Telephone Association
Melissa Tschida
PO Box 277
Upsala MN 56384

U13394 CLEC 5720
VAL-ED Joint Venture, LLP
Jennifer Rise
702 Main Ave
Moorhead MN 56560

U11056 SLEC 567
Valley Telephone Company
Dave Bickett
PO Box 277
100 Main St
Underwood MN 56586

U13621 CLEC 5986
Velocity Telephone, Inc.
Jim Hickie
Ste 100
4050 Olson Memorial Hwy
Golden Valley MN 55422

U6821 CLEC 6821
Velocity The Greatest Phone Company Ever
Chip Werner Chief Operating Officer
7130 Spring Meadows W Dr
Holland OH 43528

U12766 CLEC 5139
Verizon Select Services, Inc.
Joan Engler Mgr Financial
One Verizon Way
VC53S460
Basking Ridge NJ 07920

U6918 CLEC 6918
Voxbeam Telecommunications Inc. dba M
Ryan Rapolti
7450 Dr. Phillips Blvd Ste 314
Orlando FL 32819

U11089 CLEC 431
West Central Telephone Assoc
Sheldon Sagedahl
308 Frontage Road
PO Box 304
Sebeka MN 56477

U11089 SLEC 431
West Central Telephone Assoc
Sheldon Sagedahl
308 Frontage Road
PO Box 304
Sebeka MN 56477

U11097 SLEC 570
Western Telephone Company dba NU-Tel
Kathy Lund
c/o New Ulm Telecom Inc.
27 N Minnesota St Box 697
New Ulm MN 56073-0697

U13727 CLEC 6138
Wholesale Carrier Services, Inc.
Natalia Rodrigues
5471 N University Dr
Coral Springs FL 33067-4634

U6850 CLEC 6850
WiMacTel, Inc.
James MacKenzie President & CEO
13515 I Circle
Omaha NE 68137

U11101 CLEC 432
Wikstrom Telephone Company
Curtiss Wikstrom
PO Box 217
212 S Main Street
Karlstad MN 56732-0217

U13330 CLEC 5654
Windstream Direct, LLC
Bill Garcia VP, State Govt Affairs
c/o Windstream Communications
1800 Old Pecos Trl Ste J
Santa Fe NM 87505

U12858 CLEC 5225
Windstream Lakedale Link, Inc.
Bill Garcia VP, Govt Affairs
c/o Windstream Communications
1800 Old Pecos Trail Ste J
Sante Fe NM 87505

U14054 CLEC 6660
Windstream Norlight, Inc.
Bill Garcia VP, State Govt Affairs
1800 Old Pecos Trl Ste J
Santa Fe NM 87505

U11106 CLEC 571
Winnebago Coop. Telecom Assoc.
Mark Thoma General Manager
704 E Main St
Lake Mills IA 50450

U13598 CLEC 5958
Wisconsin Independent Network, LLC
Scott A Hoffmann CEO
800 Wisconsin St
Bldg D02 Ste 219 Mailbox 107
Eau Claire WI 54703

U11112 SLEC 575
Woodstock Telephone Company
Kenneth Knuth President
337 Aetna St
Ruthton MN 56170

U13997 CLEC 6555
YMax Communications Corp.
Mark Pavol Reg Mgr
PO Box 6785
West Palm Beach FL 33404-6785

U6854 CLEC 6854
Zayo Group, LLC
Charles Forst Counsel
400 Centennial Pkwy Ste 200
Louisville CO 80027-1210

U14083 CLEC 6707
iNetworks Group, Inc..
David J Smat
125 S Wacker Dr Ste 2510
Chicago IL 60606

U11101 SLEC 432
Wikstrom Telephone Company
Curtiss Wikstrom
PO Box 217
212 S Main Street
Karlstad MN 56732-0217

U13534 CLEC 5882
Windstream EN-TEL, LLC
Bill Garcia VP, State Gvt Affairs
c/o Windstream Communications
1800 Old Pecos Trl Ste J
Sante Fe NM 87505

U10579 SLEC 413
Windstream Lakedale, Inc.
Bill Garcia VP, Gvt Affairs
c/o Windstream Communications
1800 Old Pecos Trail Ste J
Sante Fe NM 87505

U14089 CLEC 6714
Windstream Northstar, LLC
Bill Garcia
c/o Windstream Communications
1440 M street
Lincoln NE 68508-2591

U11108 SLEC 573
Winsted Telephone Company
Jean M Pauk External Relations Manager,
TDS Telecom
525 Junction Rd
Madison WI 53717

U11111 SLEC 574
Wolverton Telephone Company
Dave Dunning Gen Mgr
PO Box 270
Park River ND 58270-0270

U14093 CLEC 6721
Worldview Video Relay Service, LLC dba W
Johnny Michael President
3832 Dunbar Court
Brooklyn Park MN 55443-1975

U14014 CLEC 6598
Yestel USA, Inc.
Regulatory Contact Fin Controller
4343 E Lowell St
c/o TIMES TELECOM USA
Ontario CA 91761-2222

U11125 SLEC 577
Zumbrota Telephone Company
Bruce Hanson Regulatory
1700 Technology Dr Ste 100
Willmar MN 56201

U13314 CLEC 5640
inContact, Inc. dba UCN
Kimm Partridge Corporate Secretary
7730 S Union Park Ave Ste 500
Midvale UT 84047-5572

U12806 SLEC 5176
Wilderness Valley Telephone Co. Inc.
Robert Riddell
13488 Cty Rd 25
Wawina MN 55736-2021

U14058 CLEC 6667
Windstream KDL, Inc.
Bill Garcia VP, State Govt Affairs
c/o Windstream Communications
1800 Old Pecos Trl Ste J
Sante Fe NM 87505

U12640 CLEC 5041
Windstream NTI, Inc.
Bill Garcia VP, State Govt Affairs
1800 Old Pecos Trl Ste J
Santa Fe NM 87505

U11106 SLEC 571
Winnebago Coop. Telecom Assoc.
Mark Thoma General Manager
704 E Main St
Lake Mills IA 50450

U11109 SLEC 572
Winthrop Telephone Company
Danny Busche Office Mgr.
PO Box 310
318 2nd Ave E
Franklin MN 55333-0310

U11112 CLEC 575
Woodstock Telephone Company
Kenneth Knuth President
337 Aetna St
Ruthton MN 56170

U13923 CLEC 6422
XO Communications Services, LLC
Rex Knowles Ex Dir Reg
13865 Sunrise Valley Dr
Herndon VA 20171

U6833 CLEC 6833
Zayo Enterprise Networks, LLC
Peter Chevalier General Counsel
400 Centennial Pkwy Ste 200
Louisville CO 80027-1210

U6847 CLEC 6847
dishNET Wireline L.L.C.
William Hunt Reg Dir
9601 S Meridian Blvd
Englewood CO 80112-5905

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_12-140_Official
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	OFF_SL_12-140_Official
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	OFF_SL_12-140_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_12-140_Official
John	Lindell	agorud.sc@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_12-140_Official
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	OFF_SL_12-140_Official
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_12-140_Official

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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	SPL_SL_12-140_Interested Parties
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	SPL_SL_12-140_Interested Parties
Greg	Arvig	GARVIG@NEXTERA.NET	Nextera Communications	Suite 100 7115 Forthum Rd Baxter, MN 56425	Electronic Service	No	SPL_SL_12-140_Interested Parties
Kevin	Beyer	kbeyer@fedtel.net	Farmers Mutual Telephone Company	301 2nd St S Bellingham, MN 56212-1000	Electronic Service	No	SPL_SL_12-140_Interested Parties
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	SPL_SL_12-140_Interested Parties
Diane	Browning	diane.c.browning@sprint.com	Sprint Corporation	KSOPHN0314-3A459 6450 Sprint Pkwy Overland Park, KS 66251	Electronic Service	No	SPL_SL_12-140_Interested Parties
Mary	Buley	mary.buley@onvoy.com	Onvoy, LLC	10300 6th Ave N Plymouth, MN 55441	Electronic Service	No	SPL_SL_12-140_Interested Parties
Corporate Tel.	Carrier Relations	N/A	Charter Communications, Inc.	12405 Powerscourt Drive St. Louis, MO 63131	Paper Service	No	SPL_SL_12-140_Interested Parties
Richard	Chapkis	N/A	Comcast Phone of Minnesota	One Comcast Center 50th Fl Philadelphia, PA 19103	Paper Service	No	SPL_SL_12-140_Interested Parties
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	SPL_SL_12-140_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Beth	Choroser	beth_choroser@comcast.com	Comcast Business Communications, Inc.	One Comcast Center, 50th Floor Philadelphia, PA 19103	Electronic Service	No	SPL_SL_12-140_Interested Parties
Attn:	Controller	N/A	En-Tel Communications, LLC	9938 State Highway 55 NW Annandale, MN 55302-0340	Paper Service	No	SPL_SL_12-140_Interested Parties
Haleh	Davary	haleh.davary@verizon.com	Verizon	c/o VERIZON 201 Spear St. FL 7 San Francisco, CA 94105	Electronic Service	No	SPL_SL_12-140_Interested Parties
Law	Department	N/A	PrairieWave Telecommunications, Inc.	5100 S- Broadband Ln Sioux Falls, SD 57108	Paper Service	No	SPL_SL_12-140_Interested Parties
Legal	Department	N/A	Charter Communications, Inc.	12405 Powerscourt Drive St. Louis, MO 63131	Paper Service	No	SPL_SL_12-140_Interested Parties
Brian	Douglass	bdouglass@mediacomcc.com	MCC Telephony of Minnesota, LLC dba Mediacom	One Mediacom Way Mediacom Park, NY 10918	Electronic Service	No	SPL_SL_12-140_Interested Parties
Bill	Garcia	bill.garcia@windstream.com	Windstream	1800 Old Pecos Trail, Suite J Santa Fe, NM 87505	Electronic Service	No	SPL_SL_12-140_Interested Parties
Rich	Homer		Guaranteed Phone Service	#1 2201 West Broadway Council Bluffs, IA 51501	Paper Service	No	SPL_SL_12-140_Interested Parties
Mark	Houlton		Houlton Enterprises, Inc.	2201 West Broadway, #1 Council Bluffs, IA 515013605	Paper Service	No	SPL_SL_12-140_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Gerard	Howe	jhowe@bighivertelephone.com	Big River Telephone Company	24 South Minnesota Avenue Cape Girardeau, MO 63703	Electronic Service	No	SPL_SL_12-140_Interested Parties
Charles	Hudak	chudak@fz2.com	FRIEND, HUDAK & HARRIS, LLP	3 Ravinia Dr Ste 1450 Atlanta, GA 303462131	Electronic Service	No	SPL_SL_12-140_Interested Parties
Rex	Knowles	Rex.Knowles@xo.com	XO Communications Services, Inc.	8851 Sandy Parkway Sandy, UT 84070	Electronic Service	No	SPL_SL_12-140_Interested Parties
Gegi	Leege	gegi.leege@xo.com	XO Communications	13865 Sunrise Valley Drive Herndon, VA 20171	Electronic Service	No	SPL_SL_12-140_Interested Parties
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL_12-140_Interested Parties
General	Manager	N/A	Local Access Network, LLC	2220 125th St. NW Rice, MN 56367-9701	Paper Service	No	SPL_SL_12-140_Interested Parties
Interconnection	Manager	N/A	Onvoy, Inc.	10300 6th Ave. N. Plymouth, MN 55441-6371	Paper Service	No	SPL_SL_12-140_Interested Parties
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	SPL_SL_12-140_Interested Parties
Michael R.	Moore	michael.moore@chartercom.com	Charter Communications, Inc.	12405 Powerscourt Drive St. Louis, MO 63131	Electronic Service	No	SPL_SL_12-140_Interested Parties
Michael	Nelson	Michael_Nelson@cable.comcast.com	Comcast Corp.	183 Inverness Drive West Englewood, CO 80112	Electronic Service	No	SPL_SL_12-140_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kris	Rademacher	krisr@farmerstel.net	Farmers Mutual Telephone Co.	301 2nd St S Bellingham, MN 562120369	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Carrie	Rice	Carrie.Rice@enventis.com	Enventis Telecom, Inc.	221 E Hickory St Mankato, MN 56001-3610	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Charles E.	Richardson, III	richardson@momentumtel.com	Momentum Telecom, Inc.	Suite 200 2700 Corporate Drive Birmingham, AL 35242	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Cheryl	Scapanski	cscapanski@bctelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Bruce	Schoonover	bademailbruce.schoonover@knology.com	Knology of the Plains, Inc.	1241 OG Skinner Dr West Point, GA 31833-1789	Paper Service	No	SPL_SL_12- 140_Interested Parties
Andrew	Schwanther	as@bigrivertelephone.com	Big River Telephone Company	24 S Minnesota Ave Cape Girardeau, MO 63703-6031	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Anna	Sokolín Maimon	amaimon@mediacomcc.com	MCC Telephony of Minnesota, LLC dba Mediacom	One Mediacom Way Mediacom Park, NY 10918	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Keith	Stubbe	tunesrus@iw.net	Southwest Minnesota Broadband Services	PO BOX 1006 Lakefield, MN 56150	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Richard	Thayer	rick.thayer@level3.com	Level 3 Communications, LLC	1025 Eldorado Boulevard Broomfield, CO 80021	Electronic Service	No	SPL_SL_12- 140_Interested Parties
Curtiss	Wikstrom	curtw@wiktel.com	Wikstrom Telephone Company	PO Box 217 212 South Main St Karlstad, MN 56732-0217	Electronic Service	No	SPL_SL_12- 140_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lyle R.	Williamson	Lyle.Williamson@Verizon.com	Verizon Wireless	8350 E Crescent Pkwy Ste 200 Greenwood Village, CO 80111	Electronic Service	No	SPL_SL_12-140 Interested Parties
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	SPL_SL_12-140 Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_12-1236_12-1236
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_12-1236_12-1236
Reid	Chisholm	reid.chisholm@dexone.com	Dex Media East, Inc.	1001 Winstead Drive Cary, NC 27513	Electronic Service	No	OFF_SL_12-1236_12-1236
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_12-1236_12-1236
Brooks	Harlow	bharlow@fcclaw.com	Lukas, Nace, Gutierrez & Sachs, LLP	8300 Greensboro Drive Suite 1200 McLean, VA 22102	Electronic Service	No	OFF_SL_12-1236_12-1236
John	Lindell	agorud.scf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_12-1236_12-1236
Gregory	Ludvigsen	gregoryludvigsen@live.com	Ludvigsen's Law Offices	1360 University Ave. W., Suite 104 PMB 120 St. Paul, MN 55104-4092	Electronic Service	No	OFF_SL_12-1236_12-1236
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	OFF_SL_12-1236_12-1236
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	OFF_SL_12-1236_12-1236
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_12-1236_12-1236

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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	SPL_SL_14- 775_Interested Parties
Kristine	Anderson	kanderson@jagcom.net	Jaguar Communications, Inc.	213 S Oak Ave Ste 2000 Owatonna, MN 55060	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Mark J.	Angell		Angell And Associates	1075 Rosewood Drive Grapevine, TX 76051	Paper Service	No	SPL_SL_14- 775_Interested Parties
Deborah S.	Arnott		IG2, Inc.	5018 196th Street Fresh Meadows, NY 113651319	Paper Service	No	SPL_SL_14- 775_Interested Parties
James	Beattie	jbeatie@bevcomm.com	Rural Communications Holding Corp.	123 W 7th Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_14- 775_Interested Parties
David J.	Benke	david.j.benke@state.mn.us	MN Pollution Control Agency	520 Lafayette Road North St. Paul, MN 55155	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Dirk	Berger	dberger@bevcomm.com	BEVCOMM Eckles Telephone Company	115 Main Street W. New Prague, MN 56071	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kevin	Beyer	mnpucnotices@fedtel.net	Federated Telephone Cooperative	405 2nd Street East PO Box 156 Chokio, MN 56221	Electronic Service	No	SPL_SL_14- 775_Interested Parties
David	Bickett		Park Region Mutual Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_14- 775_Interested Parties
David	Bickett		Valley Telephone Co.	PO Box 277 100 Main Street Underwood, MN 56586	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mark	Birkholz	N/A	Melrose Telephone Company	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Birkholz	N/A	Home Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mark	Birkholz	N/A	Osakis Telephone	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mark	Birkholz	mark.birkholz@anvig.com	Redwood County Telephone Company	150 2nd Ave SW Perham, MN 56573	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Mark	Birkholz	N/A	Clements Telephone Company	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mark	Birkholz	N/A	Mainstreet Communications, LLC	150 Second St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
Nancy	Blankenhagen	nancyblankenhagen@nu- telcom.net	New Ulm Telecom Inc.	P.O. Box 697 27 N. Minnesota Street New Ulm, MN 560730697	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Scott	Bohler	scott.bohler@ftr.com	Frontier Communications Corporation	2378 Wilshire Blvd Mound, MN 55364-1652	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kathy	Boutwell	kathyb@chrscomco.net	Christensen Communications Co	104 Main Street West Madelia, MN 56062	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Mark B.	Bring	mbring@otpc.com	Otter Tail Power Company	215 South Cascade Street PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Tim	Brinkman	tim.brinkman@parkregion.c om	Park Region Mutual Telephone Co.	100 Main Street PO Box 277 Underwood, MN 56586	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Diane	Browning	diane.c.browning@sprint.com	Sprint Corporation	KSOPHN0314-3A459 6450 Sprint Pkwy Overland Park, KS 66251	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Danny	Busche	dannyb@means.net	Minnesota Valley Telephone Company	318 Second Ave East P O Box 310 Franklin, MN 55333-0310	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Lance	Casey	lance.casey@consolidated.com	Consolidated Communications	N/A	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Scott	Cassel	N/A	Product Stewardship Institute, Inc.	29 Stanhope Street, Third Floor Boston, MA 02116	Paper Service	No	SPL_SL_14- 775_Interested Parties
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Olson	Chris	wcphone@wcta.net	West Central Telephone Assoc.	P.O. Box 304 308 Frontage Road Sebeke, MN 56477	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Cathy	Clucas	BADEMAILcathy.clucas@centurylink.com	CenturyLink	200 South 5th St Room 2300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_14- 775_Interested Parties
Regulatory	Contact	wci.regulatory@windstream.com	Windstream Communications, Inc.	600 Willowbrook Office Park Fairport, NY 14450	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Rod	Cox	rod.cox@dsmetro.com	TDS Metrocom	Suite 6000 525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Haleh	Davary	haleh.davary@verizon.com	Verizon	c/o VERIZON 201 Spear St FL 7 San Francisco, CA 94105	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	SPL_SL_14- 775_Interested Parties
Christianson	Farms			RR 2 Miltona, MN 56354	Paper Service	No	SPL_SL_14- 775_Interested Parties
Jeffrey	Feldman	jfeldman@everesttv.com	FTTH Communications L.L.C.	c/o EverestTV Two Executive Drive, Suite 635 Fort Lee, NJ 07024	Electronic Service	No	SPL_SL_14- 775_Interested Parties
George	Fish	gfish@gytel.com	Garden Valley Telephone Company	PO Box 259 201 Ross Ave Erskine, MN 56535-0259	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Charles	Forst	charles.forst@zayo.com	Zayo Group, LLC	400 Centennial Pkwy Ste 200 Louisville, CO 80027	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Susan	Freeman		Network Operator Services, Inc.	P.O. Box 3529 Longview, TX 75606	Paper Service	No	SPL_SL_14- 775_Interested Parties
Paul	Fuglie		Verizon Select Services	HQE01H21 600 Hidden Ridge Irving, TX 75038	Paper Service	No	SPL_SL_14- 775_Interested Parties
Wayne	Gandy		Encompass Communications, LLC	Suite 286 119 West Tyler Street Longview, TX 75601	Paper Service	No	SPL_SL_14- 775_Interested Parties
Bill	Garcia	bill.garcia@windstream.com	Windstream	1800 Old Pecos Trail, Suite J Santa Fe, NM 87505	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Shelly	Geerdes	sgeerdes@pinnaclepub.com	Pinnacle Publishing, LLC	4030 Technology Drive NW Bemidji, MN 56601	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Edward H.	Griffin		US LEC Communications, Inc.	6801 Morrison Blvd. Charlotte, NC 28211	Paper Service	No	SPL_SL_14- 775_Interested Parties
Donna	Gunderson		Johnson Telephone Company	205 1st Avenue NE PO Box 39 Reiner, MN 56672	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mary	Haberek	mhaberek@ami.net	AMI Communications, Inc.	300 Cardinal Drive, Suite 280 St. Charles, IL 60175	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Robert L.	Hammond, Jr.	N/A	BEVCOMM, Inc.	123 W 7th St Blue Earth, MN 56013-1309	Paper Service	No	SPL_SL_14- 775_Interested Parties
Bruce	Hanson	N/A	Zumbrota Telephone Company	1700 Technology Dr Ste 100 Willmar, MN 56201	Paper Service	No	SPL_SL_14- 775_Interested Parties
JoAnn	Hanson	joann.hanson@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Brooks	Harlow	bharlow@fcclaw.com	Lukas, Nace, Gutierrez & Sachs, LLP	8300 Greensboro Drive Suite 1200 McLean, VA 22102	Electronic Service	No	SPL_SL_14- 775_Interested Parties
William	Heaston	bill.heaston@sdccommunications.com	PrairieWave Telecommunications, Inc.	2900 W. 10th Street Sioux Falls, SD 57104	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ted	Heckmann	ted.heckmann@cinbell.com	Cincinnati Bell Any Distance, Inc.	P.O. Box 2301 221 E. Fourth Street, 1280 Cincinnati, OH 45201-2301	Electronic Service 03-	No	SPL_SL_14- 775_Interested Parties
Jerry	Heiberger	jerry.heiberger@itctel.com	Interstate Telecommunications Coop.	P.O. Box 920 Clear Lake, SD 57226	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Andy	Hennis	andyh@chriscomco.net	Christensen Communications Company	104 West Main Street Madelia, MN 56062	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Scott	Hoffmann	hoffmann@wins.net	Wisconsin Independent Network, LLC	Box 107 800 Wisconsin Street Eau Claire, WI 547033612	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Paul	Hoge	phoge@crosslake.net	Crosslake Communications	35910 County Road 66 PO Box 70 Crosslake, MN 56442	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kevin	Hopkins	khopkins@telephoneassociates.com	Telephone Associates, Inc.	329 Grand Ave Superior, WI 54880	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Rich	Homer		Guaranteed Phone Service	#1 2201 West Broadway Council Bluffs, IA 51501	Paper Service	No	SPL_SL_14- 775_Interested Parties
Karen	Hyde	bademailkaren.hyde@level3.com	Level 3 Communications	200 Technology Drive Pittsburgh, PA 15219	Paper Service	No	SPL_SL_14- 775_Interested Parties
Gary	Johnson	gjohnson@paulbunyan.net	Paul Bunyan Rural Telephone Coop.	P.O. Box 1596 1831 Anne Street NW Bemidji, MN 56601	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Marja	Johnson	lisa@cicom.net	Coast International Inc.	14303 West 95TH Street Lenexa, KS 66215	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Steve	Katka	skatka@albanytel.com	Albany Mutual Telephone Association	131 6th St Albany, MN 56307-8322	Electronic Service	No	SPL_SL_14- 775_Interested Parties
John	Kroger	johnkroger@wciatel.com	Winnebago Cooperative Telecom Assn.	704 E. Main Street Lake Mills, IA 50450	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kevin	Larson	klarson@ctctelcom.com	Consolidated Telephone Company	PO Box 972 1102 Madison St Brainerd, MN 56401	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Larry	Laskowski		Network Billing Systems	155 Willowbrook Blvd Wayne, NJ 7470	Paper Service	No	SPL_SL_14- 775_Interested Parties
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL_14- 775_Interested Parties
Mary	Lofnes	mary_lohnes@mml.net	Midcontinent Communications	3901 N Louise Ave Sioux Falls, SD 57107	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Bill	Loonan		Lismore Coop. Telephone Co.	PO Box 127 Lismore, MN 56155	Paper Service	No	SPL_SL_14- 775_Interested Parties
Gregory	Ludvigsen	gregoryludvigsen@live.com	Ludvigsen's Law Offices	1360 University Ave. W., Suite 104 PMB 120 St. Paul, MN 55104-4092	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kathy	Lund	kathylund@nu-telecom.net	New Ulm Telecom, Inc. d/b/a NU-Telecom	27 North Minnesota P.O. Box 697 New Ulm, MN 56073	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Lee	Maier	lee@runestone.net	Runestone Telephone Association	PO Box 336 100 Runestone Dr Hoffman, MN 56339-0336	Electronic Service	No	SPL_SL_14- 775_Interested Parties
James	Mancuso	jmancuso@clearworld.net	Clear World Communications	3501 South Harbor Blvd. Suite 200 Santa Ana, CA 92704	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Thomas	Margavio	tm5886@att.com	BellSouth Long Distance, Inc.	AT&T Midtown Center 675 W Peachtree Ste 17E21 Atlanta, GA 30375	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Francie	McComb		Talk America, Inc.	2134 W. Laburnum Ave. Richmond, VA 232274342	Paper Service	No	SPL_SL_14- 775_Interested Parties
Anthony	Mendoza	tony@mendozalawoffice.com	Mendoza Law Office, LLC	790 S. Cleveland Ave. Suite 206 St. Paul, MN 55116	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Shelby	Michlin		Network Billing Systems, LLC	155 Willowbrook Blvd. Wayne, NJ 7470	Paper Service	No	SPL_SL_14- 775_Interested Parties
Monty	Morrow	montymorrow@nu-telecom.net	NU Telecom	235 Franklin St PO Box 279 Hutchinson, MN 55350	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Michael	Nelson	Michael_Nelson@cable.comcast.com	Comcast Corp.	183 Inverness Drive West Englewood, CO 80112	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Daniel C.	Nelson	dcdnc@bevcomm.net	Dunnell Telephone Company, Inc.	PO Box 42 110 N Seeley Ave Dunnell, MN 56127	Electronic Service	No	SPL_SL_14- 775_Interested Parties
David	Nelson	davidnelson@kpcorp.com	Kandiyo Power Cooperative	P.O. Box 40 8605 47th Street NE Spicer, MN 562880040	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Financial	Officer		Emily Cooperative Telephone Company	P.O. Box 100 Emily, MN 564470100	Paper Service	No	SPL_SL_14- 775_Interested Parties
Jeffrey J.	Olson	jeffolson@rt.net	Red River Rural Telephone Association	506 Broadway PO Box 136 Abercrombie, ND 58001-0136	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Jean	Pauk	jean.pauk@tdstelecom.com	TDS Telecom	525 Junction Road Madison, WI 53717	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Gloria	Pederson	gpederson@bevcomm.com	Cannon Valley Telephone, Inc.	123 West Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Rochelle	Pervisky	RPervisky@exchange.hbci.com	Hiawatha Broadband	58 Johnson Street Winona, MN 55987	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Diane	Peters	diane.peters@level3.com	Level 3 Communications, LLC	225 Kenneth Dr. Rochester, NY 14623-4277	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Jack D.	Phillips	jack.phillips@ftr.com	Frontier Communications Of MN, Inc.	14450 Burnhaven Drive Burnsville, MN 55306	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Jessica	Renneker	jrenneker@nos.com	NOS Communications, Inc.	250 Pilot Rd Ste 300 Las Vegas, NV 89119-3514	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Robert	Riddell	telenutz@mlcwb.net	Northern Telephone Company	13448 Co. Rd. 25 Wawina, MN 557369721	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Judith A	Riley	jriley@telecompliance.net	Mosaic Network LLC dba MX NETWORK	PO Box 720128 Oklahoma City, OK 73172-0128	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Carey	Roesel	croesel@tminc.com	Technologies Management, Inc.	PO Drawer 200 Winter Park, FL 327900200	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Steve	Roussos	N/A	Convergia, Inc.	237 Hymns Blvd Pointe Claire, Quebec H9R 5C7 CANADA	Paper Service	No	SPL_SL_14- 775_Interested Parties
Marc	Rozar		Custom Network Solutions, Inc.	Suite 102 210 E Route 4 Paramus, NJ 76525103	Paper Service	No	SPL_SL_14- 775_Interested Parties
Jill	Sandford	jill.sandford@zayo.com	Zayo Group, LLC	360 Hamilton Avenue White Plains, NY 10601	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Cheryl	Scapanski	cscapanski@bdtelco.net	Benton Cooperative Telephone Company	2220 125th St NW Rice, MN 56367	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Jeff	Schill	jeff.schill@netins.com	Iowa Network Services Inc	4201 Corporate Drive West Des Moines, Iowa 50266	Electronic Service	No	SPL_SL_14- 775_Interested Parties
David	Schornack	N/A	The Peoples Telephone Company of Bigfork	150 2nd St. SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
David	Schornack	N/A	East Otter Tail Telephone Company	150 2nd Street SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
David	Schornack	N/A	Lorelei Systems, Inc.	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
David	Schornack	N/A	Felton Telephone Company	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
David	Schmack	N/A	Arrowhead Communications Corporation	150 Second Street SW Perham, MN 56573	Paper Service	No	SPL_SL_14- 775_Interested Parties
James	Seliga	N/A	FTTH Communications L.L.C.	2930 146th St Ste 105 Rosemount, MN 55068	Paper Service	No	SPL_SL_14- 775_Interested Parties
Don	Snyders	don@alliancecom.net	Alliance Communications Cooperative, Inc.	PO Box 349 612 Third St Garretson, SD 57030	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Lance J.M.	Steinhart	info@telecomcounsel.com	Attorney at Law	1725 Windward Concourse Ste 150 Alpharetta, GA 30005	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Kate	Stern	BADEMAILkate.stern@accesspointinc.com	Access Point, Inc.	1100 Crescent Green, Ste. 109 Cary, NC 27518	Paper Service	No	SPL_SL_14- 775_Interested Parties
Paul	Stowman	paul@rothsay.us	Rothsay Telephone Company	PO Box 158 137 1st St NW Rothsay, MN 56579-0158	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Cynthia	Sweet	csweet@acecomgroup.com	Ace Telephone Association	207 East Cedar P.O. Box 360 Houston, MN 559430360	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Mike	Theisen		Northern Minnesota Utilities	910 Cloquet Ave. Cloquet, MN 55720	Paper Service	No	SPL_SL_14- 775_Interested Parties
Mark	Thoma	markthoma@wctatel.com	Winnabago Coop. Telecom Assoc.	704 E Main St Lake Mills, IA 50450	Electronic Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Carl	Thompson		PromiseVision Technology, Inc.	#212 1050 E 2nd Edmond, OK 73034	Paper Service	No	SPL_SL_14- 775_Interested Parties
Jason	Topp	jason.topp@centurylink.com	CenturyLink	200 S 5th St Ste 2200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Patricia	Voorhees	regulatory@matrixbt.com	Touch 1 Communications, Inc.	7171 Forest Lane suite 700 Dallas, TX 75230	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Dana	Wahlberg	dana.wahlberg@state.mn.us	Department of Public Safety	Town Square Ste 137 444 Cedar St St. Paul, MN 551015126	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Jerry	Watts	jerry.watts@elink.com	EarthLink	3000 Columbia House Blvd Ste 106 Vancouver, WA 98661	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Avi	Weisman		Gold Line Telemanagement Inc.	180 West Beaver Creek Rd Richmond Hill, ON L4B 1B4 CANADA	Paper Service	No	SPL_SL_14- 775_Interested Parties
Sandra	Williams	sandra.williams@netoneintl.com	Net One International, Inc.	6933 University Blvd. Winter Park, FL 32792-6707	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Lyle R.	Williamson	Lyle.Williamson@Verizon.com	Verizon Wireless	8350 E Crescent Pkwy Ste 200 Greenwood Village, CO 80111	Electronic Service	No	SPL_SL_14- 775_Interested Parties
Sarah	Wilson	N/A	Dex Media East, Inc.	2200 W. Airfield Drive DFW Airport, TX 75261	Paper Service	No	SPL_SL_14- 775_Interested Parties

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	SPL_SL_14- 775_Interested Parties
David	Wolf	dwolf@gcel.net	Gardenville Cooperative Telephone Association	800 Central Ave N Brandon, MN 56315	Electronic Service	No	SPL_SL_14- 775_Interested Parties



Certificates of Additional Notice


Minnesota Public Utilities Commission

**CERTIFICATE OF GIVING ADDITIONAL NOTICE UNDER THE ADDITIONAL
NOTICE PLAN**

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota
Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that on January 16, 2015, at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 22, 2014. Specifically, I:

- Published the Notice of Intent to Adopt Rules, and the text of proposed rule changes, in the State Register;
- Mailed a copy of the Notice of Intent to Adopt Rules to everyone who has requested to receive it under Minn. Stat. § 14.14, subd. 1a;
- Gave notice to the Legislature as required by Minn. Stat. § 14.116;
- Published the Notice of Intent to Adopt Rules, including the text of the proposed rules, on the Commission's website at <http://www.mn.gov/puc/aboutus/rulemaking-project/>;
- Mailed the Notice of Intent to Adopt Rules to the Commission's existing general and telecom rulemaking lists, the Department of Commerce's lists for Large Local Exchange Carriers, Small Local Exchange Carriers, Competitive Local Exchange Carriers, and to the service lists for Commission docket numbers 12-140, 12-1236, 14-775, and 13-459; and
- Issued a press release to all newspapers of general circulation throughout the state.



Christopher Moseng
Staff Attorney

Moseng, Christopher (PUC)

From: Moseng, Christopher (PUC)
Sent: Friday, January 16, 2015 2:33 PM
To: webmaster.puc@state.mn.us
Subject: Please update the rulemaking page with this info

In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution

Docket:	P-999/R-13-459
Notices:	<u>Notice of Comment Period on Possible Rule Amendments ; Request for Comments and Working Draft; Notice of Intent to Adopt</u>
Comment Period:	January 20 – February 19, 2015 <u>See comments in eDockets</u>
Hearing Info:	If the Commission receives 25 or more requests for a hearing, a hearing will be held on March 2, 2015, at 10:00 a.m. in the Large Hearing Room at the Commission.
Status:	Notice of Intent to Adopt published in the State Register January 20, 2015.
Timetable:	Adoption anticipated in Spring, 2015.
Date Adopted:	Not yet available
Rule Filed with Secretary of State:	Not yet filed
Date Effective:	Not yet determined

Thanks!

For Immediate Release

Contact: MN Public Utilities Commission
Chris Moseng
Telephone: 651-201-2223
Fax: 651-297-7073
Email: christopher.moseng@state.mn.us
Web: <http://mn.gov/puc>.

MINNESOTA PUBLIC UTILITIES COMMISSION TO AMEND RULES GOVERNING WHITE PAGES DIRECTORY PUBLICATION AND DISTRIBUTION

Notice of Proposed Rules

St Paul, MN – January 16, 2015 - The Minnesota Public Utilities Commission announced its intent to amend Minnesota Rules Parts 7810.2900, 7811.0600, and 7812.0600 to modify its rule requiring mandatory distribution of white pages directories.

The proposed rule amendments update the rules to allow Local Service Providers to determine whether they will offer electronic directories to satisfy the rules' directory requirement, while ensuring that individual customers may continue to receive printed directories if that is their preference.

The Commission's Notice of Intent to Adopt the proposed rule amendments, along with the proposed rules, will be published in the January 20, 2015, *State Register*. All documents related to this proposed rulemaking are available on the Commission's website at <http://mn.gov/puc>.

Written comments on the proposed rules may be sent to Chris Moseng, Commission Attorney, Minnesota Public Utilities Commission, 121 7th Place E, Suite 350, St. Paul, Minnesota 55101-2147, by **4:30 p.m. February 19, 2015**. Written comments are most effective when you identify: (1) the specific proposed rule parts you are addressing; (2) your specific recommendation; and (3) the reason for your recommendation. Please refer to Docket Number **E-999/R-13-459** in your comments. If 25 or more persons submit a written request for a public hearing within the comment period, a hearing will be held at 10:00 a.m. on Monday, March 2, 2015 in the Commission's Large Hearing Room.

All documents, including the proposed rule amendments, are available on the Commission's website at <http://mn.gov/puc>. Select "Search eDockets."

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Minnesota Public Utilities Commission

**CERTIFICATE OF GIVING ADDITIONAL NOTICE UNDER THE ADDITIONAL
NOTICE PLAN**

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota
Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that on January 21, 2015, at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 22, 2014. Specifically, I:

- Published the Statement of Need and Reasonableness on the Commission's website at <http://www.mn.gov/puc/aboutus/rulemaking-project/>.



Christopher Moseng
Staff Attorney

Moseng, Christopher (PUC)

From: Moseng, Christopher (PUC)
Sent: Wednesday, January 21, 2015 8:57 AM
To: webmaster.puc@state.mn.us
Subject: supplemental rulemaking update

Subject: **In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution**

Docket: P-999/R-13-459

Notices: Notice of Comment Period on Possible Rule Amendments; Request for Comments and Working Draft

Notice of Intent to Adopt; Statement of Need and Reasonableness

Comment Period: January 20 – February 19, 2015

See comments in eDockets

Hearing Info: If the Commission receives 25 or more requests for a hearing, a hearing will be held on March 2, 2015, at 10:00 a.m. in the Large Hearing Room at the Commission.

Status: Notice of Intent to Adopt published in the State Register January 20, 2015.

Timetable: Adoption anticipated in Spring, 2015.

Date Adopted: Not yet available

Rule Filed with Secretary of State: Not yet filed

Date Effective: Not yet determined

Christopher Moseng
Staff Attorney
Minnesota Public Utilities Commission
651-201-2223

The contents of this email do not represent policy of the Public Utilities Commission or the State of Minnesota.

About us

Commission Activity

Commissioners

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Meeting and Hearing Details

Rulemaking Projects

Staff Directory

Utility Regulation

Public Rulemaking Docket

Minnesota Statutes, Chapter 14.366 (2012) requires each agency to maintain a current, public rulemaking docket. This section contains a list of pending rulemakings under consideration. The status of each rulemaking will be updated as we proceed through the rulemaking process. All documents, including any written requests for a public hearing, are available through the Minnesota Public Utilities Commission's electronic filing system, eDockets.

Agency Contact: [Kate Kahlert](#)
Phone: 651-201-2239

Subject:

In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution

Docket:

P-999/R-13-459

Notices:

[Notice of Comment Period on Possible Rule Amendments](#); [Request for Comments and Working Draft](#)

[Notice of Intent to Adopt](#); [Statement of Need and Reasonableness](#)

Comment Period:

January 20 – February 19, 2015

[See comments in eDockets](#)

Hearing Info:

If the Commission receives 25 or more requests for a hearing, a hearing will be held on March 2, 2015, at 10:00 a.m. in the Large Hearing Room at the Commission.

Status:

Notice of Intent to Adopt published in the State Register January 20, 2015.

Timetable:

Adoption anticipated in Spring, 2015.

Date Adopted:

Not yet available

Rule Filed with Secretary of State:

Not yet filed

Date Effective:

Not yet determined

I


Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library

Minnesota Public Utilities Commission

**CERTIFICATE OF MAILING THE STATEMENT OF NEED AND REASONABLENESS
TO THE LEGISLATIVE REFERENCE LIBRARY**

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota
Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that on January 16, 2015, when the Dual Notice was mailed, I submitted an electronic copy of the Statement of Need and Reasonableness to the Legislative Reference Library via email to sonars@lrl.leg.mn. I mailed this copy to comply with Minnesota Statutes, sections 14.131 and 14.23. A copy of the cover letter is attached to this Certificate.



Christopher Moseng
Staff Attorney



MINNESOTA PUBLIC UTILITIES COMMISSION

January 16, 2015

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Public Utilities Commission Governing White Pages Directory Publication and Distribution; Revisor's ID Number R-4218

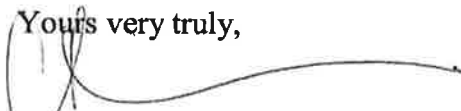
Dear Librarian:

The Minnesota Public Utilities Commission intends to adopt rules Governing White Pages Directory Publication and Distribution. We plan to publish a Dual Notice of Intent to Adopt Rules in the January 20, 2015, *State Register*.

The Commission has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Commission is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-201-2223.

Yours very truly,



Christopher Moseng
Staff Attorney

Enclosure: Statement of Need and Reasonableness

J

All written comments and submissions on the proposed rules that the Commission received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents

The Commission received no requests for hearing.

Mendoza Law Office, LLC

790 S. Cleveland Ave., Suite 206, Saint Paul, MN 55116 • t: 651-340-8884 • c: 651-247-1012 • www.mendozalawoffice.com

February 19, 2015

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

Re: In the Matter of Possible Amendment to Rules Concerning White Pages
Directory Publication and Distribution (MPUC Docket No: P-999/R-13-459)

Dear Mr. Wolf:

Enclosed for filing are Comments from the Minnesota Cable Communications Association (MCCA) in the Matter of Possible Amendment to Rules Concerning White Pages Directory Publication and Distribution.

Please contact me if you have any questions about this filing.

Very truly yours,

MENDOZA LAW OFFICE, LLC

A handwritten signature in black ink, reading "Anthony S. Mendoza". The signature is fluid and cursive, with the first name "Anthony" and last name "Mendoza" clearly legible.

Anthony S. Mendoza

Enc.

cc: Service List

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger	Chair
Nancy Lange	Commissioner
John Tuma	Commissioner
Dan Lipschultz	Commissioner
Betsy Wergin	Commissioner

Possible Amendment to Rules Concerning
White Pages Directory Publication and
Distribution

MPUC Docket No.: P-999/R-13-459

COMMENTS OF MINNESOTA CABLE COMMUNICATIONS ASSOCIATION

I. Introduction.

The Minnesota Cable Communications Association (“MCCA”) has participated in this rulemaking from its inception as well as in the proceedings that led to its initiation wherein first Frontier Communications¹, and later Dex Media East, Inc.² petitioned for a variance from the Minnesota Public Utilities Commission’s (“MPUC’s”) residential white pages directory delivery rules. The MCCA strongly supports and appreciates the key elements of the MPUC’s proposed amendments, which eliminate saturation delivery of white pages directories. However, the rules as amended do not mitigate the risk that subscribers may in the future have to possess and look through multiple white page directories to find a listing. This scenario is possible because a the rule amendments should, but do not, facilitate cooperation among local service providers necessary to

¹ “Petition of Frontier Communications of Minnesota, Inc. and Citizens Telecommunications Company of Minnesota for a Waiver of Rule 7810.2900 Regarding the Distribution of Telephone Directories,” MPUC Docket No. P405/AM-12-140, May 1, 2012.

² “Petition of Dex Media East, Inc., Pursuant to Minn. Stat. § 237.081, Subd. 1, for a Waiver of Rules 7810.2900 and 7812.0600 regarding distribution of telephone directories in the territory and exchanges served by Qwest Corporation d/b/a CenturyLink in the State of Minnesota” MPUC Docket No. P421/AM-12-1236, Nov. 12, 2012.

provide subscribers with access to a single directory that includes listings for all subscribers in their local calling area or portion thereof, regardless of the subscriber's local service provider.

These Comments first identify the major achievements of the proposed rule amendments in furthering the public interest consistently with and in furtherance of the State's goals the legislature has directed the MPUC to consider. Second, the Comments discuss the amendments' failure to facilitate the cooperation among providers needed to give subscribers ready access to useful directories and suggest further rule amendments to address this issue. MCCA has attached as Appendix A its proposed revisions to the Commission's Proposed Permanent Rules attached to the Commission's January 8, 2015 Notice of Intent to Adopt Rules Without a Public Hearing.

II. The Amendments to the Rules Recognize that Saturation Delivery of Printed Directories is no longer in the Public Interest.

As clearly established in the record of this proceeding, many subscribers across the county have little, if any, use for a printed residential white pages directory, and would prefer not to receive one. If they do receive one, most immediately dispose of it. Local authorities have complained of the waste involved in collecting and recycling these unwanted directories. The MPUC is correct to recognize that saturation delivery of residential white pages is no longer in the public interest. In permitting local service providers to satisfy their directory obligations, in the absence of a customer request for a printed directory, by publishing an electronic directory, the MPUC's rule amendments recognize how widespread access to the internet has greatly diminished the need for printed directories.

In promulgating these rule amendments, the MPUC is fulfilling its statutory goals of “maintaining or improving quality of service” and “promoting customer choice.” Minn. Stat. § 237.011 (5) and (6). Delivering directories to customers who do not want them is poor customer service. Allowing customers to request a printed directory if they want one, promotes customer choice. Giving providers a choice of their primary publishing format, printed or electronic, gives every provider the ability to decide how to best serve its customers given its resources.

The MCCA also very much appreciates the MPUC’s insistence in the rule amendments that the process for requesting a printed directory not provide a marketing opportunity. As the MPUC knows, competitive local service providers in Minnesota, who operate with interconnection agreements with Frontier and CenturyLink, do not publish their own directories. Instead, according to the terms of their agreements, these competitors provide their subscriber listings to the incumbent carrier. The incumbent then arranges for publication and distribution of directories. Competitive providers would be disadvantaged by a process that requires their customers to contact the incumbent to receive a directory if the incumbent could use that opportunity to market its services and encourage callers to change providers. By prohibiting such practices, the MPUC follows its statutory mandate to “encourage fair and reasonable competition for local exchange telephone service in a competitively neutral manner.” Minn. Stat. § 237.011 (4).

III. The Rule Amendments should, but do not, ensure the publication of reasonably comprehensive residential white pages directories.

At present, local service customers in Frontier and CenturyLink service territories receive a directory that contains the listings of the incumbent carrier as well as the

incumbent's interconnected local service wireline competitors. Although there are numerous local service providers operating in these service territories, customers receive a single directory that is reasonably comprehensive. While these directories do not contain unpublished listings or wireless listings, it is much more convenient for customers than having a separate directory from each provider that contains only that provider's listings. It is difficult to imagine any customer preferring a separate directory from each provider rather than a single reasonably comprehensive directory. Subscribers have access to comprehensive directories not because of the directory rules, but because of the Telecommunications Act, 47 U.S.C. § 251(b)(3) and rules promulgated by the FCC under the Act, 47 C.F.R. § 51.217.

The Telecommunications Act of 1996 required all local exchange carriers to permit competing providers to have "nondiscriminatory access" to directory listings. The FCC defined nondiscriminatory access as access "that is at least equal to the access that the providing local exchange carrier (LEC) itself receives." 47 C.F.R. § 51.217(a)(2). The FCC further ordered that "directory listing" "be defined as a verb that refers to the act of placing a customer's listing information in a directory assistance database or in a directory compilation for external use (such as white pages)." *In re Implementation of the Telecommunications Act of 1996, Third Report and Order in CC Docket No. 96-115, Second Order on Reconsideration of the Second Report and Order in CC Docket No. 96-98, and Notice of Proposed Rulemaking*, FCC, CC Docket No. 99-273 (Sept. 9, 1999) at ¶ 160. This interpretation of directory listing led the a court to require US West Communications, Inc. (a legacy Bell Operating Company later acquired by Qwest Corporation and more recently by CenturyLink), to enter into interconnection agreements

that required it to publish directory listings for competitive providers of local service along with its own listings. *US West Communications, Inc. v. Hix*, 93 F.Supp.2d. 1115, 1132 (D. Colo. 2000). The interconnection agreement CenturyLink offers on its website to competitors contains provisions offering nondiscriminatory white page directory listings to competitive providers.³ As a result of all of this, subscribers in CenturyLink territory now have access to a single comprehensive directory.

Under the MPUC's directory rules, it is entirely possible that in the absence of the above referenced provisions in interconnection agreements, customers could receive a directory that lists only fellow subscribers of their provider. If a customer did not know the provider of a party the customer would like to call, the customer would have to guess which provider's directory contains the listing, and either request hardcopies or search online through multiple directories. Many customers would be handicapped in attempting to do this because few would be aware of all of the local service providers operating in their local calling area.

The MPUC's current rules and rule amendments require local service providers to publish their directory listings, but they do not require them to cooperate in assembling more comprehensive listings. While current interconnection agreements are in effect, this concern may be ignored without consequence. However, many interconnection agreements with Frontier and CenturyLink are in evergreen status, awaiting replacement by subsequent agreements that may have very different terms with respect to directory listings and publication than those in effect today. The FCC may revise its rules or Congress may rewrite the Telecommunications Act and change the federal framework for

³. CenturyLink's "Negotiations Template Agreement" July 7, 2014, section 10.4, found at <http://www.centurylink.com/wholesale/clecs/nta.html> CenturyLink.com/wholesale.

directories. Without state rules in place mandating cooperation with respect to directories, the MPUC cannot be assured of avoiding the balkanization of directories. While the rule amendments as proposed do give customers more choice, the choices available to them could turn out to be of little utility. In addition, in the absence of nondiscriminatory directory listing requirements, the largest provider could have a competitive advantage over others by virtue of having a more comprehensive directory because it has more customers.

The MCCA has urged the MPUC to adopt a rule that would require local service providers to include in their directories the listings of other providers on reasonable rates, terms, and conditions and to make their own listings similarly available for inclusion in the directories of others.

The MCCA proposed that new rules be added requiring every local service provider to accept and publish the listings of other local service providers upon a nondiscriminatory basis. In addition, MCCA proposed a rule requiring all local service providers to make their listings available to others for inclusion in directories at reasonable rates and upon reasonable terms and conditions. Specifically, the MCCA proposed new rules 7811.0630 and 7812.0630:

7811.0630 CUSTOMER LISTINGS - NONDISCRIMINATION.

A. If a local service provider wishes to list its customers' telephone numbers in the same directory as another local service provider, such local service provider must permit the listings on a nondiscriminatory basis.

B. Local service providers shall provide publishers and any other person or businesses with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.

7812.0630 CUSTOMER LISTINGS - NONDISCRIMINATION.

A. If a local service provider wishes to list its customers' telephone numbers in the same directory as another local service provider, such local service provider must permit the listings on a nondiscriminatory basis.

B. Local service providers shall provide publishers and any other person or businesses with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.

The MPUC's Statement of Need and Reasonableness ("SONAR") includes a section VII Regulatory Analysis. Under part G of that subheading, Minn.Stat. § 14.131(7) asks the MPUC to assess "any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference." The SONAR answers that "[n]o existing federal regulations concern the requirement to provide telephone directories as a basic aspect of telephone service. Accordingly, there are no differences to assess." SONAR at 10.

While it is true that federal rules and regulations do not require a telephone service provider to publish a directory, as noted above, the FCC has required all local exchange carriers that provide nondiscriminatory access to directory listings, access that "is at least equal to the access that the providing local exchange carrier itself receives." 51.217 (a)(2) and (b). If a local exchange carrier chooses to publish a directory, it has an obligation to accept the listings of its competitors on a nondiscriminatory basis. The proposed rule amendments thus depart from federal regulations in this important aspect.

IV. Proposed Rule 7811/7812.0600, subpart F Lacks Clear Rationale and Demonstrated Public Need or Benefit.

With respect to draft subpart F of Proposed Rule 7811/7812.0600, MCCA's understanding of the phrase "and, upon a customer request and in the customer's

preferred format, one copy of any other directory within the local calling area” would mean that each local service provider would not only be required to provide a “complete directory” for customers in its own local service area, but would also be required to provide a copy of a complete directory from another local service provider’s calling area. For example, Mediacom, serving a customer in Mound, where Frontier/Citizens is the ILEC, would, upon a customer’s request, have to provide a complete directory for Rosemount, where CenturyLink is the ILEC. This could mean that Mediacom would be required to provide a complete printed directory for Rosemount. And depending on how Citizens/Frontier complies with the “complete directory” requirement in Rosemount, the Mediacom customer in Mound may or may not get the desired directory. The rationale for such a policy is unclear and has not been established in the record of this proceeding. And given the technological capabilities available today for searching and obtaining customer listings on-line as well as the shortcomings of printed directories identified by many parties commenting on this docket, it seems unnecessary and arbitrary to require local service providers to provide complete directories for geographic areas that they do not serve or which are not part of their local calling area. MCCA believes this requirement could result in customer frustration and impose unnecessary costs on local service providers while providing little if any benefit to consumers.

Conclusion

The MCCA supports the MPUC’s effort to update the directory rules and encourages it to adopt rules to facilitate the cooperation of local service providers in making available the most comprehensive and useful directories possible.

MINNESOTA CABLE
COMMUNICATIONS ASSOCIATION

Dated: February 19, 2015

A handwritten signature in cursive script, reading "Anthony S. Mendoza". The signature is written in dark ink and is positioned above a horizontal line that spans the width of the page.

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J. Jeffery Oxley, Esq.
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Appendix A - MCCA Proposed Permanent Rules Relating to Residential White Pages Directory

Publication and Distribution

7810.0100 DEFINITIONS.

[For text of subps 1 to 11, see M.R.]

Subp. 11a. **Complete directory.** “Complete directory” means a directory that includes the information compiled under part 78I 0.2900, subpart 1, whether printed, electronically published, or some combination thereof. For example, a complete directory may comprise of a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest and publication of the remainder of the local calling area either electronically or in separate printed volumes.

[For text of subps 12 to 26, see M.R.]

Subp. 26a. **Local service provider or LSP.** “Local service provider” or “LSP” means a telephone company or telecommunications carrier providing local service in Minnesota pursuant to a certificate of authority granted by the commission. Local service provider includes both local exchange carriers and competitive local exchange carriers.

[For text of subps 27 to 40, see M.R.]

7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.

Subpart 1. **Basic requirements.** Telephone directories shall be regularly published, listing the name, address when practical, and telephone number of all customers, except public telephones and numbers unlisted at customer's request. The name of the telephone utility, the area included in the directory, the year and month of issue, shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages. The directory shall contain such instructions concerning placing local and long distance calls,

~~calls to repair and directory assistance services, and location of telephone company business offices as may be appropriate to the area served by the directory. Upon issuance, a copy of each directory shall be distributed to all customers served by that directory and a copy of each directory shall be furnished to the commission, upon request. Telephone directories shall be regularly compiled, and shall contain each customer's name, telephone number, and, if practical, address, except public telephones and numbers unlisted at the customer's request. Upon issuance, a local service provider shall provide to all customers served by that directory a complete directory consistent with the customer option provisions of part 7810.2950. Upon commission request, a local service provider shall furnish to the commission a copy of each directory issued, whether printed or electronic.~~

Subp. 2. **Printed directories.** Printed directories shall:

- A. display on the front cover the name of the local service provider, the area included in the directory, and the year and month of issue;
- B. display in the front portion of the directory information pertaining to emergency calls, including information for police and fire departments; and
- C. contain instructions, appropriate to the area served by the directory, concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices.

Subp. 3. **Electronically published directories.** Any electronic directory a local service provider directs its customers to shall comply with subpart 1 and part 7810.2950.

Electronically published directories shall:

- A. display the name of the local service provider;
- B. display information pertaining to emergency calls, including information for police and fire departments;

C. display instructions concerning placing local and long distance calls, calls to repair and directory assistance services, calls to local, state, and federal government offices, and the location of local service provider business offices; and

D. be prominently displayed on and accessible from the company's Web site.

7810.2950 DIRECTORIES; CUSTOMER OPTION.

A local service provider may publish or arrange for publication of printed or electronic directories, or some combination thereof. A local service provider that does not make an electronic directory available shall distribute or arrange for distribution of a printed directory to each customer, except where an offer is made and explicitly refused by the customer. A local service provider that publishes an electronic directory shall provide, at least as often as print directories are issued, notice to customers of the availability of an electronic directory, instructions explaining how the electronic directory may be accessed, notice that a printed directory is available on request, and instructions explaining how to make a request for a printed directory. A local service provider that publishes an electronic directory must deliver a printed directory if requested by the customer. A local service provider shall not:

A. require customers to divulge any personally identifiable information, except name, and delivery address and phone number, in order to request a complete directory that is printed or contained on a portable physical electronic medium;

B. require users to create an account or log in, or otherwise provide any personally identifiable information in order to access an electronic directory;

C. obtain, use, or retain any personally identifiable information from customer use of or request for a directory, except for the limited purpose of providing a directory in the requested format; or

D. market services, including through its affiliate or publisher, other than directories to requesting customers.

7811.0630 CUSTOMER LISTINGS - NONDISCRIMINATION.

A. If a local service provider wishes to list its customers' telephone numbers in the same directory as another local service provider, such local service provider must permit the listings on a nondiscriminatory basis.

B. Local service providers shall provide publishers and any other person or businesses with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.

7812.0630 CUSTOMER LISTINGS - NONDISCRIMINATION.

A. If a local service provider wishes to list its customers' telephone numbers in the same directory as another local service provider, such local service provider must permit the listings on a nondiscriminatory basis.

B. Local service providers shall provide publishers and any other person or businesses with reasonable, nondiscriminatory access to subscriber listing information for the purpose of publishing telephone directories and all such information shall be provided at reasonable rates and subject to reasonable terms and conditions.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

[For text of items A to E, see M.R.]

F. ~~one white pages complete~~ directory per year for each local calling area, which may include more than one local calling area, ~~except where an offer is made and explicitly refused by the customer~~ consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;

[For text of items G to K, see M.R.]

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

- A. single party voice-grade service and touch-tone capability;
- B. 911 or enhanced 911 access;
- C. 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;
- D. access to directory assistance, directory listings, and operator services;
- E. toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16, 1996), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system;

F. one ~~white pages~~ complete directory per year for each local calling area, which may include more than one local calling area, ~~except where an offer is made and explicitly refused by the customer~~ consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;

G. a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;

H. call-tracing capability according to chapter 7813;

I. blocking capability according to the commission's ORDER ESTABLISHING CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system; and

J. telecommunications relay service capability or access necessary to comply with state and federal regulations.

[For text of subps 2 to 7, see M.R.]

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February 19, 2015

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

Via: E-file


Re: DOCKET NO. P-999/R-13-459: **COMMENTS OF DEX MEDIA PURSUANT TO DUAL NOTICE IN SUPPORT OF PROPOSED AMENDMENTS TO RULES CONCERNING WHITE PAGES DIRECTORY PUBLICATION AND DISTRIBUTION**; OAH docket No. 11-2500-32109

Dear Mr. Wolf:

Dex Media East, Inc. files its **COMMENTS OF DEX MEDIA PURSUANT TO DUAL NOTICE IN SUPPORT OF PROPOSED AMENDMENTS TO RULES CONCERNING WHITE PAGES DIRECTORY PUBLICATION AND DISTRIBUTION** pursuant to the schedule established by the **DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing** *Issued: January 8, 2015*.

Please direct questions regarding this filing to Gregory Ludvigsen at 651-587-0089.

Sincerely,


Gregory A. Ludvigsen

Enclosure

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Betsy Wergin
Nancy Lange
Dan Lipschultz
John Tuma

Chair
Vice- Chair
Commissioner
Commissioner
Commissioner

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, Gregory A. Ludvigsen, hereby certify that I have this day, on behalf of Dex Media East, Inc., served a true and correct copy of the following document to all persons on the Commission e-file list for this docket at the addresses list by e-file on the Commission's web site:

**COMMENTS OF DEX MEDIA PURSUANT TO DUAL NOTICE IN
SUPPORT OF PROPOSED AMENDMENTS TO RULES CONCERNING
WHITE PAGES DIRECTORY PUBLICATION AND DISTRIBUTION**

Docket Number DOCKET NO. P-999/R-13-459; OAH docket No. 11-2500-32109

Dated this 19th day of February, 2015

Hugen A. Andriessen

Gregory A. Ludvigsen

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Betsy Wergin
Nancy Lange
Dan Lipschultz
John Tuma

Chair
Vice- Chair
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to
Rules Concerning White Pages
Directory Publication and Distribution

DOCKET NO. P-999/R-13-459

OAH Docket No. 11-2500-32109

HEARING NOT REQUESTED

**COMMENTS OF DEX MEDIA PURSUANT TO DUAL NOTICE IN
SUPPORT OF PROPOSED AMENDMENTS TO RULES CONCERNING
WHITE PAGES DIRECTORY PUBLICATION AND DISTRIBUTION**

Dex Media East, Inc. (hereinafter “Dex Media”), appreciates this opportunity to comment pursuant to the Commission’s Dual Notice¹ issued in this docket on January 8, 2015 (“Notice”). Further, Dex Media applauds the Commission for proposing and pursuing to conclusion its forward-thinking rule amendments related to the distribution of alphabetical listings of telephone subscribers’ numbers, commonly call the “white pages directories.” And, specifically, Dex Media enthusiastically supports the rule amendments in the form as attached to the Notice and published in the State Register. The amendments are essential to modernize the Commission’s rules and to take into account the massive changes in competition and technology both in telecommunications and directories since the rules that will be amended were originally adopted.

¹ “DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4218.”

The proposed rule amendments will enable Dex Media and other publishers of official LEC directories to better tailor their distribution of residential white pages to meet consumers' needs and demand. The proposed rules acknowledge and adopt the reality that today most telephone users obtain phone numbers electronically. The new rules will allow LECs and their publishers to offer electronic directories to subscribers in lieu of printed directories. Since extensive experience has shown that roughly 99% of consumers are satisfied with electronic-only white pages, the new rules will save environmental resources and reduce inefficient and wasteful costs that were imposed under the old rules.

To protect the interests of the roughly one percent of consumers who may still prefer printed directories, the new proposed rules retain print as an option for this small and diminishing minority of subscribers. LEC subscribers will be able to easily request printed white pages upon issuance of new directories. Accordingly, the proposed amendments will be equally beneficial to consumers, industry, and the environment.

Dex Media has filed comments in this docket on December 6, 2013; July 31, 2014; and August 12, 2014 ("Prior Comments"). To avoid needless duplication, the Prior Comments are incorporated by reference. Suffice it to say, there is extensive and largely un rebutted evidence in the record supporting the proposed changes. Indeed, all the prior commenters agree that change is needed. The Commission's Statement of Need and Reasonableness, issued January 16, 2015, sets forth an excellent summary of the justifications for updating the Commission's directory rules. In light of minimal current customer usage or demand for printed white pages, the Commission's elimination of the current requirement of saturation delivery will reduce consumer frustration, cut needless

paper in waste streams, and minimize diversion of publisher resources and dollars from updating digital products.

The proposed rules are the product of careful consideration over the course of over a year, several drafts and revisions, and extensive input from the industry and other stakeholders. While no stakeholder achieved all of their goals, the text attached to the Notice strikes a reasonable balance among competing interests. Accordingly, Dex Media encourages the Commission to adopt the rules in their present proposed form, and without further changes. Such last minute changes could upset the current balance and can sometimes lead to unintended and untoward consequences. Further, because of the extensive prior proceedings, Dex Media does not believe a hearing is required, unless 25 persons file timely requests.

CONCLUSION

For the foregoing reasons and the reasons set forth in Dex Media's Prior Comments, the Commission should adopt the proposed rule amendments as set forth in the Notice, without changes and without a hearing.

Respectfully submitted this 19th day of February, 2015.

/s/ Brooks E. Harlow

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/s/ Gregory A. Ludvigsen

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Counsel for Dex Media East, Inc.

**STATE OF MINNESOTA
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
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Commissioner

**In the Matter of Possible Amendments to
Rules Concerning White Pages Directory
Publication and Distribution**

MPUC Docket No. P-999/R-13-459

OAH Docket No. 11-2500-32109

HEARING NOT REQUESTED

**COMMENTS OF CENTURYLINK IN SUPPORT OF
PROPOSED AMENDMENTS TO RULES CONCERNING WHITE
PAGES DIRECTORY PUBLICATION AND DISTRIBUTION**

CenturyLink, Inc., on behalf of its affiliates (hereinafter “CenturyLink”), submits these comments in response to the Commission’s Dual Notice¹ issued in this docket on January 8, 2015 (“Notice”).

CenturyLink supports the proposed rules as written. As it has discussed in past portions of these proceedings, CenturyLink has a contract with Dex Media East, Inc. that requires Dex to fulfill most of CenturyLink’s directory publishing obligations. Despite this relationship, CenturyLink believes that the Rules appropriately impose directory publishing obligations on the local service provider which can then fulfill those obligations via contract.

¹ “DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor’s ID Number RD4218.”

CenturyLink appreciates the work all stakeholders have placed into this effort and looks forward to Commission adoption of these proposed rules.

Dated this 19th day of February, 2015.

CENTURYLINK

/s/ Jason D. Topp

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February 19, 2015

Attn: Mr. Christopher Moseng
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

By: Electronic Filing System

Re: **DOCKET NO. E-999/R-13-459**

Dear Mr. Moseng:

I write on behalf of Windstream Lakedale, Inc. ("Windstream") to support the rule changes proposed in this docket allowing local service providers to determine whether they will offer electronic directories in lieu of printed directories except in cases where customers elect to receive printed directories. Mandating printed directories is no longer necessary or justified.

Windstream does not request a hearing in this matter, but may participate in a hearing should one be held.

If you have any questions regarding this matter, please call me at (678) 420-3878.

Sincerely,

/s/ Matthew Feil
Matthew Feil
Senior Government Affairs Counsel

C: Christopher.moseng@state.mn.us

K

Not enclosed: a notice of withdrawal of hearing request, evidence that the Commission sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received.

These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Commission to send a notice of withdrawal of hearing request.

L

A copy of the adopted rules dated May 4, 2015.

**The modifications to the proposed rules are reflected in the rules
as adopted and are approved by the Revisor of Statutes.**

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Relating to Residential White Pages Directory Publication**
1.3 **and Distribution**

1.4 **7810.0100 DEFINITIONS.**

1.5 [For text of subps 1 to 11, see M.R.]

1.6 Subp. 11a. **Complete directory.** "Complete directory" means a directory that
1.7 includes the information compiled under part 7810.2900, subpart 1, whether printed,
1.8 electronically published, or some combination thereof. For example, a complete directory
1.9 may comprise of a printed subset of exchanges in a local calling area relevant to customers
1.10 in a particular geographic area or community of interest and publication of the remainder
1.11 of the local calling area either electronically or in separate printed volumes.

1.12 [For text of subps 12 to 26, see M.R.]

1.13 Subp. 26a. **Local service provider or LSP.** "Local service provider" or "LSP"
1.14 means a telephone company or telecommunications carrier providing local service in
1.15 Minnesota pursuant to a certificate of authority granted by the commission. Local service
1.16 provider includes both local exchange carriers and competitive local exchange carriers.

1.17 [For text of subps 27 to 40, see M.R.]

1.18 **7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.**

1.19 Subpart 1. **Basic requirements.** Telephone directories shall be regularly compiled,
1.20 and shall contain each customer's name, telephone number, and, if practical, address,
1.21 except public telephones and numbers unlisted at the customer's request. Upon issuance, a
1.22 local service provider shall provide to all customers served by that directory a complete
1.23 directory consistent with the customer option provisions of part 7810.2950. Upon
1.24 commission request, a local service provider shall furnish to the commission a copy of
1.25 each directory issued, whether printed or electronic.

2.1 Subp. 2. **Printed directories.** Printed directories shall:

2.2 A. display on the front cover the name of the local service provider, the area
2.3 included in the directory, and the year and month of issue;

2.4 B. display in the front portion of the directory information pertaining to
2.5 emergency calls, including information for police and fire departments; and

2.6 C. contain instructions, appropriate to the area served by the directory,
2.7 concerning placing local and long distance calls, calls to repair and directory assistance
2.8 services, calls to local, state, and federal government offices, and the location of local
2.9 service provider business offices.

2.10 Subp. 3. **Electronically published directories.** ~~Any electronic directory~~ A local
2.11 service provider ~~directs~~ shall only direct its customers to ~~shall comply~~ an electronically
2.12 published directory that complies with subpart 1 and part 7810.2950. Electronically
2.13 published directories shall:

2.14 A. display the name of the local service provider;

2.15 B. display information pertaining to emergency calls, including information
2.16 for police and fire departments;

2.17 C. display instructions concerning placing local and long distance calls, calls
2.18 to repair and directory assistance services, calls to local, state, and federal government
2.19 offices, and the location of local service provider business offices; and

2.20 D. be prominently displayed on and accessible from the company's Web site.

2.21 **7810.2950 DIRECTORIES; CUSTOMER OPTION.**

2.22 A local service provider may publish printed or electronic directories, or some
2.23 combination thereof. A local service provider that does not make an electronic directory
2.24 available shall distribute a printed directory to each customer, except where an offer is
2.25 made and explicitly refused by the customer. A local service provider that publishes an

[For text of items G to K, see M.R.]

7812.0600 BASIC SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

A. single party voice-grade service and touch-tone capability;

B. 911 or enhanced 911 access;

C. 1 + intraLATA and interLATA presubscription and code-specific equal access to interexchange carriers subscribing to its switched access service;

D. access to directory assistance, directory listings, and operator services;

E. toll and information service-blocking capability without recurring monthly charges as provided in the commission's ORDER REGARDING LOCAL DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16, 1996), which are incorporated by reference, are not subject to frequent change, and are available through the statewide interlibrary loan system;

F. one complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;

G. a white pages and directory assistance listing, or, upon customer request, a private listing that allows the customer to have an unlisted or unpublished telephone number;

H. call-tracing capability according to chapter 7813;

electronic directory shall provide, at least as often as print directories are issued, notice to customers of the availability of an electronic directory, instructions explaining how the electronic directory may be accessed, notice that a printed directory is available on request, and instructions explaining how to make a request for a printed directory. A local service provider that publishes an electronic directory must deliver a printed directory if requested by the customer. A local service provider shall not:

A. require customers to divulge any personally identifiable information, except name and delivery address, in order to request a complete directory that is printed or contained on a portable physical electronic medium;

B. require users to create an account or log in, or otherwise provide any personally identifiable information in order to access an electronic directory;

C. obtain, use, or retain any personally identifiable information from customer use of or request for a directory, except for the limited purpose of providing a directory in the requested format; or

D. market services, including through its affiliate or publisher, other than directories to requesting customers.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

[For text of items A to E, see M.R.]

F. one complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;

5.1 I. blocking capability according to the commission's ORDER ESTABLISHING
5.2 CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING
5.3 SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER
5.4 RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are
5.5 incorporated by reference, are not subject to frequent change, and are available through
5.6 the statewide interlibrary loan system; and

5.7 J. telecommunications relay service capability or access necessary to comply
5.8 with state and federal regulations.

5.9 [For text of subps 2 to 7, see M.R.]

M

Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups.

This is not enclosed because the Commission did not adopt substantially different rules.

N

**The Order Adopting Rules that complies
with the requirements in part 1400.2090.**

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John A. Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to Rules
Concerning White Pages Directory
Publication and Distribution

ISSUE DATE: June 8, 2015

DOCKET NO. P-999/R-13-459

ORDER ADOPTING RULES

PROCEDURAL HISTORY

In 2013 the Commission opened this proceeding to consider modifying the rules requiring mandatory distribution of white pages directories.

On October 16, 2014, at a duly noticed meeting, with a quorum present, the Commission authorized the proposal of rule amendments in Chapters 7810, 7811, and 7812. The proposed rules, along with a Notice of Intent to Adopt, were published in the January 20, 2015, *State Register*.

On February 19, 2015, Dex Media East, CenturyLink, and Windstream, Inc. filed comments in support of the proposed rules; on the same day the Minnesota Cable Communications Association filed comments recommending modifications.

The Commission did not receive any hearing requests.

The Commission received no requests for notice of the rules' submission to the Office of Administrative Hearings.

The Commission met on April 17, 2015, at a duly noticed meeting, with a quorum of its members present, to adopt the proposed rule amendments.

The agency has complied with all notice and procedural requirements in Minnesota Statutes, Chapter 14; Minnesota Rules, Chapter 1400; and other applicable law. At its April 17 meeting, the Commission adopted the rules, making a technical correction to the proposed rules as set forth below, and authorized the Executive Secretary to sign this Order.

FINDINGS AND CONCLUSIONS

I. Introduction

Having considered the entire record herein, the Commission finds that the proposed rules are needed and reasonable for the reasons set forth in the Statement of Need and Reasonableness. The Commission makes a technical correction to the proposed rules as described below.



Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings.

No persons requested notification of the submission of the rules to the Office of Administrative Hearings.

P

Any other document or evidence to show compliance with any other law or rule that the Commission is required to follow in adopting these rules. These are:

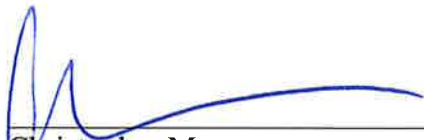
- **P.1. The Certificate of Sending Notice to Legislators per Minnesota Statutes, section 14.116.**
- **P.2. The Certificate of Consulting with the MMB per Minnesota Statutes, section 14.131. And, MMB's memo dated January 5, 2015, in response.**

Minnesota Public Utilities Commission

CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION

Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218

I certify that on January 16, 2015, when the Commission mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by sending an electronic copy via e-mail. I certify that on January 20, 2015, I sent a copy of the Notice and the Statement of Need and Reasonableness to the same Legislators by depositing them in the United States mail with postage prepaid. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.



Christopher Moseng
Staff Attorney

P 1



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

January 16, 2015

Senator John Marty, Chair
Environment and Energy Committee
323 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David Osmek, Ranking
Minority Member
Environment and Energy Committee
19 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Pat Garofalo, Chair
Job Growth and Energy Affordability
Policy and Finance Committee
485 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Tim Mahoney, Ranking
Minority Member
Job Growth and Energy Affordability
Policy and Finance Committee
345 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David J. Tomassoni, Chair
Environment, Economic Development and
Agriculture Budget Division
G-9 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Bill Ingebrigtsen, Ranking
Minority Member
Environment, Economic Development
and Agriculture Budget Division
143 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Hoppe, Chair
Commerce and Regulatory Reform Committee
543 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Atkins, Ranking
Minority Member
Commerce and Regulatory Reform
Committee
349 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Enclosures: Notice of Intent to Adopt Rules
Statement of Need and Reasonableness
Proposed Rules

CC: Legislative Coordinating Commission via email to: lcc@lcc.leg.mn

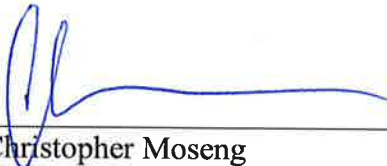
Minnesota Public Utilities Commission

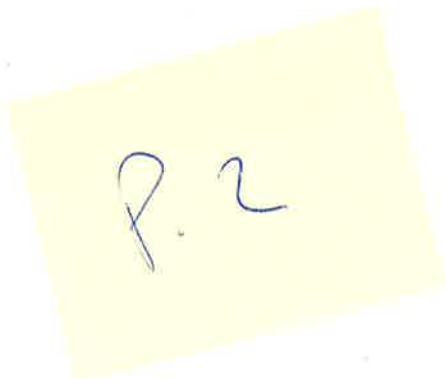
CERTIFICATE OF CONSULTING WITH COMMISSIONER OF MANAGEMENT AND BUDGET IN COMPLIANCE WITH MINNESOTA STATUTES, SECTION 14.131

**Proposed Rules Governing White Pages Directory Publication and Distribution, Minnesota Rules, 7810.2900, 7811.0600, and 7812.0600
Revisor's ID Number R-4218**

I certify that on November 26, 2014, at St. Paul, Ramsey County, Minnesota, I consulted with the Commissioner of Minnesota Management and Budget in compliance with Minnesota Statutes, section 14.131, by mailing a letter with these enclosures:

1. The Governor's Office Proposed Rule and SONAR Form.
2. The November 21, 2014, Revisor's draft of the proposed rule.
3. The November 26, 2014, draft of the SONAR.



Christopher Moseng
Staff Attorney

Office Memorandum

Date: January 5, 2015

To: Christopher Moseng
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

From: Betsy Hammer, Executive Budget Officer
Minnesota Management & Budget

Phone: 651-201-8022

Subject: Review of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution; Revisor's ID Number R-4218

BACKGROUND

Current rules require providers of local service to deliver a printed white pages directory to each customer of the local service provider, except where an offer for a directory is made and explicitly refused by the customer. Parties have requested updates to this rule, due to the economic and environmental burden of requiring printed directories balanced with the usefulness of printed directories in an era of electronic options.

The proposed rules would give both service providers and customers options. Service providers can elect to continue with the status quo and keep publishing hard copies of the directory, or they can elect to publish electronic directories instead of hard copies. If providers choose to make electronic copies the default option, they would be required to provide notice to customers ensuring that they know how to access or receive their preferred directory format, and make printed copies available to customers who express that preference.

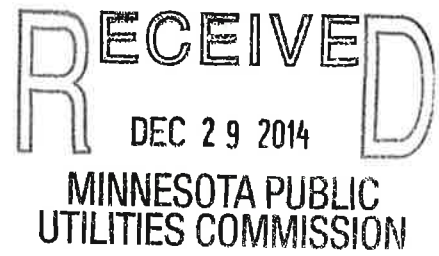
EVALUATION

On behalf of the Commissioner of Management & Budget, I have reviewed the proposed rule and related SONAR. Based upon the information provided to me by the Public Utilities Commission, there does not appear to be a significant cost to local units of government.

The proposed rule amendments govern services provided by telephone service providers. The primary impact of the amendments will affect telephone companies and telecommunications carriers providing local service in Minnesota, and the customers of such companies. Local units of government may be customers, and in rare cases may provide service as a municipal telephone company.

The proposed rule amendments do not require service providers to make any changes to the status quo; rather, the rule amendments create flexibility and add an option for service providers that may in fact be less expensive than the status quo. Additionally, there may be economic and environmental costs of unnecessary printed directory publication, so providing this option could provide relief in that area.

cc: Angela Vogt, Budget Division Team Leader



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

December 23, 2014

Christopher Dale Moseng
Minnesota Public Utilities Commission
121 E Seventh Pl E Ste 350
Saint Paul, MN 55101

Re: *In the Matter of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution*
OAH 11-2500-32109; Revisor R-4218

Dear Mr. Moseng:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND DUAL NOTICE** in the above-entitled matter.

For the convenience of the Office of Administrative Hearings, the Administrative Law Judge requests the Minnesota Public Utilities Commission to change the contact information on page two of the Dual Notice, at lines 5-7 of the paragraph titled Notice of Hearing, to read "Judge Neilson's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and FAX 651-539-0300 or denise.collins@state.mn.us."

If you have any questions regarding this matter, please contact Denise Collins at 651-361-7875 or denise.collins@state.mn.us.

Sincerely,

Barbara L. Neilson
Administrative Law Judge

BLN:ry
Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules of the
Public Utilities Commission Relating to
Residential White Pages Directory
Publication and Distribution

**ORDER ON REVIEW
OF ADDITIONAL NOTICE
PLAN AND DUAL NOTICE**

This matter came before Administrative Law Judge Barbara L. Neilson upon the request of the Minnesota Public Utilities Commission (Commission) for a legal review of the Additional Notice Plan and Dual Notice of Intent to Adopt Rules in the above-captioned proceeding under Minn. R. 1400.2060 and 1400.2080 (2013).


Under its Additional Notice Plan, the Commission plans to publish the Notice of Intent to Adopt Rules, the text of the proposed rules, and the Statement of Need and Reasonableness on the Commission's website; issue a press release to all newspapers of general circulation throughout the state; and mail the Notice of Intent to Adopt Rules to Minnesota's telecommunication companies and to individuals who are on the Commission's official service list for this proceeding.

Based upon a review of the written submissions by the Commission,

IT IS HEREBY ORDERED THAT:

1. The Additional Notice Plan is **APPROVED**.
2. Provided that revisions are made on page 2 of the Dual Notice to reflect the name and contact information for the assigned Administrative Law Judge, the Dual Notice is **APPROVED**.¹

Dated: December 22, 2014



BARBARA L. NEILSON
Administrative Law Judge

¹ Although not required, it is also suggested that slight modifications to the Dual Notice be made prior to publication to conform more closely to the wording suggested in Minn. R. 1400.2540 (2013). These changes will clarify that it is the responsibility of the Office of Administrative Hearings and not the agency to hold the public hearing. In addition, to avoid any confusion, the revisions will allow comments to be submitted to the Administrative Law Judge through eDockets. The suggested modifications are noted in the attachment.

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution	OAH Docket No. 11-2500-32109 Revisor R-4218
--	---

Rachel Youness, certifies that on December 23, 2014, she served a true and correct copy of the attached **ORDER ON REVIEW OF ADDITIONAL NOTICE PLAN AND DUAL NOTICE**; by placing it in the United States mail, by e-mail or by courier service with postage prepaid, addressed to the following individuals:

Christopher Dale Moseng Minnesota Public Utilities Commission 121 E Seventh Pl E Ste 350 Saint Paul, MN 55101 <u>Christopher.moseng@state.mn.us</u>	
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MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

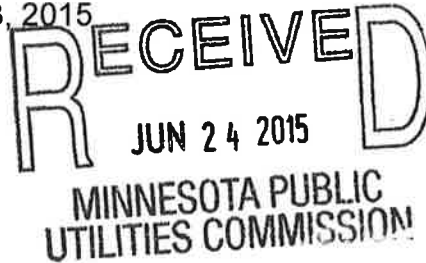
600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

June 23, 2015

Christopher Moseng
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Pl E
Saint Paul, MN 55101



Re: In the Matter of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution
OAH 11-2500-32109; Revisor R-4218

Dear Mr. Moseng:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Public Utilities Commission can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. The Office of Administrative Hearings will now request copies of the finalized rules from the Revisor's office. Our office will then file four copies of the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Commission will then receive from the Revisor's office three copies of the Notice of Adoption of the rules.

The Commission's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the State Register for publication. A permanent rule without a hearing does not become effective until five working days after a Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

Christopher Moseng
June 23, 2015
Page 2

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875.

Sincerely,



BARBARA L. NEILSON
Administrative Law Judge

Enclosure

cc: Office of the Governor
Office of the Attorney General
Legislative Coordinating Commission (lcc@lcc.leg.mn)
Revisor of Statutes (paul.marinac@revisor.mn.gov)

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules of the
Public Utilities Commission Relating to
Residential White Pages Directory
Publication and Distribution

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

The Minnesota Public Utilities Commission (Commission) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2014). On June 10, 2015, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Commission under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2013).

Based upon a review of the written submissions and applicable Minnesota Statutes and Minnesota Rules,

IT IS HEREBY ORDERED:

1. The Commission has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2014), and Minnesota Rules, Chapter 1400 (2013).
3. The record demonstrates that the rules are needed and reasonable.
4. The rules are **APPROVED**.¹

Dated: June 23, 2015

s/Barbara L. Neilson

BARBARA L. NEILSON
Administrative Law Judge

¹ While the language of Part 7810.0100, subp. 11a, is not defective as proposed, the Administrative Law Judge recommends that the Commission consider revising the second sentence to state that a complete directory "may be comprised" of the items described in the remainder of the sentence. This revision would clarify the rule and would not result in a rule that is substantially different from the rule as originally proposed.

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Public Utilities Commission

Adopted Permanent Rules Relating to Residential White Pages Directory Publication and Distribution

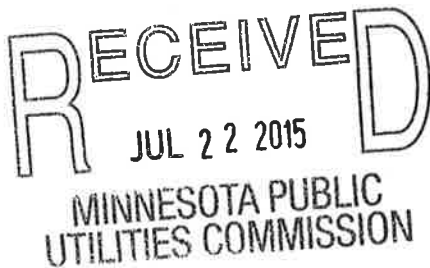
The rules proposed and published at *State Register*, Volume 39, Number 29, pages 1075-1079, January 20, 2015 (39 SR 1075), are adopted with the following modifications:

7810.0100 DEFINITIONS.

Subp. 11a. **Complete directory.** "Complete directory" means a directory that includes the information compiled under part 7810.2900, subpart 1, whether printed, electronically published, or some combination thereof. For example, a complete directory may ~~comprise~~ be comprised of a printed subset of exchanges in a local calling area relevant to customers in a particular geographic area or community of interest and publication of the remainder of the local calling area either electronically or in separate printed volumes.

7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.

Subp. 3. **Electronically published directories.** ~~Any electronic directory~~ A local service provider ~~directs~~ shall only direct its customers to ~~shall comply~~ an electronically published directory that complies with subpart 1 and part 7810.2950. Electronically published directories shall:





MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

July 9, 2015

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299

Re: *In the Matter of the Proposed Rules of the Public Utilities Commission Concerning White Pages Directory Publication and Distribution*
OAH 11-2500-32109; Revisor AR4218

Dear Ms. Breems:

Pursuant to Minn. Stat. § 14.26, and Minn. R. 1400.2300, subp. 8, the Office of Administrative Hearings is filing with the Secretary of State four copies of the above-entitled adopted rules. The rules were approved for legality by the Office of Administrative Hearings on July 9, 2015.

Please send the agency copy of the rules to:

Christopher Dale Moseng
Minnesota Public Utilities Commission
121 E Seventh PI E Ste 350
Saint Paul, MN 55101

If you have any questions regarding this matter, please contact Denise Collins at 651-361-7875 or denise.collins@state.mn.us.

Sincerely,

A handwritten signature in black ink, reading "Kendra McCausland".

Kendra McCausland
Legal Assistant

Enclosures

cc: Christopher Dale Moseng (via email)

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Relating to Residential White Pages Directory Publication**
1.3 **and Distribution**

1.4 **7810.0100 DEFINITIONS.**

1.5 [For text of subps 1 to 11, see M.R.]

1.6 Subp. 11a. **Complete directory.** "Complete directory" means a directory that
1.7 includes the information compiled under part 7810.2900, subpart 1, whether printed,
1.8 electronically published, or some combination thereof. For example, a complete directory
1.9 may ~~comprise~~ be comprised of a printed subset of exchanges in a local calling area relevant
1.10 to customers in a particular geographic area or community of interest and publication of
1.11 the remainder of the local calling area either electronically or in separate printed volumes.

1.12 [For text of subps 12 to 26, see M.R.]

1.13 Subp. 26a. **Local service provider or LSP.** "Local service provider" or "LSP"
1.14 means a telephone company or telecommunications carrier providing local service in
1.15 Minnesota pursuant to a certificate of authority granted by the commission. Local service
1.16 provider includes both local exchange carriers and competitive local exchange carriers.

1.17 [For text of subps 27 to 40, see M.R.]

1.18 **7810.2900 FORMAT, CONTENT, AND DISTRIBUTION OF DIRECTORIES.**

1.19 Subpart 1. **Basic requirements.** Telephone directories shall be regularly compiled,
1.20 and shall contain each customer's name, telephone number, and, if practical, address,
1.21 except public telephones and numbers unlisted at the customer's request. Upon issuance, a
1.22 local service provider shall provide to all customers served by that directory a complete
1.23 directory consistent with the customer option provisions of part 7810.2950. Upon
1.24 commission request, a local service provider shall furnish to the commission a copy of
1.25 each directory issued, whether printed or electronic.

2.1 Subp. 2. **Printed directories.** Printed directories shall:

2.2 A. display on the front cover the name of the local service provider, the area
2.3 included in the directory, and the year and month of issue;

2.4 B. display in the front portion of the directory information pertaining to
2.5 emergency calls, including information for police and fire departments; and

2.6 C. contain instructions, appropriate to the area served by the directory,
2.7 concerning placing local and long distance calls, calls to repair and directory assistance
2.8 services, calls to local, state, and federal government offices, and the location of local
2.9 service provider business offices.

2.10 Subp. 3. **Electronically published directories.** ~~Any electronic directory~~ A local
2.11 service provider ~~directs~~ shall only direct its customers to ~~shall comply~~ an electronically
2.12 published directory that complies with subpart 1 and part 7810.2950. Electronically
2.13 published directories shall:

2.14 A. display the name of the local service provider;

2.15 B. display information pertaining to emergency calls, including information
2.16 for police and fire departments;

2.17 C. display instructions concerning placing local and long distance calls, calls
2.18 to repair and directory assistance services, calls to local, state, and federal government
2.19 offices, and the location of local service provider business offices; and

2.20 D. be prominently displayed on and accessible from the company's Web site.

2.21 **7810.2950 DIRECTORIES; CUSTOMER OPTION.**

2.22 A local service provider may publish printed or electronic directories, or some
2.23 combination thereof. A local service provider that does not make an electronic directory
2.24 available shall distribute a printed directory to each customer, except where an offer is
2.25 made and explicitly refused by the customer. A local service provider that publishes an

electronic directory shall provide, at least as often as print directories are issued, notice to customers of the availability of an electronic directory, instructions explaining how the electronic directory may be accessed, notice that a printed directory is available on request, and instructions explaining how to make a request for a printed directory. A local service provider that publishes an electronic directory must deliver a printed directory if requested by the customer. A local service provider shall not:

A. require customers to divulge any personally identifiable information, except name and delivery address, in order to request a complete directory that is printed or contained on a portable physical electronic medium;

B. require users to create an account or log in, or otherwise provide any personally identifiable information in order to access an electronic directory;

C. obtain, use, or retain any personally identifiable information from customer use of or request for a directory, except for the limited purpose of providing a directory in the requested format; or

D. market services, including through its affiliate or publisher, other than directories to requesting customers.

7811.0600 BASIC LOCAL SERVICE REQUIREMENTS.

Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part of its local service offering, the following to all customers within its service area:

[For text of items A to E, see M.R.]

F. one complete directory per year for each local calling area, which may include more than one local calling area, consistent with the customer option provisions of part 7810.2950 and, upon a customer's request and in the customer's preferred format among the formats offered by the local service provider, one copy of any other directory within the local calling area;

4.1 [For text of items G to K, see M.R.]

4.2 **7812.0600 BASIC SERVICE REQUIREMENTS.**

4.3 Subpart 1. **Required services.** A local service provider (LSP) shall provide, as part
4.4 of its local service offering, the following to all customers within its service area:

4.5 A. single party voice-grade service and touch-tone capability;

4.6 B. 911 or enhanced 911 access;

4.7 C. 1 + intraLATA and interLATA presubscription and code-specific equal access
4.8 to interexchange carriers subscribing to its switched access service;

4.9 D. access to directory assistance, directory listings, and operator services;

4.10 E. toll and information service-blocking capability without recurring
4.11 monthly charges as provided in the commission's ORDER REGARDING LOCAL
4.12 DISCONNECTION AND TOLL BLOCKING CHARGES, Docket No. P-999/CI-96-38
4.13 (June 4, 1996), and its ORDER GRANTING TIME EXTENSIONS AND CLARIFYING
4.14 ONE PORTION OF PREVIOUS ORDER, Docket No. P-999/CI-96-38 (September 16,
4.15 1996), which are incorporated by reference, are not subject to frequent change, and are
4.16 available through the statewide interlibrary loan system;

4.17 F. one complete directory per year for each local calling area, which may
4.18 include more than one local calling area, consistent with the customer option provisions
4.19 of part 7810.2950 and, upon a customer's request and in the customer's preferred format
4.20 among the formats offered by the local service provider, one copy of any other directory
4.21 within the local calling area;

4.22 G. a white pages and directory assistance listing, or, upon customer request,
4.23 a private listing that allows the customer to have an unlisted or unpublished telephone
4.24 number;

4.25 H. call-tracing capability according to chapter 7813;

5.1 I. blocking capability according to the commission's ORDER ESTABLISHING
5.2 CONDITIONS FOR THE PROVISION OF CUSTOMER LOCAL AREA SIGNALING
5.3 SERVICES, Docket No. P-999/CI-92-992 (June 17, 1993) and its ORDER AFTER
5.4 RECONSIDERATION, Docket No. P-999/CI-92-992 (December 3, 1993), which are
5.5 incorporated by reference, are not subject to frequent change, and are available through
5.6 the statewide interlibrary loan system; and

5.7 J. telecommunications relay service capability or access necessary to comply
5.8 with state and federal regulations.

5.9 [For text of subps 2 to 7, see M.R.]

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Residential White Pages Directory Publication and Distribution

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapters 7810, 7811, and 7812

RULE APPROVED
OFFICE OF ADMINISTRATIVE HEARINGS
July 9, 2015
DATE
Barbara L. Neilson
ADMINISTRATIVE LAW JUDGE.



The attached rules are approved for
filing with the Secretary of State

A blue ink signature of Ryan S. Inman, written over a horizontal line.

Ryan S. Inman
Assistant Deputy Revisor

160135



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

July 17, 2015

The Honorable James Mortenson
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

Re: In the Matter of the Adopted Rules of the Public Utilities Commission Governing
Cogeneration and Small Power Production; OAH Docket No. 5-2500-32078; Revisor's ID
Number R-04214

Dear Judge Mortenson:

On June 12, 2015, the Commission adopted the above-named rules governing Cogeneration and Small Power Production. The Commission now requests that the Office of Administrative Hearings review and approve the rules under Minnesota Statutes, section 14.26. Enclosed for your review are the documents required by Office of Administrative Hearings Rules, part 1400.2310, items A to P. Paragraphs A to P of this letter are keyed to items A to P of part 1400.2310. Each paragraph states whether the document is enclosed and, if the document is not enclosed, the reason that the document is not applicable.

- A. Enclosed: the Request for Comments as published in the State Register on August 26, 2013.
- B. Not enclosed: a petition for rulemaking. This is not enclosed because no petition was filed regarding these rules.
- C. Enclosed: the proposed rules dated December 5, 2014, with the Revisor's certificate of approval.
- D. Enclosed: the Statement of Need and Reasonableness.
- E. Enclosed: the Notice of Intent to Adopt Rules, as mailed, and the Notice of Intent to Adopt Rules, as published in the State Register on December 29, 2014.
- F. Not enclosed: a letter from the Chief Administrative Law Judge authorizing the Department to omit the text of the proposed rules from the Notice of Intent to Adopt Rules

www.puc.state.mn.us

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published in the State Register. This is not enclosed because the Commission included the text of the proposed rules with the Notice of Intent to Adopt Rules published in the State Register.

- G. Enclosed: the Certificate of Mailing the Notice of Intent to Adopt Rules and the Certificate of Accuracy of the Mailing List.
- H. Enclosed: the Certificate of Additional Notice or a copy of the transmittal letter.
- I. Enclosed: the Certificate of Mailing the Statement of Need and Reasonableness to the Legislative Reference Library.
- J. Enclosed: all written comments and submissions on the proposed rules that the Commission received during the comment period, requests for hearing and withdrawals of requests for hearing, except those that only requested copies of documents. Also included is the notice of cancellation of the hearing, dated February 6, which the Commission sent to all persons who requested a hearing.
- K. Not enclosed: a notice of withdrawal of hearing request, evidence that the Department sent its notice of withdrawal to all persons who requested a hearing, and any responsive comments received. These are not enclosed because Minnesota Statutes, section 14.25, subdivision 2, did not require the Department to send a notice of withdrawal of hearing request.
- L. Enclosed: a copy of the adopted rules dated July 14, 2015. The modifications to the proposed rules are reflected in the rules as adopted and are approved by the Revisor of Statutes.
- M. Not enclosed: a notice of adopting substantially different rules that was sent to persons or groups who commented during the comment period and evidence that the notice was sent to those persons or groups. This is not enclosed because the Commission did not adopt substantially different rules.
- N. Enclosed: the Order Adopting Rules that complies with the requirements in part 1400.2090.
- O. Not enclosed: a notice of submission of rules to the Office of Administrative Hearings and a copy of a transmittal letter or certificate of mailing the notice of submission of rules to the Office of Administrative Hearings. No persons requested notification of the submission of the rules to the Office of Administrative Hearings.
- P. Enclosed: any other document or evidence to show compliance with any other law or rule that the Department is required to follow in adopting these rules. These are:
 - A copy of the transmittal letter showing the agency sent notice to Legislators; and
 - A copy of the transmittal letter showing the agency consulted with the Department of MMB.

If you have questions or wish to discuss anything with me, please contact me at 651-201-2239.
After you complete your review, please send any correspondence to me at the following address:

Kate Kahlert
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101

Sincerely,

A handwritten signature in dark ink, appearing to read "Kate Kahlert", written in a cursive style.

Kate Kahlert
Commission Attorney

A.

**Request for Comments as Published in
the State Register on August 26, 2013**

Official Notices

comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 14 August 2013

Lucinda Jesson, Commissioner
Department of Human Services

Minnesota Department of Public Safety (DPS) Bureau of Criminal Apprehension Notice of Information Meeting October 16, 2013

The Minnesota Bureau of Criminal Apprehension will hold a meeting from 9:00 a.m. to 11:30 a.m. on Wednesday, October 16, 2013 to discuss progress on several BCA initiatives regarding criminal justice information sharing in the state of Minnesota. Information on project architecture, the new crime reporting system and the new criminal history system will be provided. The meeting will take place at the Bureau of Criminal Apprehension offices at 1430 Maryland Ave. E. in St. Paul. In addition, limited participation may take place via web conference. (To make arrangements to participate remotely, please contact Jill Oliveira at the information listed below.)

Vendors, particularly those working with local agencies to manage records, as well as agency information technology staff are encouraged to attend this meeting. Please RSVP. For more information or to RSVP contact Jill Oliveira, Public Information Officer, at (651) 793-2726 or jill.oliveira@state.mn.us

Minnesota Public Utilities Commission (PUC) REQUEST FOR COMMENTS on Possible Amendments to Rules Governing Cogeneration and Small Power Production, *Minnesota Rules*, Chapter 7835; Revisor's ID Number R-04214; PUC Docket No. E-999/R-13-729

Subject of Rules. The Minnesota Public Utilities Commission requests comments on possible amendment to rules governing Cogeneration and Small Power Production. The Commission is considering rule amendments to incorporate recent statutory changes affecting cogeneration and small power production. These changes include, among others, the following:

- increasing the net-metering threshold capacity for a qualifying facility or *net metered facility* interconnecting to a public utility – under the changes, the threshold is “less than 1,000 kW” (from less than 40 kW);
- establishing a new annual billing/crediting method;
- prohibiting standby charges for facilities under 100 kW;
- requiring public utilities to aggregate meters for net metering at customers’ request;
- authorizing the Commission to limit cumulative generation from net-metered customers and permitting a public utility to request that the Commission set such limits;
- authorizing public utilities to limit capacity to 120 % of demand for wind customers and to 120 % of energy consumption for solar photovoltaic customers; and
- changing requirements governing the uniform statewide contract to incorporate the new net-metering threshold for facilities interconnecting to a public utility.

Official Notices

Persons Affected. The rule amendments would likely affect public utilities providing retail electric service, cogenerators, small power producers, municipal electric utilities, electric cooperatives, net metered customers, and persons wanting to interconnect with a public utility.

Statutory Authority. *Minnesota Statutes* § 216.05, subd.1, gives the Commission general rulemaking authority. And *Minnesota Statutes* § 216B.164, subd. 6, authorizes the Commission to adopt rules governing cogeneration and small power production.

Public Comment. Interested persons or groups may submit comments or information on these possible rule amendments in writing until 4:30 p.m. on September 30, 2013. The Commission will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. **Please refer to PUC Docket No. E-999/R-13-729 in your comments.** You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Advisory Committee. The Commission has not determined whether to appoint an advisory committee under *Minnesota Statutes* §14.101 to comment on the possible rules. Persons interested in this issue should address it in their comments. And persons interested in serving on an advisory committee should include a request to do so in their comments.

Rules Drafts. The Commission has not yet drafted the possible rules amendments.

Agency Contact Person. Written comments, questions, and requests for more information on these possible rules should be directed to:

Kate Kahlert, Staff Attorney
Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, Minnesota 55101-2147

Phone: (651) 201-2239

Fax: (651) 297-7073;

E-mail: kate.kahlert@state.mn.us.

Persons with hearing loss or speech disabilities may call us through

Minnesota Relay at 1-800-627-3529 or by dialing 711.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Minnesota Department of Transportation (Mn/DOT) Engineering Services Division, Office of Construction and Innovative Contracting Notices of Suspension and Debarment

NOTICE OF SUSPENSION

NOTICE IS HEREBY GIVEN that the Department of Transportation ("MnDOT") has ordered that the following vendors be suspended for a period of sixty (60) days, effective May 6, 2013 until July 5, 2013:

- Marlon Louis Danner and his affiliates, South St. Paul, MN
- Danner, Inc. and its affiliates, South St. Paul, MN
- Bull Dog Leasing, Inc. and its affiliates, Inver Grove Heights, MN

B.

Not Enclosed: Petition for Rulemaking

**This is not enclosed because no petition was
filed regarding these rules.**

C.

**The Proposed Rules dated December 5,
2014, with the Revisor's certificate of
approval**

1.1 **Public Utilities Commission**1.2 **Proposed Permanent Rules Relating to Cogeneration and Small Power Production**1.3 **7835.0100 DEFINITIONS.**1.4 [For text of subps 1 to 3, see M.R.]

1.5 Subp. 4. **Capacity.** "Capacity" means the capability to produce, transmit, or deliver
1.6 electric energy, and is measured by the number of megawatts alternating current at the
1.7 point of common coupling between a qualifying facility and a utility's electric system.

1.8 Subp. 5. **Capacity costs.** "Capacity costs" means the costs associated with providing
1.9 the capability to deliver energy. ~~They consist of~~ The utility capital costs consist of
1.10 facilities used to generate, transmit, and distribute electricity and the fixed operating
1.11 and maintenance costs of these facilities.

1.12 [For text of subp 6, see M.R.]

1.13 Subp. 6a. **Customer.** "Customer" means the person named on the utility electric
1.14 bill for the premises.

1.15 [For text of subps 7 to 15, see M.R.]

1.16 Subp. 15a. **Net metered facility.** "Net metered facility" means an electric generation
1.17 facility constructed for the purpose of offsetting energy use through the use of renewable
1.18 energy or high-efficiency distributed generation sources.

1.19 [For text of subps 16 and 17, see M.R.]

1.20 Subp. 17a. **Public utility.** "Public utility" has the meaning given in Minnesota
1.21 Statutes, section 216B.02, subdivision 4.

1.22 [For text of subp 18, see M.R.]

1.23 Subp. 19. **Qualifying facility.** "Qualifying facility" means a cogeneration or small
1.24 power production facility which satisfies the conditions established in Code of Federal

Regulations, title 18, ~~section 292.101 (b) (1), (1981), as applied when interpreted in~~
~~accordance with the amendments to Code of Federal Regulations, title 18, sections 292.201~~
~~to 292.207 adopted through Federal Register, volume 46, pages 33025-33027, (1981) part~~
292. The initial operation date or initial installation date of a cogeneration or small power
production facility must not prevent the facility from being considered a qualifying facility
for the purposes of this chapter if it otherwise satisfies all stated conditions.

[For text of subp 20, see M.R.]

Subp. 20a. **Standby charge.** "Standby charge" means the rate or fee a utility charges
for standby service or standby power.

Subp. 20b. **Standby service.** "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and
related services necessary to make electricity service available to the facility, as described
in the public utility's commission-approved standby tariff; and

B. for a utility not subject to the commission's rate authority, the service
associated with the applicable tariff in effect under Minnesota Statutes, section 216B.1611,
subdivision 3, clause (2).

[For text of subps 21 to 24, see M.R.]

7835.0200 SCOPE AND PURPOSE.

The purpose of this chapter is to implement certain provisions of Minnesota Statutes,
section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code,
title 16, section 824a-3 (~~Supplement III, 1979~~); and the Federal Energy Regulatory
Commission regulations, Code of Federal Regulations, title 18, ~~sections 292.101 to~~
~~292.602 (1981) part 292~~. Nothing in this chapter excuses any utility from carrying out
its responsibilities under these provisions of state and federal law. This chapter must
at all times be applied in accordance with its intent to give the maximum possible

3.1 encouragement to cogeneration and small power production consistent with protection
3.2 of the ratepayers and the public.

3.3 **7835.0400 FILING OPTION.**

3.4 If, after the ~~initial~~ January 1, 2015, filing, schedule C is the only change in the
3.5 cogeneration and small power production tariff to be filed in a subsequent year, the utility
3.6 may notify the commission in writing, by the date the tariff is due, that there is no other
3.7 change in the tariff. This notification and new schedule C will serve as a substitute for the
3.8 refiling of the complete tariff in that year.

3.9 **7835.0800 SCHEDULE E.**

3.10 Schedule E must contain the utility's safety standards, required operating procedures
3.11 for interconnected operations, and the functions to be performed by any control and
3.12 protective apparatus. ~~These standards and procedures must not be more restrictive than the~~
3.13 ~~interconnection guidelines listed in parts 7835.4800 to 7835.5800.~~ The utility may include
3.14 in schedule E suggested types of equipment to perform the specified functions. No standard
3.15 or procedure may be established to discourage cogeneration or small power production.

3.16 **7835.1200 AVAILABILITY OF FILINGS.**

3.17 All filings required by parts 7835.0300 to 7835.1100 must be ~~made with~~ filed in
3.18 ~~the commission~~ commission's electronic filing system and be maintained at the utility's
3.19 general office and any other offices of the utility where rate case filings are kept. These
3.20 filings must be available for public inspection at the commission and at the utility offices
3.21 during normal business hours.

3.22 **7835.1300 GENERAL REPORTING REQUIREMENTS.**

3.23 Each utility interconnected with a qualifying facility must provide the commission
3.24 with the information in parts 7835.1400 to 7835.1800 annually on or before ~~November~~
3.25 March 1, 1984, and annually thereafter, and in such form as the commission may require.

4.1 **7835.2100 ELECTRICAL CODE COMPLIANCE WITH NATIONAL**
4.2 **ELECTRICAL SAFETY CODE.**

4.3 Subpart 1. **Compliance; standards.** The interconnection between the qualifying
4.4 facility and the utility must comply with the requirements of the National Electrical
4.5 Safety Code, 1981 edition, issued by the Institute of Electrical and Electronics Engineers
4.6 as American National Standards Institute Standard C2 (New York, 1980). The
4.7 interconnection is subject to subparts 2 and 3.

4.8 Subp. 2. **Interconnection.** The interconnection customer is responsible for
4.9 complying with all applicable local, state, and federal codes, including building codes, the
4.10 National Electric Code (NEC), the National Electric Safety Code (NESC), and noise and
4.11 emissions standards. The Area Electric Power System will require proof of complying
4.12 with the NEC before the interconnection is made. The interconnection customer must
4.13 obtain installation approval from an electrical inspector recognized by the Minnesota
4.14 State Board of Electricity.

4.15 Subp. 3. **Generation system.** The interconnection customer's generation system and
4.16 installation must comply with the American National Standards Institute/Institute of
4.17 Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

4.18 **7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.**

4.19 Subpart 1. **Service to be offered.** The utility must offer maintenance, interruptible,
4.20 supplementary, and backup power to the qualifying facility upon request.

4.21 Subp. 2. **Standby service; public utility.** A public utility may not impose a standby
4.22 charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A
4.23 utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must
4.24 comply with an order of the commission establishing allowable costs.

4.25 Subp. 3. **Standby service; cooperative or municipality.** A cooperative electric
4.26 association or municipal utility must offer a qualifying facility standby power or service

5.1 consistent with its applicable tariff for such service adopted under Minnesota Statutes,
5.2 section 216B.1611, subdivision 3, clause (2).

5.3 **7835.3000 RATES FOR UTILITY SALES TO A QUALIFYING FACILITY TO**
5.4 **BE GOVERNED BY TARIFF.**

5.5 Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility
5.6 must be governed by the applicable tariff for the class of electric utility customers to
5.7 which the qualifying facility belongs or would belong were it not a qualifying facility.

5.8 **7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC**
5.9 **ASSOCIATION OR MUNICIPAL UTILITY.**

5.10 Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility
5.11 and a cooperative electric association or municipal utility.

5.12 **7835.3200 STANDARD RATES FOR PURCHASES IN GENERAL BY**
5.13 **COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES**
5.14 **FROM QUALIFYING FACILITIES.**

5.15 Subpart 1. Qualifying facilities with 100 kilowatt capacity or less. For qualifying
5.16 facilities with capacity of 100 kilowatts or less, standard purchase rates apply. ~~Qualifying~~
5.17 ~~facilities with capacity of more than 100 kilowatts may negotiate contracts with the~~
5.18 ~~utility or may be compensated under standard rates if they make commitments to provide~~
5.19 ~~firm power.~~ The utility must make available three types of standard rates, described in
5.20 parts 7835.3300, 7835.3400, and 7835.3500. The qualifying facility with a capacity of
5.21 100 kilowatts or less must choose interconnection under one of these rates, and must
5.22 specify its choice in the written contract required in part 7835.2000. Any net credit to the
5.23 qualifying facility must, at its option, be credited to its account with the utility or returned
5.24 by check within 15 days of the billing date. The option chosen must be specified in the
5.25 written contract required in part 7835.2000. Qualifying facilities remain responsible for
5.26 any monthly service charges and demand charges specified in the tariff under which
5.27 they consume electricity from the utility.

6.1 Subp. 2. **Qualifying facilities over 100 kilowatt capacity.** A qualifying facility with
6.2 more than 100 kilowatt capacity has the option to negotiate a contract with a utility or, if it
6.3 commits to provide firm power, be compensated under standard rates.

6.4 **7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.**

6.5 Parts 7835.4011 to 7835.4023 apply to interconnections between a qualifying facility
6.6 and a public utility.

6.7 **7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES**
6.8 **FROM QUALIFYING FACILITIES.**

6.9 Subpart 1. **Standard rates.** For qualifying facilities with less than 1,000 kilowatt
6.10 capacity, standard rates apply. The utility must make available the types of standard rates
6.11 described in parts 7835.4012 to 7835.4015. Qualifying facilities remain responsible for
6.12 any monthly service charges and demand charges specified in the tariff under which
6.13 they consume electricity from the utility.

6.14 Subp. 2. **Negotiated rates.** A qualifying facility with 1,000 kilowatt capacity or
6.15 more has the option to negotiate a contract with a utility or, if it commits to provide firm
6.16 power, be compensated under standard rates.

6.17 **7835.4012 COMPENSATION.**

6.18 Subpart 1. **Facilities with less than 40 kilowatt capacity.** A qualifying facility with
6.19 less than 40 kilowatt capacity has the option to be compensated at the net energy billing
6.20 rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

6.21 Subp. 2. **Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt**
6.22 **capacity.** A qualifying facility with at least 40 kilowatt capacity but less than 1,000
6.23 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing
6.24 rate, or at the time-of-day billing rate.

7.1 **7835.4013 AVERAGE RETAIL ENERGY RATE.**

7.2 Subpart 1. Method of billing. The utility must bill the qualifying facility for the
7.3 energy supplied by the utility that exceeds the amount of energy supplied by the qualifying
7.4 facility during each billing period according to the utility's applicable retail rate schedule.

7.5 Subp. 2. Additional calculations for billing. When the energy generated by the
7.6 qualifying facility exceeds that supplied by the utility during a billing period, the utility
7.7 must compensate the qualifying facility for the excess energy at the average retail utility
7.8 energy rate.

7.9 **7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.**

7.10 Subpart 1. Method of billing. The qualifying facility must be billed for all energy
7.11 and capacity it consumes during a billing period according to the utility's applicable retail
7.12 rate schedule.

7.13 Subp. 2. Compensation to qualifying facility. The utility must purchase all energy
7.14 and capacity which is made available to it by the qualifying facility. At the option of the
7.15 qualifying facility, its entire generation must be deemed to be made available to the utility.
7.16 Compensation to the qualifying facility must be the sum of items A and B.

7.17 A. The energy component must be the appropriate system average incremental
7.18 energy costs shown on schedule A; or if the generating utility has not filed schedule A,
7.19 the energy component must be the energy rate of the retail rate schedule applicable to the
7.20 qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
7.21 not filed schedule A, the energy component must be the energy rate shown on schedule H.

7.22 B. If the qualifying facility provides firm power to the utility, the capacity
7.23 component must be the utility's net annual avoided capacity cost per kilowatt-hour
7.24 averaged over all hours shown on schedule B; or if the generating utility has not filed
7.25 schedule B, the capacity component must be the demand charge per kilowatt, if any, of the

8.1 retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B,
8.2 divided by the number of hours in the billing period; or if the nongenerating utility has not
8.3 filed schedule B, the capacity component must be the capacity cost per kilowatt shown on
8.4 schedule H, divided by the number of hours in the billing period. If the qualifying facility
8.5 does not provide firm power to the utility, no capacity component may be included in the
8.6 compensation paid to the qualifying facility.

8.7 **7835.4015 TIME-OF-DAY PURCHASE RATES.**

8.8 Subpart 1. **Method of billing.** The qualifying facility must be billed for all
8.9 energy and capacity it consumes during each billing period according to the utility's
8.10 applicable retail rate schedule. Any utility rate-regulated by the commission may propose
8.11 time-of-day retail rate tariffs which require qualifying facilities that choose to sell power
8.12 on a time-of-day basis to also purchase power on a time-of-day basis.

8.13 Subp. 2. **Compensation to qualifying facility.** The utility must purchase all energy
8.14 and capacity which is made available to it by the qualifying facility. Compensation to the
8.15 qualifying facility must be the sum of items A and B.

8.16 A. The energy component must be the appropriate on-peak and off-peak system
8.17 incremental costs shown on schedule A; or if the generating utility has not filed schedule
8.18 A, the energy component must be the energy rate of the retail rate schedule applicable to
8.19 the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
8.20 not filed schedule A, the energy component must be the energy rate shown on schedule H.

8.21 B. If the qualifying facility provides firm power to the utility, the capacity
8.22 component must be the utility's net annual avoided capacity cost per kilowatt-hour
8.23 averaged over the on-peak hours as shown on schedule B; or if the generating utility has
8.24 not filed schedule B, the capacity component must be the demand charge per kilowatt,
8.25 if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of
8.26 schedules A and B, divided by the number of on-peak hours in the billing period; or if

the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.

Subpart 1. **Applicability.** Individual system capacity limits are subject to the requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

Subp. 2. **Usage history.** A facility subject to capacity limits with less than 12 calendar months of actual electric usage or no demand metering available is subject to limits based on data for similarly situated customers combined with any actual data for the facility.

7835.4017 NET METERED FACILITY; BILL CREDITS.

Subpart 1. **Kilowatt-hour credit.** A customer with a net metered facility can elect to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision 3a, and the following conditions:

A. the customer is not receiving a value of solar rate under Minnesota Statutes, section 216B.164, subdivision 10;

B. the customer is interconnected with a public utility; and

C. the net metered facility has a capacity of at least 40 kilowatt capacity but less than 1,000 kilowatt capacity.

Subp. 2. **Notification to customer.** A public utility must notify the customer of the option to be compensated for net input in the form of a kilowatt-hour credit under subpart 1. The public utility must inform the customer that if the customer does not elect to be compensated for net input in the form of a kilowatt-hour credit on the bill, the customer

10.1 will be compensated for the net input at the utility's avoided cost rate, as described in
10.2 the utility's tariff for that customer class.

10.3 Subp. 3. **End-of-year net input.** A public utility must compensate the customer, in
10.4 the form of a payment, for any net input remaining at the end of the calendar year at the
10.5 utility's avoided cost rate, as described in the utility's tariff for that class of customer.

10.6 **7835.4018 AGGREGATION OF METERS.**

10.7 A public utility must aggregate meters at the request of a customer as described in
10.8 Minnesota Statutes, section 216B.164, subdivision 4a.

10.9 **7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR**
10.10 **MORE.**

10.11 A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate
10.12 a contract with the utility to set the applicable rates for payments to the customer of
10.13 avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents
10.14 a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity
10.15 under its avoided cost rates.

10.16 **7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.**

10.17 The qualifying facility which negotiates a contract under part 7835.4019 must be
10.18 entitled to the full avoided capacity costs of the utility. The amount of capacity payments
10.19 must be determined through consideration of:

10.20 A. the capacity factor of the qualifying facility;

10.21 B. the cost of the utility's avoidable capacity;

10.22 C. the length of the contract term;

10.23 D. reasonable scheduling of maintenance;

10.24 E. the willingness and ability of the qualifying facility to provide firm power
10.25 during system emergencies;

11.1 F. the willingness and ability of the qualifying facility to allow the utility to
11.2 dispatch its generated energy;

11.3 G. the willingness and ability of the qualifying facility to provide firm capacity
11.4 during system peaks;

11.5 H. the sanctions for noncompliance with any contract term; and

11.6 I. the smaller capacity increments and the shorter lead times available when
11.7 capacity is added from qualifying facilities.

11.8 **7835.4021 UTILITY TREATMENT OF COSTS.**

11.9 All purchases from qualifying facilities with capacity of less than 40 kilowatts and
11.10 purchases of energy from qualifying facilities with capacity of 40 kilowatts or more must
11.11 be considered an energy cost in calculating a utility's fuel adjustment clause.

11.12 **7835.4022 LIMITING CUMULATIVE GENERATION.**

11.13 A public utility requesting that the commission limit cumulative generation of net
11.14 metered facilities under Minnesota Statutes, section 216B.164, subdivision 4b, must file
11.15 its request with the commission under chapter 7829.

11.16 **7835.4023 ALTERNATIVE TARIFF FOR VALUE OF SOLAR.**

11.17 If a public utility has received commission approval of an alternative tariff for the
11.18 value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff
11.19 applies to new solar photovoltaic interconnections effective after the tariff approval date.

11.20 **7835.4750 INTERCONNECTION STANDARDS.**

11.21 Prior to signing the uniform statewide contract, a utility must distribute to
11.22 each customer a copy of, or electronic link to, the commission's order establishing
11.23 interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023.
11.24 The utility must provide each customer a copy of, or electronic link to, subsequent changes
11.25 made by the commission to any of those standards.

12.1 **7835.5900 EXISTING CONTRACTS.**

12.2 Any existing interconnection ~~contracts~~ contract executed between a utility and a
12.3 qualifying facility with ~~installed~~ capacity of less than 40 kilowatts ~~before November~~
12.4 ~~13, 1984, may be canceled and replaced with the uniform statewide contract at the~~
12.5 ~~option of either party by either party giving the other written notice~~ remains in force
12.6 until terminated by mutual agreement of the parties. The notice is effective upon the
12.7 ~~shortest period permitted under the existing contract for termination, but not less than ten~~
12.8 ~~nor more than 30 days.~~

12.9 **7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.**

12.10 A qualifying facility owns all renewable energy credits unless other ownership is
12.11 expressly provided for in the contract between the qualifying facility and a utility under
12.12 part 7835.9910.

12.13 **7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.**

12.14 The form for the uniform statewide contract ~~for use~~ must be applied to all new and
12.15 existing interconnections between a utility and cogeneration and small power production
12.16 facilities having less than ~~40~~ 1,000 kilowatts of capacity is as follows, except as described
12.17 in part 7835.5900.

12.18 **UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER**
12.19 **PRODUCTION FACILITIES**

12.20 THIS CONTRACT is entered into _____, _____, by
12.21 _____ (hereafter called "Utility") and
12.22 _____
12.23 (hereafter called "QF").

12.24 **RECITALS**

12.25 The QF has installed electric generating facilities, consisting
12.26 of _____
12.27 _____

13.1 _____ (Description of facilities),
13.2 rated at ~~less than 40~~ _____ kilowatts of electricity, on property located
13.3 at _____
13.4 _____.

13.5 The QF is prepared to generate electricity in parallel with the Utility.

13.6 The QF's electric generating facilities meet the requirements of the Minnesota
13.7 Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and
13.8 Small Power Production and any technical standards for interconnection the Utility has
13.9 established that are authorized by those rules.

13.10 The Utility is obligated under federal and Minnesota law to interconnect with the QF
13.11 and to purchase electricity offered for sale by the QF.

13.12 A contract between the QF and the Utility is required by the Commission's rules.

13.13 **AGREEMENTS**

13.14 The QF and the Utility agree:

13.15 1. The Utility will sell electricity to the QF under the rate schedule in force for the
13.16 class of customer to which the QF belongs.

13.17 2. The Utility will buy electricity from the QF under the current rate schedule filed
13.18 with the Commission. The QF ~~has elected~~ elects the rate schedule category hereinafter
13.19 indicated (~~select one~~):

13.20 _____ a. Net energy billing rate under part 7835.3300.

13.21 _____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

13.22 _____ c. Time-of-day purchase rates under part 7835.3500.

13.23 A copy of the presently filed rate schedule is attached to this contract.

13.24 3. The Utility will buy electricity from the QF under the current rate schedule filed
13.25 with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate
13.26 schedule category hereinafter indicated:

13.27 _____ a. Net energy billing rate under part 7835.4013.

14.1 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

14.2 _____ c. Time-of-day purchase rates under part 7835.4015.

14.3 A copy of the presently filed rate schedule is attached to this contract.

14.4 4. The Utility will buy electricity from the QF under the current rate schedule filed
14.5 with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000
14.6 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

14.7 _____ a. Simultaneous purchase and sale billing rate under part 7835.4014.

14.8 _____ b. Time-of-day purchase rates under part 7835.4015.

14.9 A copy of the presently filed rate schedule is attached to this contract.

14.10 3.5. The rates for sales and purchases of electricity may change over the time this
14.11 contract is in force, due to actions of the Utility or of the Commission, and the QF and the
14.12 Utility agree that sales and purchases will be made under the rates in effect each month
14.13 during the time this contract is in force.

14.14 4.6. The Utility will compute the charges and payments for purchases and sales for
14.15 each billing period. Any net credit to the QF will be made under one of the following
14.16 options as chosen by the QF:

14.17 _____ 1. Credit to the QF's account with the Utility.

14.18 _____ 2. Paid by check to the QF within 15 days of the billing date.

14.19 7. Renewable energy credits associated with generation from the facility are owned by:

14.20 _____

14.21 5.8. The QF must operate its electric generating facilities within any rules, regulations,
14.22 and policies adopted by the Utility not prohibited by the Commission's rules on
14.23 Cogeneration and Small Power Production which provide reasonable technical connection
14.24 and operating specifications for the QF. This agreement does not waive the QF's right to
14.25 bring a dispute before the Commission as authorized by Minnesota Rules, parts 7835.4800,
14.26 ~~7835.5800, and part~~ 7835.4500, and any other provision of the Commission's rules on
14.27 Cogeneration and Small Power Production authorizing Commission resolution of a dispute.

15.1 ~~6~~ 9. The Utility's rules, regulations, and policies must conform to the Commission's
15.2 rules on Cogeneration and Small Power Production.

15.3 ~~7~~ 10. The QF will operate its electric generating facilities so that they conform to
15.4 the national, state, and local electric and safety codes, and will be responsible for the
15.5 costs of conformance.

15.6 ~~8~~ 11. The QF is responsible for the actual, reasonable costs of interconnection
15.7 which are estimated to be \$_____. The QF will pay the Utility in this
15.8 way: _____

15.9 _____
15.10 ~~9~~ 12. The QF will give the Utility reasonable access to its property and electric
15.11 generating facilities if the configuration of those facilities does not permit disconnection
15.12 or testing from the Utility's side of the interconnection. If the Utility enters the QF's
15.13 property, the Utility will remain responsible for its personnel.

15.14 ~~10~~ 13. The Utility may stop providing electricity to the QF during a system
15.15 emergency. The Utility will not discriminate against the QF when it stops providing
15.16 electricity or when it resumes providing electricity.

15.17 ~~11~~ 14. The Utility may stop purchasing electricity from the QF when
15.18 necessary for the Utility to construct, install, maintain, repair, replace, remove,
15.19 investigate, or inspect any equipment or facilities within its electric system.

15.20 The Utility will notify the QF before it stops purchasing electricity in this
15.21 way: _____

15.22 _____

15.23 ~~12~~ 15. The QF will keep in force liability insurance against personal or property
15.24 damage due to the installation, interconnection, and operation of its electric generating
15.25 facilities. The amount of insurance coverage will be \$_____ (The utility
15.26 ~~may not require an amount greater than \$300,000~~ amount must be consistent with the
15.27 Commission's interconnection standards under Minnesota Rules, part 7835.4750).

16.1 ~~13~~ 16. This contract becomes effective as soon as it is signed by the QF and the
16.2 Utility. This contract will remain in force until either the QF or the Utility gives written
16.3 notice to the other that the contract is canceled. This contract will be canceled 30 days
16.4 after notice is given.

16.5 ~~14~~ 17. This contract contains all the agreements made between the QF and the Utility
16.6 except that this contract shall at all times be subject to all rules and orders issued by
16.7 the Public Utilities Commission or other government agency having jurisdiction over
16.8 the subject matter of this contract. The QF and the Utility are not responsible for any
16.9 agreements other than those stated in this contract.

16.10 THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE
16.11 TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY
16.12 HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT
16.13 THE BEGINNING OF THIS CONTRACT.

16.14 _____
16.15 QF

16.16 By: _____
16.17 _____
16.18 _____

16.19 UTILITY

16.20 By: _____
16.21 _____

16.22 (Title)

16.23 **7835.9920 NONSTANDARD PROVISIONS.**

16.24 A utility intending to implement provisions other than those included in the uniform
16.25 statewide form of contract must file a request for authorization with the commission. The
16.26 filing must conform with chapter 7829 and must identify all provisions the utility intends
16.27 to use in the contract with a qualifying facility.

- 17.1 **REPEALER.** Minnesota Rules, parts 7835.2300; 7835.2500; 7835.2700; 7835.2900;
- 17.2 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400;
- 17.3 7835.5500; 7835.5600; 7835.5700; and 7835.5800, are repealed.

D.

Statement of Need and Reasonableness

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to
Rules Governing Cogeneration and Small Power
Production, *Minnesota Rules* Chapter 7835

ISSUE DATE: December 29, 2014

DOCKET NO. E-999/R-13-729

STATEMENT OF NEED AND
REASONABLENESS

I.
INTRODUCTION

The Commission currently has rules governing interconnections between utilities and qualifying facilities, cogeneration and small power production facilities, entitled under federal law to sell their output to utilities. The rules govern filing and reporting requirements, conditions of service, compensation rates, wheeling and exchange agreements, interconnection guidelines, and they also establish a uniform statewide contract.

During the 2013 legislative session, the Legislature amended Minn. Stat. § 216B.164 governing cogeneration and small power production. The statutory changes primarily affect interconnections between qualifying facilities and *public utilities*.

The changes increase the capacity threshold for facilities interconnecting to a public utility. Under the changes, the threshold increases from *less than 40 kilowatts (kW)* to *less than 1,000 kW*.

The statutory changes also include:

- establishing a new annual billing/accrediting method;
- prohibiting standby charges for facilities under 100 kW;
- requiring public utilities to aggregate meters for net metering at customer's request;
- authorizing the Commission to limit cumulative generation from net-metered facilities and permitting a public utility to request that the Commission set such limits;
- authorizing public utilities to limit capacity to 120% of demand for wind customers and to 120% of energy consumption for solar photovoltaic customers; and

- changing requirements governing the uniform statewide contract to incorporate the new net-metering threshold.

This rulemaking proceeding will update the rules to incorporate the recent statutory changes and to make housekeeping changes as necessary. On August 26, 2013, the Commission published a Request for Comments in the *State Register* and did a mass mailing to the rulemaking list, requesting comments on amending the rules to incorporate the statutory changes.

The Commission subsequently appointed an advisory committee, which met monthly between April and August 2014. The committee included the following stakeholders:

- Department of Commerce
- Xcel Energy
- Otter Tail Power Company
- Energy Systems Consulting Services, LLC
- Minnesota Power
- Interstate Power and Light Company
- Solar Rate Reform Group
- Fresh Energy
- Minnesota Rural Electric Association
- Southern Minnesota Municipal Power Agency
- Cummins Power Generation
- Midwest Cogeneration Association
- TransEnergy LLC on behalf of Midwest Cogeneration Association
- Minnesota Municipal Utilities Association.

Several other interested stakeholders also attended committee meetings, including Great River Energy, Steele Waseca Cooperative Electric, Dakota Electric Association, Connexus Energy, and the Metropolitan Council.

II.

THIS MATERIAL IS AVAILABLE IN ALTERNATIVE FORMAT

This document can be made available in alternative formats (i.e., large print or audio tape) by calling 651.296.0406 or 1.800.657.3782 (voice). Persons with hearing or speech disabilities may call us through their preferred telecommunications relay service.

III.

STATUTORY AUTHORITY

The Commission's statutory authority to adopt these rules is set forth at Minn. Stat. §§ 216A.05, 216B.08, and 216B.164.

IV. STATEMENT OF NEED

The Administrative Procedure Act, Minn. Stat. Ch. 14, requires the Commission to establish the need for the proposed rules by an affirmative presentation of facts. Minn. Stat. §§ 14.14 subd. 2 and 14.23.

In this case, the proposed rules are necessary to ensure that the Commission's rules governing cogeneration and small power production are consistent with recent statutory changes made to Minn. Stat. § 216B.164.

V. STATEMENT OF REASONABLENESS

The Minnesota Administrative Procedure Act also requires the Commission to establish that the proposed rules are a reasonable solution to the problems they are intended to address, that the Commission relied on evidence in choosing the approach adopted in the rules, and that the evidence relied upon is rationally related to the approach the Commission chose to adopt. Minn. Stat. §§ 14.14, subd. 2 and 14.23. Minn. R. 1400.2070, subp. 1.

A. The Process Used to Develop the Rules Facilitated Informed Decision-making and was the Most Efficient Method for Establishing Reasonable Rules

The proposed rules are a reasonable means of incorporating recent statutory changes governing cogeneration and small power production. The Commission notified all persons who could be identified as potentially interested in or affected by the rules. After issuing a Request for Comments that resulted in recommendations made by stakeholders, the Commission established an advisory committee. The committee recommended, and the Commission incorporated, several changes that were reasonable and responsive to the needs of diverse stakeholders.

B. The Rules' Approach to Implementing Policy Goals is Reasonable

The Commission has determined that the proposed rules are needed and are the most reasonable way to implement the recent statutory changes. Without rule changes, the Commission's rules would be inconsistent with the amended statute, which could hinder the Commission's ability to enforce the rules and could hinder regulated parties' knowledge and understanding of the laws governing cogeneration and small power production.

VI. ANALYSIS OF INDIVIDUAL RULES

7835.0100 – Definitions

The statutory changes include newly defined terms, some of which are included in the proposed rule changes, as explained below.

Subp. 4. "Capacity"

Capacity. "Capacity" means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric system.

This proposed rule incorporates the statutory language in addition to retaining existing rule language.

It is necessary to update the rules to incorporate the recent statutory changes, which define capacity as the "number of megawatts alternating current at the point of interconnection between a distributed generation facility and the utility's electric system." Under this definition, capacity is, in effect, the amount of electricity actually produced. It is therefore reasonable to incorporate this language into the rules by stating that capacity is the capability to produce, transmit, or deliver electric energy and is measured by the amount produced.

Further, it is reasonable to include in the definition of capacity the term "qualifying facility," rather than "distributed generation facility," which is a type of qualifying facility. Capacity is used in statutory provisions and rule parts governing interconnections between utilities and all qualifying facilities; without use of "qualifying facility," the term capacity could be unreasonably excluded from applying to rule parts where the term is used.

It is also reasonable to use the term "point of common coupling," which is used in the Commission's interconnection standards as the point where the customer's electric power system connects to the utility's power system. Although the "point of interconnection" and the "point of common coupling" are commonly used interchangeably, the proposed rule's use of "point of common coupling" is consistent with earlier Commission decisions.¹

Some advisory committee members suggested further clarifying capacity by requiring that it be measured based on standard 15-minute time intervals. Others suggested measuring capacity based on net input. The statute does not prescribe whether capacity is measured over standard 15-minute intervals or other time interval, such as a daily or monthly average.

The proposed rule does not incorporate a 15-minute interval for measuring capacity, in part because a 15-minute standard is not applicable to all rule parts where the term is used and also because it raises compliance issues that the proposed rules do not address. Further, industry practice is to specify in Commission-approved utility tariffs that standard 15-minute intervals are used for measuring capacity to determine applicable billing rates, making the suggested specificity unnecessary.

¹ *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212*, Docket No. E-999/CI-01-1023, Order Establishing Standards (September 28, 2004); and *In the Matter of the Petition of Northern States Power Company, d/b/a Xcel Energy for Approval of its Proposed Community Solar Garden Program*, E-002/M-13-867, Order Approving Solar Garden Plan with Modifications (September 17, 2014).

Subp. 5. "Capacity costs."

Capacity costs. "Capacity costs" means the costs associated with providing the capability to deliver energy. ~~They consist of~~ The utility capital costs consist of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

"Capacity costs" is not defined by the statute, but the draft includes a minor modification to clarify that "capital costs" are the costs of a *utility*. This proposed rule change is necessary and reasonable to make the rule clearer.

Subp. 6a. "Customer."

Customer. "Customer" means the person named on the utility electric bill for the premises.

The statutory changes include a definition of this term. It is necessary and reasonable to define the term, which is used in subsequent rule parts, consistent with the statutory definition.

Subp. 15a. "Net metered facility."

Net metered facility. Net metered facility means an electric generation facility constructed for the purpose of offsetting energy use through the use of renewable energy or high-efficiency distributed generation sources.

The statutory changes include a definition of this term. It is necessary and reasonable to define the term, which is used in subsequent rule parts, consistent with the statutory definition.

Subp. 17a. "Public utility."

Public Utility. "Public utility" has the meaning given in Minnesota Statutes, section 216B.02, subdivision 4.

The statutory changes affect interconnections with a public utility, but the statute does not define the term. To increase clarity and avoid ambiguity, it is necessary to define the term and reasonable to do so using the definition contained in Minn. Stat. § 216B.02, subd. 4, which excludes electric cooperative associations and municipal electric utilities. This distinction is relevant to implementing the statutory changes that apply to interconnections with *public* utilities but do not apply to interconnections with cooperative electric associations or municipal electric utilities.

Subp. 19. "Qualifying facility."

Qualifying facility. "Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in Code of Federal Regulations, title 18, ~~section 292.101 (b) (1), (1981), as applied when interpreted in accordance with the amendments to Code of Federal Regulations, title 18, sections 292.201 to 292.207 adopted through Federal Register, volume 46, pages 33025-33027, (1981) part 292.~~ The initial operation date or initial installation date of a cogeneration or small power production facility must not prevent the facility from being considered a qualifying facility for the purposes of this chapter if it otherwise satisfies all stated conditions.

The statute uses this term but does not define it. The proposed rule is necessary and reasonable to update the existing rule definition, which includes a citation to the federal rule definition.

Subp. 20a. "Standby charge."

Standby charge. "Standby charge" means the rate or fee a utility charges for standby service or standby power.

Subp. 20b "Standby service."

Standby service. "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and related services necessary to make electricity service available to the facility, as described in the public utility's commission-approved standby tariff.

B. for a utility not subject to the commission's rate authority, the service associated with the applicable tariff in effect under Minnesota statutes, section 216B.1611, subdivision 3, clause (2).

The statute defines "standby *charge*," as follows:

"Standby charge" means a charge imposed by an electric utility upon a distributed generation facility for the recovery of costs for the provision of standby services, as provided for in a utility's tariffs approved by the commission, necessary to make electricity service available to the distributed generation facility.

Within the statutory definition of standby *charge* is a description of standby *service*. Subsequent rule parts use both terms, and it is therefore reasonable and necessary for the proposed rules to define both terms, consistent with the statutory language.

7835.0200 – Scope and Purpose

The purpose of this chapter is to implement certain provisions of Minnesota Statutes, section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code, title 16, section 824a-3 (~~Supplement III, 1979~~); and the Federal Energy Regulatory Commission regulations, Code of Federal Regulations, title 18, ~~sections 292.101 to 292.602 (1981)~~ part 292. Nothing in this chapter excuses any utility from carrying out its responsibilities under these provisions of state and federal law. This chapter must at all times be applied in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

This proposed rule part includes an update to the federal citation, which is both necessary and reasonable to increase clarity.

7835.0400 – Filing Option

If, after the initial January 1, 2015 filing, schedule C is the only change in the cogeneration and small power production tariff to be filed in a subsequent year, the utility may notify the commission in writing, by the date the tariff is due, that there is no other change in the tariff. This notification and new schedule C will serve as a substitute for the refiling of the complete tariff in that year.

The proposed rule includes a clarification that will apply the rule to filings made after January 1, 2015. The current rules require each utility to make an annual filing unless schedule C is the only change to the tariff. Under the proposed rule change, each utility will be required to make a filing in 2015 and only subsequently will the exception in the rule apply. This rule is necessary and reasonable to ensure that the Commission will receive new and updated utility tariff filings, consistent with the statutory and rule changes, and will ensure that the exception to filing the full tariff will apply only to filings made after the January 1, 2015.

7835.0800 – Schedule E

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. ~~These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800.~~ The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

The proposed rule strikes language referring to the rule's interconnection guidelines. This proposed rule change is necessary and reasonable to eliminate inconsistencies with interconnection standards separately set forth by the Commission, by order, in 2004.²

² *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212, Docket No. E-999/CI-01-1023, Order Establishing Standards (September 28, 2004).*

The Commission considered incorporating by reference the Commission's order setting forth the interconnection standards but did not pursue that approach in anticipation of changes to those standards in the reasonably foreseeable future.

7835.1200 – Availability of Filings

All filings required by parts 7835.0300 to 7835.1100 must be ~~made with~~ filed in the commission's electronic filing system and be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings must be available for public inspection at the commission and at the utility offices during normal business hours.

It is necessary and reasonable to amend the current rule language to include language on the Commission's electronic filing system, consistent with Minn. Stat. § 216.17, which requires utilities to file documents with the Commission using the Commission electronic filing system.

7835.1300 – General Reporting Requirements

Each utility interconnected with a qualifying facility must provide the commission with the information in parts 7835.1400 to 7835.1800 annually on or before ~~November~~ March 1, 1984, and annually thereafter, and in such form as the commission may require.

It is necessary and reasonable to amend this rule provision to require filings to be made by March 1, instead of November 1, consistent with the Commission's recent decision varying the rule.³ In that case, the Commission varied this rule part so that the reporting date would coincide with the reporting deadline for the annual distributed generation interconnection report, which is required under Minn. Stat. § 216B.1611.

The March date enables utilities to report information on a calendar year basis, by giving them sufficient time to prepare and file an annual report for the preceding calendar year. Further, using the same reporting deadlines for related reports increases efficiency and clarity. The rule variance granted by the Commission applies indefinitely, and amending this rule part makes it clear that the deadline is, in fact, is March 1.

7835.2100 – Electrical Code Compliance ~~with National Electrical Safety Code.~~

Subpart 1. Compliance; standards. The interconnection between the qualifying facility and the utility must comply with the requirements of the National Electrical Safety Code, ~~1981 edition~~, issued by the Institute of Electrical and Electronics Engineers as ~~American National Standards Institute Standard C2 (New York, 1980).~~ The interconnection is subject to subparts 2 and 3.

³ This draft change is consistent with the Commission's decision granting a rule variance request to change the deadline for submitting the required reports from November 1 to March 1. See *In the Matter of Missouri River Energy Services Request for Approval of a Variance to Commission Rules Regarding Qualified Facilities Reporting*; Docket No. E-999/M-13-671 (Order dated September 25, 2013).

Subpart 2. Interconnection.

The interconnection customer is responsible for complying with all applicable Local, state, and federal codes, including building codes, the National Electric Code (NEC), the National Electric Safety Code (NESC), and noise and emissions standards. The Area Electric Power System will require proof of complying with the NEC before the interconnection is made. The interconnection customer must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 2. Generation system.

The Interconnection customer's generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers(ANSI/IEEE) standards applicable to the installation.

This proposed rule is necessary to include a more accurate citation to the National Electrical Safety Code. Further, it is necessary and reasonable to add two new subparts to more specifically describe the customer's responsibilities under that code, and it is reasonable to do so using language that references the code.

7835.2600 – Types of Power to be Offered; Standby Service.

Subp. 1. Service to be offered. The utility must offer maintenance, interruptible, supplementary, and backup power to the qualifying facility upon request.

Subp. 2. Standby service; public utility. A public utility may not impose a standby charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must comply with an order of the commission establishing allowable costs.

Subp. 3. Standby service; cooperative or municipality. A cooperative electric association or municipal utility must offer a qualifying facility standby power or service consistent with its applicable tariff for such service adopted under Minnesota statutes, section 216B.1611, subdivision 3, clause (2).

This proposed rule incorporates recent statutory changes that prohibit standby charges on facilities with 100 kilowatts capacity or less.

Subpart 1 contains existing rule language requiring the utility to offer maintenance, interruptible, supplementary, and backup power to the qualifying facility upon request. Two of these (backup and maintenance) are included in the proposed rule definition of standby service.

Subpart 2 is necessary and reasonable to incorporate the statutory language that prohibits a public utility from imposing a standby charge on facilities with 100 kilowatt capacity or less.

This subpart also incorporates the statutory change that prohibits a public utility from imposing a standby charge on customers with more than 100 kilowatt capacity, except in accordance with an order of the Commission establishing allowable costs.

Subpart 3 is necessary and reasonable to set forth the requirements of a cooperative electric association or a municipal utility. The proposed rule clarifies that cooperatives and municipalities must offer standby service consistent with their applicable tariffs.

7835.3000 – Rates for Utility Sales to a Qualifying Facility to be Governed by Tariff

Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility must be governed by the applicable tariff for the class of electric utility customers to which the qualifying facility belongs or would belong were it not a qualifying facility.

This proposed rule includes a necessary and reasonable clarification stating that the applicable rate is the rate for the customer class to which the qualifying facility “belongs,” or the class to which it would belong if it were not a qualifying facility.

7835.3150 Interconnection with Cooperative Electric Association or Municipal Utility

Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility and a cooperative electric association or municipal utility.

This proposed rule is necessary and reasonable to clarify that the rule parts identified govern interconnections between a qualifying facility and either a cooperative electric association or municipal utility (not interconnections with a *public* utility, which are governed by separate proposed rule changes).

7835.3200 – Standard Rates for Purchases by Cooperative Electric Associations and Municipal Utilities from Qualifying Facilities.

7835.3200 STANDARD RATES FOR PURCHASES IN GENERAL BY COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES FROM QUALIFYING FACILITIES.

Supb. 1. Qualifying facilities with 100 kilowatt capacity or less. For qualifying facilities with capacity of 100 kilowatts or less, standard purchase rates apply. ~~Qualifying facilities with capacity of more than 100 kilowatts may negotiate contracts with the utility or may be compensated under standard rates if they make commitments to provide firm power.~~ The utility must make available three types of standard rates, described in parts 7835.3300, 7835.3400, and 7835.3500. The qualifying facility with a capacity of 100 kilowatts or less must choose interconnection under one of these rates, and must specify its choice in the written contract required in part 7835.2000. Any net credit to the qualifying facility must, at its option, be credited to its account with the utility or returned by check within 15 days of the billing date. The option chosen must be specified in the written contract required in part 7835.2000. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the

tariff under which they consume electricity from the utility.

Subp. 2. Qualifying facilities over 100 kilowatt capacity. A qualifying facility with more than 100 kilowatt capacity has the option to negotiate a contract with a utility, or if it commits to provide firm power, be compensated under standard rates.

This proposed rule includes a necessary and reasonable clarification under subpart 1 to more specifically state that the standard rates that apply are standard *purchase* rates. Further, it is necessary and reasonable to clarify the existing rule language by reorganizing the rule using two subparts, without amending the existing rule language now located in subpart 2.

7835.4010 through 7835.4015 – Interconnection with Public Utility.

7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.

Parts 7835.4011 to 7835.4023 apply to interconnections between a qualifying facility and a public utility.

7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES FROM QUALIFYING FACILITIES.

Subp. 1. Standard rates. For qualifying facilities with less than 1,000 kilowatt capacity, standard rates apply. The utility must make available the types of standard rates described in parts 7835.4012 to 7835.4015. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. Negotiated rates. A qualifying facility with 1,000 kilowatt capacity or more has the option to negotiate a contract with a utility, or if it commits to provide firm power, be compensated under standards rates.

7835.4012 COMPENSATION.

Subp. 1. Facilities with less than 40 kilowatt capacity. A qualifying facility with less than 40 kilowatt capacity has the option to be compensated at the net energy billing rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

Subp. 2. Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt capacity. A qualifying facility with at least 40 kilowatt capacity but less than 1,000 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing rate or at the time-of-day billing rate.

7835.4013 AVERAGE RETAIL ENERGY RATE.

Subp. 1. Method of billing. The utility must bill the qualifying facility for the energy supplied by the utility that exceeds the amount of energy supplied by the qualifying facility during each billing period according to the utility's applicable retail rate schedule.

Subp. 2. Additional calculations for billing. When the energy generated by the qualifying facility exceeds that supplied by the utility during a billing period, the utility must compensate the qualifying facility for the excess energy at the average retail utility energy rate.

7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.

Subp. 1. Method of billing. The qualifying facility must be billed for all energy and capacity it consumes during a billing period according to the utility's applicable retail rate schedule.

Subp. 2. Compensation to qualifying facility. The utility must purchase all energy and capacity which is made available to it by the qualifying facility. At the option of the qualifying facility, its entire generation must be deemed to be made available to the utility. Compensation to the qualifying facility must be the sum of items A and B.

A. The energy component must be the appropriate system average incremental energy costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule, applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of hours in the billing period. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

7835.4015 TIME-OF-DAY PURCHASE RATES.

Subp. 1. Method of billing. The qualifying facility must be billed for all

energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require qualifying facilities that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

Subp. 2. Compensation to qualifying facility. The utility must purchase all energy and capacity which is made available to it by the qualifying facility. Compensation to the qualifying facility must be the sum of items A and B.

A. The energy component must be the appropriate on-peak and off-peak system incremental costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

These proposed rules govern interconnections between a public utility and a qualifying facility with less than 1,000 kilowatt capacity. They set forth the applicable compensation rates for a customer's monthly energy production. The language comes from existing rules, which – prior to the proposed rule changes – apply these rates to all interconnections.⁴ As a result of the recent statutory changes that increase the capacity limit to *up to 1,000 kilowatts* for qualifying facilities that interconnect to a *public* utility, it is necessary and reasonable to apply these rates to the larger facilities.

Customer compensation is based on the size of the system, for which there are two size categories: less than 40 kilowatt capacity; and at least 40 kilowatt capacity but less than 1,000 kilowatt capacity. The statute authorizes compensation at either the avoided cost rate or the average retail energy rate. The avoided cost rate is available to all qualifying facilities. But

⁴ See Minn. R. 7835.3200 through 7835.3500.

smaller facilities with less than 40 kW capacity and interconnected to a public utility have the option to be compensated for input into the utility's system at the average retail energy rate.

Under the proposed rule changes, the average retail energy rate (generally higher than the avoided cost rate) is described as the net energy billing rate. The avoided cost rate is made available using either the simultaneous purchase and sale billing rate, or the time-of-day purchase rate. Consistent with the statutory changes, a larger qualifying facility (with at least 40 kilowatt capacity but less than 1,000 kilowatt capacity) does not have the option to be compensated at the average retail energy rate and must be compensated at the avoided cost rate.

There is, however, an exception for larger facilities *if* the facility is a *net metered facility* with capacity of 40 kilowatts or greater but less than 1,000 kilowatts. A net metered facility is a facility that generates electricity from natural gas, renewable fuel, or a similarly clean fuel (which may include waste heat, cogeneration, or fuel cell technology). Under the statute, a customer with a net metered facility has the option to be compensated in the form of a kilowatt-hour credit on the customer's bill, which is, in effect, the average retail energy rate. This exception is further addressed in the discussion of rule parts 7835.4016 and 7835.4017 below.

Further, some comments from the committee suggested including compliance provisions to govern situations where the customer's production reaches 40 kW capacity or greater. The proposed rules do not, however, reach compliance issues. It is not clear to what extent compliance issues might arise under the statutory and rule changes, and further experience with these issues will assist informed decision-making. It is therefore not necessary at this time to include compliance provisions without experience to illustrate what provisions would be reasonable. Additionally, any compliance issues brought to the Commission can be decided on a case-by-case basis, using either the Commission's informal review process under Minn. R. Ch. 7829 or using contested case proceedings under Minn. Stat. Ch. 14.

7835.4016– Individual System Capacity Limits.

Subp 1. Applicability. Individual system capacity limits are subject to the requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

Subp. 2. Usage history. A facility subject to capacity limits with less than 12 calendar months of actual electric usage or no demand metering available is subject to limits based on data for similarly situated customers combined with any actual data for the facility.

The statute authorizes a public utility to limit the total generation capacity of individual distributed generation systems, including wind and solar generation systems.⁵ The limits apply to customers with a system having at least 40 kilowatt capacity but less than 1,000 kilowatt capacity. A customer governed by this provision has the option to be compensated for net input in the form of a kilowatt-hour credit on the customer's bill, which is, in effect, the retail rate.

For wind, the capacity limit is based on maximum electric demand. For solar and all other distributed generation, the capacity limit is based on annual electric energy consumption. These

⁵ Minn. Stat. § 216B.164, subd. 4c.

limits are based on usage during the previous 12 calendar months or based on a reasonable estimate if there is less than 12 calendar months of actual electric usage or if there is no demand metering available.

The proposed rule language is necessary and reasonable to incorporate the statutory changes. Further, the proposed rule clarifies the statute's use of a reasonable estimate for a facility with less than 12 calendar months of actual electric usage. It is necessary and reasonable to incorporate a standard method of determining an estimate.

Some advisory committee members suggested including compliance provisions to govern situations where the customer's production exceeds capacity limits. The proposed rules do not, however, reach compliance issues. It is not clear to what extent compliance issues might arise under the statutory and rule changes, and further experience with these issues will assist informed decision-making. It is therefore not necessary at this time to include compliance provisions without experience to illustrate what provisions would be reasonable. Additionally, any compliance issues brought to the Commission can be decided on a case-by-case basis, using either the Commission's informal review process under Minn. R. Ch. 7829 or using contested case proceedings under Minn. Stat. Ch. 14.

7835.4017 – Net Metered Facility. Bill Credits.

Subp. 1. Kilowatt-hour credit. A customer with a net metered facility can elect to be compensated for net input into the utility's system in the form of a kilowatt-hour-credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision 3a, and the following conditions:

- A) the customer is not receiving a value of solar rate under Minnesota Statutes, section 216B.164, subdivision. 10;
- B) the customer is interconnected with a public utility; and
- C) the net metered facility has a capacity of at least 40 kilowatt capacity but less than 1,000 kilowatt capacity.

Subp. 2. Notification to customer. A public utility must notify the customer of the option to be compensated for net input in the form of a kilowatt-hour credit under subpart 1. The public utility must inform the customer that if the customer does not elect to be compensated for net input in the form of a kilowatt-hour credit on the bill, the customer will be compensated for the net input at the utility's avoided cost rate, as described in the utility's tariff for that customer class.

Subp. 3. End-of-year net input. A public utility must compensate the customer, in the form of a payment, for any net input remaining at the end of the calendar year at the utility's avoided cost rate, as described in the utility's tariff for that class of customer.

This proposed rule incorporates statutory changes governing net metered facilities. The statute permits a customer participating in net metering to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill.

While the statute states that the customer has the option to be compensated for the customer's net input into the utility system in the form of a kilowatt-hour credit on the bill carried forward and applied to subsequent energy bills, the statute also states that any net input supplied by the customer during a calendar year must be compensated at the *applicable* rate.

Compensation in the form of a kilowatt-hour credit on the bill is, in effect, the retail rate. The statute does not, however, clarify what rate applies to a customer's remaining net input balance at the end of a calendar year. The Commission received comments suggesting that the rules clarify the applicable rate. Some comments recommended using the avoided cost rate as the "applicable rate" and suggested that a utility's tariff prescribing applicable avoided cost billing rates would apply. Other comments stated that the applicable rate should be the retail rate, which is usually higher than the avoided cost rate.

It is necessary to clarify at what rate a utility must compensate a customer, and it is reasonable to limit compensation for net input at the end of a calendar year to the avoided cost rate applicable to that class of customer. This approach strikes an even balance between furthering the statutory goal of encouraging customers to offset their energy use and limiting incentives to produce energy beyond what is needed by the customer.

7835.4018 – Aggregation of Meters

A public utility must aggregate meters at the request of a customer as described in Minnesota Statutes, section 216B.164, subdivision 4a.

This proposed rule includes a necessary and reasonable reference to the statutory provision governing aggregation of meters to clarify that regulated entities are subject to the statutory provision cited.

7835.4019 – Qualifying Facilities of 1,000 Kilowatt Capacity or More

A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate a contract with the utility to set the applicable rates for payments to the customer of avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity under its avoided cost rates.

This proposed rule adds language governing facilities with 1,000 kilowatt capacity or more. The proposed language extends existing rule language that is applicable to smaller facilities.⁶ Prior to the statutory changes, a facility with 40 kilowatts capacity or more was required to negotiate a contract with the utility to set applicable rates. The proposed rule is necessary and reasonable to apply the same standard to larger facilities by requiring the parties to negotiate a contract that

⁶ See Minn. R. 7835.3600.

sets the applicable rates for facilities interconnected to a public utility with a capacity of 1,000 kilowatts or more.

7835.4020 – Amount of Capacity Payments; Considerations.

The qualifying facility which negotiates a contract under part 7835.4019 must be entitled to the full avoided capacity costs of the utility. The amount of capacity payments must be determined through consideration of:

- A. the capacity factor of the qualifying facility;
- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the qualifying facility to provide firm power during system emergencies;
- F. the willingness and ability of the qualifying facility to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the qualifying facility to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; and
- I. the smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities.

This proposed rule is necessary and reasonable to extend existing rule language governing capacity payments (applicable to cooperative electric associations and municipal utilities) to interconnections between a public utility and facilities with 1,000 kilowatts or more.⁷

7835.4021 – Utility Treatment of Costs

All purchases from qualifying facilities with capacity of less than 40 kilowatt and purchases of energy from qualifying facilities with capacity of 40 kilowatt or more must be considered an energy cost in calculating a utility's fuel adjustment clause.

This proposed rule is necessary and reasonable to extend existing rule language governing utility treatment of costs (applicable to cooperative electric associations and municipal utilities) to interconnections with a public utility.⁸

⁷ See Minn. R. 7835.3700.

⁸ See Minn. R. 7835.4000.

7835.4022 – Limiting Cumulative Generation

A public utility requesting that the commission limit cumulative generation of net metered facilities under Minnesota Statutes, section 216B.164, subdivision 4b, must file its request with the commission under chapter 7829.

This proposed rule includes a reference to the statutory provision governing cumulative generation. It is necessary and reasonable to clarify that limits on cumulative generation are subject to the statutory provision cited.

7835.4023 – Alternative Tariff for Value of Solar

If a public utility has received commission approval of an alternative tariff for the value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff applies to new solar photovoltaic interconnections effective after the tariff approval date.

This proposed rule includes a reference to the statutory provision governing the value of solar. It is necessary and reasonable to clarify that applying a value of solar rate is subject to the statutory provision cited.

7835.4750 – Interconnection Standards

Prior to signing the uniform statewide contract, a utility must distribute to each customer a copy of, or electronic link to, the commission's order establishing interconnection standards dated September 28, 2004 in docket number E-999/CI-01-1023. The utility must provide each customer a copy of, or electronic link to, subsequent changes made by the commission to any of those standards.

Several existing rule provisions contain interconnection standards or guidelines. The rule standards are not, however, nearly as extensive as the interconnection standards set by the Commission in 2004.⁹ The Commission's 2004 standards were implemented consistent with a statutory directive under Minn. Stat. § 216B.1611 and apply to each public utility. Cooperative electric associations and municipal electric utilities were required to adopt tariffs consistent with those standards.

The Commission considered incorporating by reference the Commission's order setting forth the current interconnection standards but did not pursue that approach in anticipation of changes to those standards in the reasonably foreseeable future. The proposed rule therefore requires the utility to provide a customer a copy of, or link to, the Commission's standards and any subsequent changes.

⁹ *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212, Docket No. E-999/CI-01-1023, Order Establishing Standards (September 28, 2004).*

The draft therefore also repeals the following rules that include interconnection standards and that were codified prior to the Commission's order establishing interconnection standards: 7835.2300; 7835.2500; 7835.2700; 7835.2900 and parts 7835.4800 through .5800.

Some advisory committee members identified two other issues for further development: whether to require a production meter at every customer site and whether to require that the customer's system be sized based on customer consumption. The proposed rules do not reach these issues, and the statute does not address them.

The Commission's 2004 interconnection standards set forth generation metering, monitoring, and reporting requirements, which vary depending on the method of interconnection and size of the generation system. They do not require a production meter at every site, and revisiting the Commission's interconnection standards would appear to be the most appropriate method for further exploring this issue.

There were concerns that without any system sizing requirement, production could exceed consumption and increase net input to unanticipated levels, possibly raising safety and reliability issues for the utility's system, and some committee members therefore suggested including a system size requirement in the rules. The statute, however, incentivizes limits on production by making available the retail compensation rate to customers operating within applicable limits. The lower, avoided cost rate applies if the customer's production exceeds those limits. Further, revisiting the Commission's interconnection standards would appear to be the most appropriate method for addressing issues governing technical requirements and specifications for facility size.

7835.5900 – Existing Contracts

Any existing interconnection ~~contracts~~ contract executed between a utility and a qualifying facility with installed capacity of less than 40 kilowatts before November 13, 1984, may be canceled and replaced with the uniform statewide contract at the option of either party by either party giving the other written notice remains in force until terminated by mutual agreement of the parties. The notice is effective upon the shortest period permitted under the existing contract for termination, but not less than ten nor more than 30 days.

This proposed rule incorporates the recent statutory changes governing use of the uniform statewide contract. It is both necessary and reasonable to clarify that an existing contract remains in force until terminated by mutual agreement of the parties.

7835.5950 – Renewable Energy Credit. Ownership

A qualifying facility owns all renewable energy credits unless other ownership is expressly provided for in the contract between the generator and a utility under part 7835.9910.

This proposed rule incorporates the Commission's recent decision on Renewable Energy Credits ownership.¹⁰ It is reasonable and necessary to include rule language on renewable energy credit ownership and to do so consistent with the Commission's recent decision on the issue.

7835.9910 – Uniform Statewide Contract; Form

The form for the uniform statewide contract ~~for use~~ must be applied to all new and existing interconnections between a utility and cogeneration and small power production facilities having less than 40 1,000 kilowatts of capacity: ~~is as follows:~~ except as described in part 7835.5900.

UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER PRODUCTION FACILITIES

THIS CONTRACT is entered into _____, _____, by
_____ (hereafter called "Utility") and

_____ (hereafter called "QF").

RECITALS

The QF has installed electric generating facilities, consisting of

_____ (Description of facilities), rated at less than 40 _____ kilowatts of electricity, on property located at _____

The QF is prepared to generate electricity in parallel with the Utility.

The QF's electric generating facilities meet the requirements of the Minnesota Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and Small Power Production and any technical standards for interconnection the Utility has established that are authorized by those rules.

The Utility is obligated under federal and Minnesota law to interconnect with the QF and to purchase electricity offered for sale by the QF.

A contract between the QF and the Utility is required by the Commission's rules.

AGREEMENTS

The QF and the Utility agree:

1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.

2. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF ~~has elected~~ elects the rate schedule category hereinafter indicated (~~select one~~):

____ a. Net energy billing rate under part 7835.3300.

¹⁰ In the Matter of a Commission Inquiry into Ownership of Renewable Energy Credits Used to Meet Minnesota Requirements, Docket No. E-999/CI-13-720, Order Determining Renewable Energy Credit Ownership Under Minn. Stat. § 216B.164 (July 22, 2014).

____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

____ c. Time-of-day purchase rates under part 7835.3500.

A copy of the presently filed rate schedule is attached to this contract.

3. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:

____ a. Net energy billing rate under part 7835.4013.

____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

____ c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

4. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

____ a. Simultaneous purchase and sale billing rate under part 7835.4014.

____ b. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

3 5. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility or of the Commission, and the QF and the Utility agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

4 6. The Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF will be made under one of the following options as chosen by the QF:

____ 1. Credit to the QF's account with the Utility.

____ 2. Paid by check to the QF within 15 days of the billing date.

7. Renewable energy credits associated with generation from the facility are owned by:

5 8. The QF must operate its electric generating facilities within any rules, regulations, and policies adopted by the Utility not prohibited by the Commission's rules on Cogeneration and Small Power Production which provide reasonable technical connection and operating specifications for the QF. This agreement does not waive the QF's right to bring a dispute before the Commission as authorized by Minnesota Rules, ~~parts 7835.4800, 7835.5800, and,~~ part 7835.4500; and any other provision of the Commission's rules on Cogeneration and Small Power Production authorizing Commission resolution of a dispute.

6 9. The Utility's rules, regulations, and policies must conform to the Commission's rules on Cogeneration and Small Power Production.

7 10. The QF will operate its electric generating facilities so that they conform to the national, state, and local electric and safety codes, and will be responsible for the costs of conformance.

8 11. The QF is responsible for the actual, reasonable costs of interconnection which are estimated to be \$ _____. The QF will pay the Utility in this way:

9 12. The QF will give the Utility reasonable access to its property and electric generating facilities if the configuration of those facilities does not permit disconnection or testing from the Utility's side of the interconnection. If the Utility enters the QF's property, the Utility will remain responsible for its personnel.

10 13. The Utility may stop providing electricity to the QF during a system emergency. The Utility will not discriminate against the QF when it stops providing electricity or when it resumes providing electricity.

11 14. The Utility may stop purchasing electricity from the QF when necessary for the Utility to construct, install, maintain, repair, replace, remove, investigate, or inspect any equipment or facilities within its electric system. The Utility will notify the QF before it stops purchasing electricity in this way:

12 15. The QF will keep in force liability insurance against personal or property damage due to the installation, interconnection, and operation of its electric generating facilities. The amount of insurance coverage will be \$ _____ (~~The utility may not require an amount greater than \$300,000~~ amount must be consistent with the Commission's interconnection standards under rule part 7835.4750).).

13 16. This contract becomes effective as soon as it is signed by the QF and the Utility. This contract will remain in force until either the QF or the Utility gives written notice to the other that the contract is canceled. This contract will be canceled 30 days after notice is given.

14 17. This contract contains all the agreements made between the QF and the Utility except that this contract shall at all times be subject to all rules and orders issued by the Public Utilities Commission or other government agency having jurisdiction over the subject matter of this contract. The QF and the Utility are not responsible for any agreements other than those stated in this contract.

THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT THE BEGINNING OF THIS CONTRACT.

QF

By: _____

UTILITY

By: _____

(Title)

This proposed rule contains necessary and reasonable changes to the uniform statewide contract that correspond to proposed rule changes affecting the terms and conditions contained in the contract. Specifically, under "Recitals," the description of a facility with "less than 40 kilowatts" is changed to ensure that interconnections with facilities having less than 1,000 kilowatt capacity

are governed by the contract, consistent with the recent statutory changes. The customer will instead specify the size of the facilities.

There are necessary and reasonable clarifications to Agreement terms 2 through 4 of the contract. These changes list the billing options available to larger facilities, consistent with the statutory changes and proposed rule changes to parts 7835.4013 through 7835.4015. Agreement term 7 is new and requires that the contract list the owner of renewable energy credits, consistent with proposed rule part 7835.5950, which governs ownership of renewable energy credits. Agreement term 15 includes a necessary and reasonable clarification to strike language setting a limit on liability insurance. Liability insurance is governed by the Commission's order setting interconnection standards, and those standards are referred to in proposed rule part 7835.4750.

7835.9920 – Non-standard Provisions

A utility intending to implement provisions other than those included in the uniform statewide form of contract must file a request for authorization with the commission. The filing must conform to chapter 7829 and must identify all provisions the utility intends for use in its contract with a qualifying facility.

This proposed rule is necessary and reasonable to permit a utility to implement non-standard provisions approved by the Commission. It is reasonable to require the filing to be made consistent with the Commission's rules of practice and procedure.

VII. REGULATORY ANALYSIS

The Administrative Procedure Act requires the statement of need and reasonableness to address the regulatory issues set forth and addressed below.

(1) A description of the class of persons who will probably be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule. Minn. Stat. § 14.131 (1).

The following persons will probably be affected by the proposed rules:

- Minnesota utilities providing retail electric service.
- Retail electric customers installing cogeneration or distributed generation facilities to offsetting their energy use.
- Retail electric customers whose utility providers will purchase energy production, including renewable energy production, from qualifying facilities.

The following persons will probably bear the costs of the proposed rules:

- Minnesota electric retail utilities, which must implement the rule's requirements.
- Public utility ratepayers, whose rates could ultimately reflect any long-term cost increases resulting from compliance.

The following persons will probably benefit from the proposed rule:

- Retail electric customers, who will offset their energy costs by producing their own electricity.
- Retail electric customers, who will offset reliability concerns during outages by using electricity they are producing.
- Utilities providing retail electric service and their customers, who will benefit from increased energy efficiency, including increased use of renewable energy resources.
- Utilities providing retail electric service and their customers, who will experience environmental benefits from increased energy efficiency, including increased use of renewable energy resources.
- Government agencies with regulatory responsibilities whose enforcement responsibilities will be clearer under rules consistent with recent statutory changes.

(2) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues. Minn. Stat. § 14.131 (2).

The proposed rules will make claims on the resources of the Commission and the Department of Commerce, the agencies with regulatory responsibilities for utilities implementing the proposed changes, and possibly on the Antitrust and Utilities Division of the Office of the Attorney General, which represents the interests of residential and small business ratepayers. In relation to existing rules, however, the probable costs to these agencies to implement and enforce the proposed rules are negligible.

The Commission does not expect this rule to have any effect on state revenues.

(3) A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule. Minn. Stat. § 141.131 (3).

The proposed rules were developed to comply with recent statutory changes, and no less costly or less intrusive methods were identified by stakeholders or the Commission in the course of rule development.

(4) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule. Minn. Stat. § 141.131 (4)

The Commission concluded that the statutory changes required amending the rules to comply with those changes, precluding use of other less intrusive or less costly approaches.

(5) The probable costs of complying with the proposed rules. Minn. Stat. § 14.131. (5)

The proposed rules do not impose costs on anyone. Without the proposed rule changes, compliance with, and enforcement of, the rules could ultimately result in increased costs by creating uncertainty as to how the rules apply or by requiring frequent rule variances.

(6) The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals; Minn. Stat. § 14.131. (6)

The rules are necessary to incorporate recent statutory changes, which the Legislature implemented in 2013. In the absence of a rule change, the existing rules would not comply with the changes made to Minn. Stat. § 216B.164. This could hinder both enforcement and compliance with applicable law. Only through this rulemaking proceeding can the Commission's rules be updated to effectively incorporate the legislative changes, and therefore the Commission has determined there is no other less costly or less intrusive method for achieving the purpose of the proposed rule.

(7) An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference. Minn. Stat. § 14.131 (7)

The Commission has examined the federal regulations and is not aware of any differences between the proposed rules and any federal regulations.

(8) An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule. Minn. Stat. § 14.131 (8)

The Commission is not aware of any cumulative effects of the rule with other federal and state regulations related to the specific purpose of the rule, which is to govern interconnections with qualifying facilities having less than 1,000 kilowatt capacity consistent with recent statutory changes. The Commission worked with an advisory committee during this rulemaking proceeding and no one on the committee or attending the advisory committee meetings identified any such cumulative effects.

VIII.

CONSIDERATION OF PERFORMANCE BASED REGULATORY SYSTEMS

Minn. Stat. § 14.002 requires agencies to develop rules and regulatory programs that emphasize superior achievement in meeting regulatory goals while retaining maximum flexibility for agencies and regulated parties in meeting those goals. Minn. Stat. § 14.131 requires agencies to explain in their statements of need and reasonableness how they have taken this legislative policy into account.

The Commission was guided by performance-based regulatory principles as it developed these rules. The rules incorporate recent statutory changes and extend duties and burdens no further than is necessary to incorporate the legislative changes.

IX. COST OF RULE COMPLIANCE

The Commission has consulted with the Department of Minnesota Management and Budget (MMB), as required by Minnesota Statutes § 14.131, to help evaluate the fiscal impact and fiscal benefits of the proposed rule on local units of government. MMB stated that it did not appear that the proposed rule changes would result in significant costs to local units of government.

MMB stated that the potential fiscal impacts on local units of government relate to their status as ratepayers of a utility. As a customer, a local unit of government could offset its energy usage, resulting in cost savings, depending on the investments (such as solar panels) made to produce its own energy. The proposed rule changes could also affect local units of governments as ratepayers, whose rates could ultimately reflect any long-term cost increases resulting from compliance. Requested rate changes by a public utility are, however, subject to contested case proceedings and Commission review.

MMB also stated that the proposed rule amendments could possibly impact municipal electric utilities and cooperative electric associations, who will be affected by changes that, for example, amend filing requirements to increase efficiency.

While Minnesota Statutes § 14.127 directs agencies to evaluate the cost its rules will impose on small businesses or cities, the proposed rules are exempt from this requirement. See Minnesota Statutes § 14.127, subdivision 4(d).

X. EFFECTS ON LOCAL GOVERNMENTS

The Commission has determined, under Minn. Stat. § 14.128, that no local unit of government will be required to adopt or amend an ordinance or other regulation to comply with the proposed rule changes governing cogeneration and small power production.

The Commission makes this determination based on its Statement of Need and Reasonableness (SONAR), the comments received, the review conducted by the Commissioner of Management and Budget, and the input and feedback provided by the advisory committee.

On pages 23 and 24 of the SONAR, the Commission identified persons who would likely be affected by and bear the costs of the rules. These include utilities providing retail electric service and their ratepayers. The rules do not impose specific requirements, administrative burdens, or costs on local units of government. The Commission has therefore determined that local governments will not be required to adopt or amend ordinances or other regulations to comply with the proposed rules.

Furthermore, the Commission consulted with the Commissioner of Management and Budget, as required by Minn. Stat. § 14.131. The Commissioner of Management and Budget determined that it does not appear that there will be a significant cost to local units of government.

Additionally, neither the comments received from stakeholders nor the feedback from the advisory committee indicated that local governments would be significantly affected by, or required to adopt or amend local regulations to comply with, the proposed rules.

XI. LIST OF WITNESSES

The Commission does not plan to rely on any non-agency witnesses at any rule hearing.

XII. ADDITIONAL NOTICE PLAN

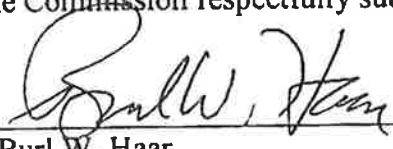
To ensure the public has sufficient notice to participate in a proposed rulemaking, the Administrative Procedure Act requires agencies to take certain prescribed steps to publicize their rulemakings. In addition, Minnesota Statutes § 14.14, subdivision 1a requires agencies to make unspecified additional efforts to notify persons who might be affected by proposed rules, and § 14.131 requires agencies to describe these efforts in their Statements of Need and Reasonableness.

The Commission plans to publicize its proposed rule changes in the following manner:

- Publishing the Notice of Intent to Adopt Rules, and text of the proposed rule changes, in the *State Register*.
- Mailing a copy of the Notice of Intent to Adopt Rules to everyone who has requested to receive it pursuant to Minnesota Statutes § 14.14, subdivision 1a.
- Giving notice to the Legislature as required by Minnesota Statutes § 14.116.
- Publishing the Notice of Intent to Adopt Rules and this Statement of Need and Reasonableness, including the text of the proposed rules, on the Commission's website at <http://mn.gov/puc/index.html>.
- Mailing the Notice of Intent to Adopt Rules to Minnesota's electric utilities.
- Mailing the Notice of Intent to Adopt Rules to everyone on the Commission's official service list for this proceeding.
- Issuing a press release to all newspapers of general circulation throughout the state.

XIII. CONCLUSION

For all the reasons set forth above, the Commission respectfully submits that the proposed rules are both needed and reasonable.


Burl W. Haar
Executive Secretary

E.

**Notice of Intent to Adopt Rules as Mailed
and as Published in the State Register
on December 29, 2014**

Minnesota Public Utilities Commission

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04214

Proposed Amendment to Rules Governing Cogeneration and Small Power Production, *Minnesota Rules*, Chapter 7835, Including Repeal of Minn. R. parts 7835.2300; 7835.2500; 7835.2700; 7835.2900; 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400; 7835.5500; 7835.5600; 7835.5700; and 7835.5800.

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on February 4, 2015, the Commission will hold a public hearing in the Large Hearing Room, Suite 350, 121 Seventh Place East, Saint Paul, Minnesota 55101, starting at 10:00 a.m. on Wednesday, February 25, 2015. To find out whether the Commission will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after February 4, 2015 and before February 25, 2015.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Kate Kahlert, Public Utilities Commission, 121 Seventh Place East, Suite 350, Saint Paul, Minnesota 55101; Phone: 651-201-2239; Fax: 651-297-7073; and *email* at: kate.kahlert@state.mn.us.

Subject of Rules and Statutory Authority. The proposed rules govern Cogeneration and Small Power Production. The following rule parts will be repealed: Minn. R. parts 7835.2300; 7835.2500; 7835.2700; 7835.2900; 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400; 7835.5500; 7835.5600; 7835.5700; and 7835.5800.

The proposed rules incorporate recent statutory changes to Minn. Stat. § 216B.164, which governs interconnections between utilities and cogeneration or small power producer facilities (qualifying facilities). Specifically, the proposed rule amendments increase the capacity limit on qualifying facilities interconnected with a public utility to *less than 1,000 kilowatt capacity* from less than 40 kilowatt capacity.

The proposed rules also incorporate statutory changes that affect: standby charges on facilities under 100 kW; billing compensation rates for facilities; limits on cumulative generation; requirements for aggregating customers' meters; capacity limits on wind, solar, and other distributed generation facilities; and the uniform statewide contract. The proposed rules also repeal rules governing interconnection guidelines and include housekeeping changes to increase clarity.

The statutory authority to adopt the rules is *Minnesota Statutes*, sections 216A.05, 216B.08, and 216B.164. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, February 4, 2015, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period. Please refer to Docket No. E-999/R-13-729 in your comments. You may also electronically file your comments using the Commission's electronic filing system located at: <https://www.edockets.state.mn.us/EFiling>.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on February 4, 2015. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Commission will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Commission will cancel the hearing scheduled for February 25, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-201-2239 after February 4, 2015 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-201-2239 or going on-line at: <http://mn.gov/puc/index.html>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James Mortenson is assigned to conduct the hearing. Judge Mortenson's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900, and FAX 651-361-7936.

Hearing Procedure. If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or on the Commission website at: <http://mn.gov/puc/index.html>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.


Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified

of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

December 18, 2014
Date


Burl W. Haar
Executive Secretary

Public Utilities Commission

Proposed Permanent Rules Relating to Cogeneration and Small Power Production

7835.0100 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Capacity.** "Capacity" means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric system.

Subp. 5. **Capacity costs.** "Capacity costs" means the costs associated with providing the capability to deliver energy. ~~They consist of The~~ utility capital costs consist of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

[For text of subp 6, see M.R.]

Subp. 6a. **Customer.** "Customer" means the person named on the utility electric bill for the premises.

[For text of subps 7 to 15, see M.R.]

Subp. 15a. **Net metered facility.** "Net metered facility" means an electric generation facility constructed for the purpose of offsetting energy use through the use of renewable energy or high-efficiency distributed generation sources.

[For text of subps 16 and 17, see M.R.]

Subp. 17a. **Public utility.** "Public utility" has the meaning given in Minnesota Statutes, section 216B.02, subdivision 4.

[For text of subp 18, see M.R.]

Subp. 19. **Qualifying facility.** "Qualifying facility" means a cogeneration or small power production facility which satisfies the conditions established in Code of Federal

Regulations, title 18, ~~section 292.101 (b) (1), (1981), as applied when interpreted in~~
~~accordance with the amendments to Code of Federal Regulations, title 18, sections 292.201~~
~~to 292.207 adopted through Federal Register, volume 46, pages 33025-33027, (1981) part~~
292. The initial operation date or initial installation date of a cogeneration or small power
production facility must not prevent the facility from being considered a qualifying facility
for the purposes of this chapter if it otherwise satisfies all stated conditions.

[For text of subp 20, see M.R.]

Subp. 20a. **Standby charge.** "Standby charge" means the rate or fee a utility charges
for standby service or standby power.

Subp. 20b. **Standby service.** "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and
related services necessary to make electricity service available to the facility, as described
in the public utility's commission-approved standby tariff; and

B. for a utility not subject to the commission's rate authority, the service
associated with the applicable tariff in effect under Minnesota Statutes, section 216B.1611,
subdivision 3, clause (2).

[For text of subps 21 to 24, see M.R.]

7835.0200 SCOPE AND PURPOSE.

The purpose of this chapter is to implement certain provisions of Minnesota Statutes,
section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code,
title 16, section 824a-3 (~~Supplement III, 1979~~); and the Federal Energy Regulatory
Commission regulations, Code of Federal Regulations, title 18, ~~sections 292.101 to~~
~~292.602 (1981) part 292~~. Nothing in this chapter excuses any utility from carrying out
its responsibilities under these provisions of state and federal law. This chapter must
at all times be applied in accordance with its intent to give the maximum possible

encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

7835.0400 FILING OPTION.

If, after the ~~initial~~ January 1, 2015, filing, schedule C is the only change in the cogeneration and small power production tariff to be filed in a subsequent year, the utility may notify the commission in writing, by the date the tariff is due, that there is no other change in the tariff. This notification and new schedule C will serve as a substitute for the refiling of the complete tariff in that year.

7835.0800 SCHEDULE E.

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. ~~These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800.~~ The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

7835.1200 AVAILABILITY OF FILINGS.

All filings required by parts 7835.0300 to 7835.1100 must be ~~made with~~ filed in the commission's electronic filing system and be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings must be available for public inspection at the commission and at the utility offices during normal business hours.

7835.1300 GENERAL REPORTING REQUIREMENTS.

Each utility interconnected with a qualifying facility must provide the commission with the information in parts 7835.1400 to 7835.1800 annually on or before ~~November~~ March 1, 1984, and annually thereafter, and in such form as the commission may require.

4.1 **7835.2100 ELECTRICAL CODE COMPLIANCE WITH NATIONAL**
4.2 **ELECTRICAL SAFETY CODE.**

4.3 Subpart 1. Compliance; standards. The interconnection between the qualifying
4.4 facility and the utility must comply with the requirements of the National Electrical
4.5 Safety Code, ~~1981 edition~~, issued by the Institute of Electrical and Electronics Engineers
4.6 ~~as American National Standards Institute Standard C2 (New York, 1980).~~ The
4.7 interconnection is subject to subparts 2 and 3.

4.8 Subp. 2. Interconnection. The interconnection customer is responsible for
4.9 complying with all applicable local, state, and federal codes, including building codes, the
4.10 National Electric Code (NEC), the National Electric Safety Code (NESC), and noise and
4.11 emissions standards. The Area Electric Power System will require proof of complying
4.12 with the NEC before the interconnection is made. The interconnection customer must
4.13 obtain installation approval from an electrical inspector recognized by the Minnesota
4.14 State Board of Electricity.

4.15 Subp. 3. Generation system. The interconnection customer's generation system and
4.16 installation must comply with the American National Standards Institute/Institute of
4.17 Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

4.18 **7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.**

4.19 Subpart 1. Service to be offered. The utility must offer maintenance, interruptible,
4.20 supplementary, and backup power to the qualifying facility upon request.

4.21 Subp. 2. Standby service; public utility. A public utility may not impose a standby
4.22 charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A
4.23 utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must
4.24 comply with an order of the commission establishing allowable costs.

4.25 Subp. 3. Standby service; cooperative or municipality. A cooperative electric
4.26 association or municipal utility must offer a qualifying facility standby power or service

5.1 consistent with its applicable tariff for such service adopted under Minnesota Statutes,
5.2 section 216B.1611, subdivision 3, clause (2).

5.3 **7835.3000 RATES FOR UTILITY SALES TO A QUALIFYING FACILITY TO**
5.4 **BE GOVERNED BY TARIFF.**

5.5 Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility
5.6 must be governed by the applicable tariff for the class of electric utility customers to
5.7 which the qualifying facility belongs or would belong were it not a qualifying facility.

5.8 **7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC**
5.9 **ASSOCIATION OR MUNICIPAL UTILITY.**

5.10 Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility
5.11 and a cooperative electric association or municipal utility.

5.12 **7835.3200 STANDARD RATES FOR PURCHASES IN GENERAL BY**
5.13 **COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES**
5.14 **FROM QUALIFYING FACILITIES.**

5.15 Subpart 1. Qualifying facilities with 100 kilowatt capacity or less. For qualifying
5.16 facilities with capacity of 100 kilowatts or less, standard purchase rates apply. ~~Qualifying~~
5.17 ~~facilities with capacity of more than 100 kilowatts may negotiate contracts with the~~
5.18 ~~utility or may be compensated under standard rates if they make commitments to provide~~
5.19 ~~firm power.~~ The utility must make available three types of standard rates, described in
5.20 parts 7835.3300, 7835.3400, and 7835.3500. The qualifying facility with a capacity of
5.21 100 kilowatts or less must choose interconnection under one of these rates, and must
5.22 specify its choice in the written contract required in part 7835.2000. Any net credit to the
5.23 qualifying facility must, at its option, be credited to its account with the utility or returned
5.24 by check within 15 days of the billing date. The option chosen must be specified in the
5.25 written contract required in part 7835.2000. Qualifying facilities remain responsible for
5.26 any monthly service charges and demand charges specified in the tariff under which
5.27 they consume electricity from the utility.

6.1 Subp. 2. **Qualifying facilities over 100 kilowatt capacity.** A qualifying facility with
6.2 more than 100 kilowatt capacity has the option to negotiate a contract with a utility or, if it
6.3 commits to provide firm power, be compensated under standard rates.

6.4 **7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.**

6.5 Parts 7835.4011 to 7835.4023 apply to interconnections between a qualifying facility
6.6 and a public utility.

6.7 **7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES**
6.8 **FROM QUALIFYING FACILITIES.**

6.9 Subpart 1. **Standard rates.** For qualifying facilities with less than 1,000 kilowatt
6.10 capacity, standard rates apply. The utility must make available the types of standard rates
6.11 described in parts 7835.4012 to 7835.4015. Qualifying facilities remain responsible for
6.12 any monthly service charges and demand charges specified in the tariff under which
6.13 they consume electricity from the utility.

6.14 Subp. 2. **Negotiated rates.** A qualifying facility with 1,000 kilowatt capacity or
6.15 more has the option to negotiate a contract with a utility or, if it commits to provide firm
6.16 power, be compensated under standard rates.

6.17 **7835.4012 COMPENSATION.**

6.18 Subpart 1. **Facilities with less than 40 kilowatt capacity.** A qualifying facility with
6.19 less than 40 kilowatt capacity has the option to be compensated at the net energy billing
6.20 rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

6.21 Subp. 2. **Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt**
6.22 **capacity.** A qualifying facility with at least 40 kilowatt capacity but less than 1,000
6.23 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing
6.24 rate, or at the time-of-day billing rate.

7.1 **7835.4013 AVERAGE RETAIL ENERGY RATE.**

7.2 Subpart 1. Method of billing. The utility must bill the qualifying facility for the
7.3 energy supplied by the utility that exceeds the amount of energy supplied by the qualifying
7.4 facility during each billing period according to the utility's applicable retail rate schedule.

7.5 Subp. 2. Additional calculations for billing. When the energy generated by the
7.6 qualifying facility exceeds that supplied by the utility during a billing period, the utility
7.7 must compensate the qualifying facility for the excess energy at the average retail utility
7.8 energy rate.

7.9 **7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.**

7.10 Subpart 1. Method of billing. The qualifying facility must be billed for all energy
7.11 and capacity it consumes during a billing period according to the utility's applicable retail
7.12 rate schedule.

7.13 Subp. 2. Compensation to qualifying facility. The utility must purchase all energy
7.14 and capacity which is made available to it by the qualifying facility. At the option of the
7.15 qualifying facility, its entire generation must be deemed to be made available to the utility.
7.16 Compensation to the qualifying facility must be the sum of items A and B.

7.17 A. The energy component must be the appropriate system average incremental
7.18 energy costs shown on schedule A; or if the generating utility has not filed schedule A,
7.19 the energy component must be the energy rate of the retail rate schedule applicable to the
7.20 qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
7.21 not filed schedule A, the energy component must be the energy rate shown on schedule H.

7.22 B. If the qualifying facility provides firm power to the utility, the capacity
7.23 component must be the utility's net annual avoided capacity cost per kilowatt-hour
7.24 averaged over all hours shown on schedule B; or if the generating utility has not filed
7.25 schedule B, the capacity component must be the demand charge per kilowatt, if any, of the

8.1 retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B,
8.2 divided by the number of hours in the billing period; or if the nongenerating utility has not
8.3 filed schedule B, the capacity component must be the capacity cost per kilowatt shown on
8.4 schedule H, divided by the number of hours in the billing period. If the qualifying facility
8.5 does not provide firm power to the utility, no capacity component may be included in the
8.6 compensation paid to the qualifying facility.

8.7 **7835.4015 TIME-OF-DAY PURCHASE RATES.**

8.8 Subpart 1. Method of billing. The qualifying facility must be billed for all
8.9 energy and capacity it consumes during each billing period according to the utility's
8.10 applicable retail rate schedule. Any utility rate-regulated by the commission may propose
8.11 time-of-day retail rate tariffs which require qualifying facilities that choose to sell power
8.12 on a time-of-day basis to also purchase power on a time-of-day basis.

8.13 Subp. 2. Compensation to qualifying facility. The utility must purchase all energy
8.14 and capacity which is made available to it by the qualifying facility. Compensation to the
8.15 qualifying facility must be the sum of items A and B.

8.16 A. The energy component must be the appropriate on-peak and off-peak system
8.17 incremental costs shown on schedule A; or if the generating utility has not filed schedule
8.18 A, the energy component must be the energy rate of the retail rate schedule applicable to
8.19 the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
8.20 not filed schedule A, the energy component must be the energy rate shown on schedule H.

8.21 B. If the qualifying facility provides firm power to the utility, the capacity
8.22 component must be the utility's net annual avoided capacity cost per kilowatt-hour
8.23 averaged over the on-peak hours as shown on schedule B; or if the generating utility has
8.24 not filed schedule B, the capacity component must be the demand charge per kilowatt,
8.25 if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of
8.26 schedules A and B, divided by the number of on-peak hours in the billing period; or if

9.1 the nongenerating utility has not filed schedule B, the capacity component must be the
9.2 capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours
9.3 in the billing period. The capacity component applies only to deliveries during on-peak
9.4 hours. If the qualifying facility does not provide firm power to the utility, no capacity
9.5 component may be included in the compensation paid to the qualifying facility.

9.6 **7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.**

9.7 Subpart 1. **Applicability.** Individual system capacity limits are subject to the
9.8 requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

9.9 Subp. 2. **Usage history.** A facility subject to capacity limits with less than 12 calendar
9.10 months of actual electric usage or no demand metering available is subject to limits based
9.11 on data for similarly situated customers combined with any actual data for the facility.

9.12 **7835.4017 NET METERED FACILITY; BILL CREDITS.**

9.13 Subpart 1. **Kilowatt-hour credit.** A customer with a net metered facility can elect
9.14 to be compensated for net input into the utility's system in the form of a kilowatt-hour
9.15 credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision
9.16 3a, and the following conditions:

9.17 A. the customer is not receiving a value of solar rate under Minnesota Statutes,
9.18 section 216B.164, subdivision 10;

9.19 B. the customer is interconnected with a public utility; and

9.20 C. the net metered facility has a capacity of at least 40 kilowatt capacity but
9.21 less than 1,000 kilowatt capacity.

9.22 Subp. 2. **Notification to customer.** A public utility must notify the customer of the
9.23 option to be compensated for net input in the form of a kilowatt-hour credit under subpart
9.24 1. The public utility must inform the customer that if the customer does not elect to be
9.25 compensated for net input in the form of a kilowatt-hour credit on the bill, the customer

10.1 will be compensated for the net input at the utility's avoided cost rate, as described in
10.2 the utility's tariff for that customer class.

10.3 Subp. 3. **End-of-year net input.** A public utility must compensate the customer, in
10.4 the form of a payment, for any net input remaining at the end of the calendar year at the
10.5 utility's avoided cost rate, as described in the utility's tariff for that class of customer.

10.6 **7835.4018 AGGREGATION OF METERS.**

10.7 A public utility must aggregate meters at the request of a customer as described in
10.8 Minnesota Statutes, section 216B.164, subdivision 4a.

10.9 **7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR**
10.10 **MORE.**

10.11 A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate
10.12 a contract with the utility to set the applicable rates for payments to the customer of
10.13 avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents
10.14 a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity
10.15 under its avoided cost rates.

10.16 **7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.**

10.17 The qualifying facility which negotiates a contract under part 7835.4019 must be
10.18 entitled to the full avoided capacity costs of the utility. The amount of capacity payments
10.19 must be determined through consideration of:

10.20 A. the capacity factor of the qualifying facility;

10.21 B. the cost of the utility's avoidable capacity;

10.22 C. the length of the contract term;

10.23 D. reasonable scheduling of maintenance;

10.24 E. the willingness and ability of the qualifying facility to provide firm power
10.25 during system emergencies;

11.1 F. the willingness and ability of the qualifying facility to allow the utility to
11.2 dispatch its generated energy;

11.3 G. the willingness and ability of the qualifying facility to provide firm capacity
11.4 during system peaks;

11.5 H. the sanctions for noncompliance with any contract term; and

11.6 I. the smaller capacity increments and the shorter lead times available when
11.7 capacity is added from qualifying facilities.

11.8 **7835.4021 UTILITY TREATMENT OF COSTS.**

11.9 All purchases from qualifying facilities with capacity of less than 40 kilowatts and
11.10 purchases of energy from qualifying facilities with capacity of 40 kilowatts or more must
11.11 be considered an energy cost in calculating a utility's fuel adjustment clause.

11.12 **7835.4022 LIMITING CUMULATIVE GENERATION.**

11.13 A public utility requesting that the commission limit cumulative generation of net
11.14 metered facilities under Minnesota Statutes, section 216B.164, subdivision 4b, must file
11.15 its request with the commission under chapter 7829.

11.16 **7835.4023 ALTERNATIVE TARIFF FOR VALUE OF SOLAR.**

11.17 If a public utility has received commission approval of an alternative tariff for the
11.18 value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff
11.19 applies to new solar photovoltaic interconnections effective after the tariff approval date.

11.20 **7835.4750 INTERCONNECTION STANDARDS.**

11.21 Prior to signing the uniform statewide contract, a utility must distribute to
11.22 each customer a copy of, or electronic link to, the commission's order establishing
11.23 interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023.
11.24 The utility must provide each customer a copy of, or electronic link to, subsequent changes
11.25 made by the commission to any of those standards.

12.1 **7835.5900 EXISTING CONTRACTS.**

12.2 Any existing interconnection ~~contracts~~ contract executed between a utility and a
12.3 qualifying facility with ~~installed~~ capacity of less than 40 kilowatts ~~before November~~
12.4 ~~13, 1984, may be canceled and replaced with the uniform statewide contract at the~~
12.5 ~~option of either party by either party giving the other written notice~~ remains in force
12.6 until terminated by mutual agreement of the parties. ~~The notice is effective upon the~~
12.7 ~~shortest period permitted under the existing contract for termination, but not less than ten~~
12.8 ~~nor more than 30 days.~~

12.9 **7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.**

12.10 A qualifying facility owns all renewable energy credits unless other ownership is
12.11 expressly provided for in the contract between the qualifying facility and a utility under
12.12 part 7835.9910.

12.13 **7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.**

12.14 The form for the uniform statewide contract ~~for use~~ must be applied to all new and
12.15 existing interconnections between a utility and cogeneration and small power production
12.16 facilities having less than ~~40~~ 1,000 kilowatts of capacity ~~is as follows:~~ except as described
12.17 in part 7835.5900.

12.18 **UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER**
12.19 **PRODUCTION FACILITIES**

12.20 THIS CONTRACT is entered into _____, _____, by
12.21 _____ (hereafter called "Utility") and
12.22 _____
12.23 (hereafter called "QF").

12.24 **RECITALS**

12.25 The QF has installed electric generating facilities, consisting
12.26 of _____
12.27 _____

13.1 _____ (Description of facilities),
13.2 rated at ~~less than 40~~ _____ kilowatts of electricity, on property located
13.3 at _____
13.4 _____.

13.5 The QF is prepared to generate electricity in parallel with the Utility.

13.6 The QF's electric generating facilities meet the requirements of the Minnesota
13.7 Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and
13.8 Small Power Production and any technical standards for interconnection the Utility has
13.9 established that are authorized by those rules.

13.10 The Utility is obligated under federal and Minnesota law to interconnect with the QF
13.11 and to purchase electricity offered for sale by the QF.

13.12 A contract between the QF and the Utility is required by the Commission's rules.

13.13 **AGREEMENTS**

13.14 The QF and the Utility agree:

13.15 1. The Utility will sell electricity to the QF under the rate schedule in force for the
13.16 class of customer to which the QF belongs.

13.17 2. The Utility will buy electricity from the QF under the current rate schedule filed
13.18 with the Commission. The QF ~~has elected~~ elects the rate schedule category hereinafter
13.19 indicated (~~select one~~):

13.20 _____ a. Net energy billing rate under part 7835.3300.

13.21 _____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

13.22 _____ c. Time-of-day purchase rates under part 7835.3500.

13.23 A copy of the presently filed rate schedule is attached to this contract.

13.24 3. The Utility will buy electricity from the QF under the current rate schedule filed
13.25 with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate
13.26 schedule category hereinafter indicated:

13.27 _____ a. Net energy billing rate under part 7835.4013.

14.1 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

14.2 _____ c. Time-of-day purchase rates under part 7835.4015.

14.3 A copy of the presently filed rate schedule is attached to this contract.

14.4 4. The Utility will buy electricity from the QF under the current rate schedule filed
14.5 with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000
14.6 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

14.7 _____ a. Simultaneous purchase and sale billing rate under part 7835.4014.

14.8 _____ b. Time-of-day purchase rates under part 7835.4015.

14.9 A copy of the presently filed rate schedule is attached to this contract.

14.10 3.5. The rates for sales and purchases of electricity may change over the time this
14.11 contract is in force, due to actions of the Utility or of the Commission, and the QF and the
14.12 Utility agree that sales and purchases will be made under the rates in effect each month
14.13 during the time this contract is in force.

14.14 4.6. The Utility will compute the charges and payments for purchases and sales for
14.15 each billing period. Any net credit to the QF will be made under one of the following
14.16 options as chosen by the QF:

14.17 _____ 1. Credit to the QF's account with the Utility.

14.18 _____ 2. Paid by check to the QF within 15 days of the billing date.

14.19 7. Renewable energy credits associated with generation from the facility are owned by:

14.20 _____
14.21 5.8. The QF must operate its electric generating facilities within any rules, regulations,
14.22 and policies adopted by the Utility not prohibited by the Commission's rules on
14.23 Cogeneration and Small Power Production which provide reasonable technical connection
14.24 and operating specifications for the QF. This agreement does not waive the QF's right to
14.25 bring a dispute before the Commission as authorized by Minnesota Rules, ~~parts 7835.4800,~~
14.26 ~~7835.5800, and part~~ 7835.4500, and any other provision of the Commission's rules on
14.27 Cogeneration and Small Power Production authorizing Commission resolution of a dispute.

15.1 ~~6~~9. The Utility's rules, regulations, and policies must conform to the Commission's
15.2 rules on Cogeneration and Small Power Production.

15.3 ~~7~~10. The QF will operate its electric generating facilities so that they conform to
15.4 the national, state, and local electric and safety codes, and will be responsible for the
15.5 costs of conformance.

15.6 ~~8~~11. The QF is responsible for the actual, reasonable costs of interconnection
15.7 which are estimated to be \$_____. The QF will pay the Utility in this
15.8 way: _____

15.9 _____
15.10 ~~9~~12. The QF will give the Utility reasonable access to its property and electric
15.11 generating facilities if the configuration of those facilities does not permit disconnection
15.12 or testing from the Utility's side of the interconnection. If the Utility enters the QF's
15.13 property, the Utility will remain responsible for its personnel.

15.14 ~~10~~13. The Utility may stop providing electricity to the QF during a system
15.15 emergency. The Utility will not discriminate against the QF when it stops providing
15.16 electricity or when it resumes providing electricity.

15.17 ~~11~~14. The Utility may stop purchasing electricity from the QF when
15.18 necessary for the Utility to construct, install, maintain, repair, replace, remove,
15.19 investigate, or inspect any equipment or facilities within its electric system.
15.20 The Utility will notify the QF before it stops purchasing electricity in this
15.21 way: _____

15.22 _____
15.23 ~~12~~15. The QF will keep in force liability insurance against personal or property
15.24 damage due to the installation, interconnection, and operation of its electric generating
15.25 facilities. The amount of insurance coverage will be \$_____ (The ~~utility~~
15.26 ~~may not require an amount greater than \$300,000~~ amount must be consistent with the
15.27 Commission's interconnection standards under Minnesota Rules, part 7835.4750).

16.1 ~~13~~ 16. This contract becomes effective as soon as it is signed by the QF and the
16.2 Utility. This contract will remain in force until either the QF or the Utility gives written
16.3 notice to the other that the contract is canceled. This contract will be canceled 30 days
16.4 after notice is given.

16.5 ~~14~~ 17. This contract contains all the agreements made between the QF and the Utility
16.6 except that this contract shall at all times be subject to all rules and orders issued by
16.7 the Public Utilities Commission or other government agency having jurisdiction over
16.8 the subject matter of this contract. The QF and the Utility are not responsible for any
16.9 agreements other than those stated in this contract.

16.10 THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE
16.11 TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY
16.12 HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT
16.13 THE BEGINNING OF THIS CONTRACT.

16.14 _____
16.15 QF

16.16 By: _____
16.17 _____
16.18 _____

16.19 UTILITY

16.20 By: _____
16.21 _____

16.22 (Title)

16.23 **7835.9920 NONSTANDARD PROVISIONS.**

16.24 A utility intending to implement provisions other than those included in the uniform
16.25 statewide form of contract must file a request for authorization with the commission. The
16.26 filing must conform with chapter 7829 and must identify all provisions the utility intends
16.27 to use in the contract with a qualifying facility.

- 17.1 **REPEALER.** Minnesota Rules, parts 7835.2300; 7835.2500; 7835.2700; 7835.2900;
- 17.2 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400;
- 17.3 7835.5500; 7835.5600; 7835.5700; and 7835.5800, are repealed.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Cogeneration and Small Power Production

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7835

The attached rules are approved for
publication in the State Register

A handwritten signature in dark ink, appearing to read "Ryan Inman", is written over a horizontal line.

Ryan Inman
Assistant Deputy Revisor

CERTIFICATE OF SERVICE

I, Margie DeLaHunt, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

Minnesota Public Utilities Commission STATEMENT OF NEED AND REASONABLENESS

Docket Number **E-999/R-13-729**

Dated this **29th** day of **December, 2014**

/s/ Margie DeLaHunt

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Douglas	Fingerson	df@gceea.com	Goodhue County Cooperative Electric	P.O. Box 99 1410 NorthStar Drive Zumbrota, MN 559921091	Electronic Service	No	SPL_SL_Rulemaking - Energy
Bruce	Gornm		Willmar Municipal Utilities	PO Box 937 700 SW Litchfield Avenue Willmar, MN 56201	Paper Service	No	SPL_SL_Rulemaking - Energy
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Ronnie	Kennedy		Red Lake Electric Cooperative Inc.	PO Box 430 412 - 8th St. SW Red Lake Falls, MN 567500430	Paper Service	No	SPL_SL_Rulemaking - Energy
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Don	Kleinschmidt	publicworks@mtiron.com	City Of Mountain Iron	8586 Enterprise Drive South Mountain Iron, MN 55768	Paper Service	No	SPL_SL_Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Knofczynski		Heartland Consumers Power District	PO Box 248 203 W. Center Street Madison, SD 570420248	Paper Service	No	SPL_SL__Rulemaking - Energy
Heidi	Konynenbelt	hkynnenbelt@otpc.com	Otter Tail Power Company	215 S. Cascade Street, PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
Larry J.	Koshire	lkoshire@rpu.org	Rochester Public Utilities	4000 East River Road NE Rochester, MN 559062813	Electronic Service	No	SPL_SL__Rulemaking - Energy
Brian	Krambeer	bkramber@rec.coop	Tri-County Electric Cooperative	PO Box 626 31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	SPL_SL__Rulemaking - Energy
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	SPL_SL__Rulemaking - Energy
Bill aka WP	Lavin	bill.lavin@granitefalls.com	City of Granite Falls	641 Prentice Street Granite Falls, MN 56241-1598	Electronic Service	No	SPL_SL__Rulemaking - Energy
Jon	Leerar	jleerar@heartlandpower.com	Heartland Power Cooperative	P.O. Box 70 Thompson, IA 50478	Electronic Service	No	SPL_SL__Rulemaking - Energy
Jeff	Legge	jlegge@otpc.com	Otter Tail Power Company	215 South Cascade St. P.O. Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL__Rulemaking - Energy
Cynthia	Lindeman	c.lindeman@cityofbrownnton.com	Brownnton Municipal Light Plant	335 Third Street PO Box 238 Brownnton, MN 55312-0238	Electronic Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	SPL_SL__Rulemaking - Energy
Kate	McBride	kmcbride@comcast.net		18705 37th Ave. N. Plymouth, MN 55446	Paper Service	No	SPL_SL__Rulemaking - Energy
Brian	Meiby	brian.meiby@stinsonleonorad.com	Stinson, Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Energy
Michael	Monsrud	N/A	Bagley Public Utilities	18 Main Ave. S. PO Box M Bagley, MN 56621	Paper Service	No	SPL_SL__Rulemaking - Energy
Andrew	Moratzka	apmoratzka@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Energy
Robert	Nelson	melson.calcity@acegroup.com	City Of Caledonia Electric Utility	P.O. Box 232 231 East Main Street Caledonia, MN 55921	Paper Service	No	SPL_SL__Rulemaking - Energy
DeeAnne	Newville	dnewville@renville-sibley.coop	Renville-Sibley Cooperative Power Assn	103 Oak Street Box 68 Danube, MN 56230	Electronic Service	No	SPL_SL__Rulemaking - Energy
Lynette	Nieuwsma		Beltrami Electric Cooperative, Inc.	411 Technology Drive PO Box 488 Bemidji, MN 566190488	Paper Service	No	SPL_SL__Rulemaking - Energy
Darrell	Nilschke	dnilschk@nd.gov	North Dakota Public Service Commission	600 E. Boulevard Avenue State Capital, 12th Floor, Dept 408 Bismarck, ND 585050480	Electronic Service	No	SPL_SL__Rulemaking - Energy
Vernell	Roberts		Wadena Light And Water	104 Jefferson Street North Wadena, MN 56402	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Roy		Northwest Gas	1608 NW 4th Street Grand Rapids, MN 55744	Paper Service	No	SPL_SL__Rulemaking - Energy
Mrg	Simon	mrgsimon@mnenergy.com	Missouri River Energy Services	3724 W. Avera Drive P.O. Box 88920 Sioux Falls, SD 571098920	Electronic Service	No	SPL_SL__Rulemaking - Energy
Ron	Spangler, Jr.	rspangler@otpc.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
Patrick E.	Speltman		Hutchinson Utilities Commission	225 Michigan St. SE Hutchinson, MN 55350	Paper Service	No	SPL_SL__Rulemaking - Energy
Tim	Stoner	timothy.stoner@belw.org	Blue Earth Light & Water Dept.	125 East Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL__Rulemaking - Energy
Tim	Thompson	tthompson@lrec.coop	Lake Region Electric Cooperative	PO Box 643 1401 South Broadway Pelican Rapids, MN 56572	Electronic Service	No	SPL_SL__Rulemaking - Energy
David	Thompson	dthompson@sherbtel.net	Princeton Public Utilities	907 1st Street Princeton, MN 55371	Electronic Service	No	SPL_SL__Rulemaking - Energy
Lowell	Thompson		City Of Ada	Public Works Box 32 Ada, MN 56510	Paper Service	No	SPL_SL__Rulemaking - Energy
Steve	Thompson	stevet@crmpa.org	Central Minnesota Municipal Power Agency	459 S Grove St Blue Earth, MN 56013-2629	Electronic Service	No	SPL_SL__Rulemaking - Energy
Darryl	Tveitbakk		Northern Municipal Power Agency	123 Second Street West Thief River Falls, MN 56701	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Frank	Welter	fwelter@peoplesrec.com	People's Energy Cooperative	1775 Lake Shady Ave S Oronoco, MN 55960-2351	Electronic Service	No	SPL_SL__Rulemaking - Energy
Ray H.	Wigern		Wells Public Utilities	101 First Street SE PO Box 96 Wells, MN 56097	Paper Service	No	SPL_SL__Rulemaking - Energy
Sherry	Wold		Blooming Prairie Public Utilities	146 Third Avenue SE Post Office Box 55 Blooming Prairie, MN 55917	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Stephanie	Abentroth	rasanava@rv.net	City of Nielsville	PO Box 68 Nielsville, MN 56568	Electronic Service	No	SPL_SL_Electric Utilities
Annie	Aberle	annlea@h-delectric.coop	Hamilin (HD) Electric Coop.	423 3rd Avenue So. PO Box 1007 Clear Lake, SD 57226	Electronic Service	No	SPL_SL_Electric Utilities
Mark	Anderson	manderson@southcentralelectric.com	South Central Electric Association	PO Box 150 71176 Tiell Drive St. James, MN 56081	Electronic Service	No	SPL_SL_Electric Utilities
Roger	Avelsgard	ravelsgard@breckenridgemn.net	City of Breckenridge Utilities	420 Nebraska Ave Breckenridge, MN 56520	Electronic Service	No	SPL_SL_Electric Utilities
Rick	Banka	bademailrickb@realp.com	Stearns Electric Assn.	900 E Kraft Dr. PO Box 40 Melrose, MN 56532	Paper Service	No	SPL_SL_Electric Utilities
Rick	Banka	rickb@rea-arp.com	Runestone Electric Association	6875 Country Rd 28 SW Alexandria, MN 56308	Electronic Service	No	SPL_SL_Electric Utilities
Nancy	Basara	nancyb@connexusenergy.com	CONNEXUS ENERGY	14601 Ramsey Boulevard Ramsey, MN 55303	Electronic Service	No	SPL_SL_Electric Utilities
Hal	Becker	hbecker@delanomn.us	Delano Municipal Utilities	P.O. Box 65 11 Bridge Ave W Delano, MN 55328	Electronic Service	No	SPL_SL_Electric Utilities
Doug	Bendorf	dbendorf@ci.staples.mn.us	Staples Munic. Water & Light Dept.	Staples Government Center 301 2nd Ave NE Staples, MN 56479-2537	Electronic Service	No	SPL_SL_Electric Utilities
P.	Benson	N/A	Peterson Electric Dept.	118 Fillmore St PO Box 67 Peterson, MN 55962	Paper Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Kevin	Berg	keberg@arvig.net	Hawley Public Utilities	PO Box 69 Hawley, MN 565490069	Electronic Service	No	SPL_SL_Electric Utilities
Bruce	Bjerke	bbjerke@minnkota.com	Clearwater-Polk Electric	315 Main Avenue North PO Box O Bagley, MN 566211001	Electronic Service	No	SPL_SL_Electric Utilities
Jodi	Boneschans	N/A	Bigelow Electric Dept	1537 Broadway PO Box 38 Bigelow, MN 56117-0038	Paper Service	No	SPL_SL_Electric Utilities
Jeremy	Boogerd	BADEMAJeremy-boogerd@mnenergy.com	Jackson Electric Light Dept	80 West Ashley St Jackson, MN 56143	Paper Service	No	SPL_SL_Electric Utilities
Dan	Boyce	dboyce@ci.east-grand-forks.mn.us	East Grand Forks Water & Light Dept	600 DuMers Ave. NW PO Box 322 East Grand Forks, MN 567210322	Electronic Service	No	SPL_SL_Electric Utilities
Michael	Brehorst	mbrehorst@bvillemn.net	Barnesville Telephone Company	Box 550 101 Front Street South Barnesville, MN 56514	Electronic Service	No	SPL_SL_Electric Utilities
Sydney R.	Briggs	sbriggs@swice.coop	Steele-Waseca Cooperative Electric	2411 W. Bridge St PO Box 485 Owatonna, MN 55060-0485	Electronic Service	No	SPL_SL_Electric Utilities
Loren	Brorby	Lbrorby@minnkota.com	Red River Valley Coop Power Assn	PO Box 358 109 2nd Ave East Halstad, MN 565480358	Electronic Service	No	SPL_SL_Electric Utilities
Richard G.	Burud	burud@federatedrea.coop	Federated Rural Electric Assoc.	PO Box 69 77100 US Highway 77 Jackson, MN 56143	Electronic Service	No	SPL_SL_Electric Utilities
Richard G	Burud	rburud@noblesco.com	Nobles Cooperative Electric	22636 US HIGHWAY 59 PO Box 788 Worthington, MN 56187	Electronic Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Call	jcall@cityofluverne.org	Luverne Municipal Utilities	305 East Luverne Street PO Box 659 Luverne, MN 56156	Electronic Service	No	SPL_SL__ Electric Utilities
Brian	Christensen	BADEMA1brian@wiktel.com	Stephen Electric Light Dept.	PO Box 630 Stephen, MN 56757	Paper Service	No	SPL_SL__ Electric Utilities
City	Clerk	winthrop@mchsi.com	Winthrop Municipal Electric Plant	305 North Main Street Winthrop, MN 55396	Electronic Service	No	SPL_SL__ Electric Utilities
Dave	Cluff	dcluff@aitkinutilities.com	Aitkin Public Utilities	120 First Street NW Aitkin, MN 56431	Electronic Service	No	SPL_SL__ Electric Utilities
Sandy	Consoer	cityhall@roundlk.net	Round Lake Municipal Utility	PO Box 72 Round Lake, MN 561670072	Electronic Service	No	SPL_SL__ Electric Utilities
Allen	Crowser	acrowser@rea-alp.com	Alexandria Light and Power	316 Fillmore Street P. O. Box 609 Alexandria, MN 563080609	Electronic Service	No	SPL_SL__ Electric Utilities
Ken	Dagoberg	N/A	Alvarado Electric Dept.	PO Box 935 Alvarado, MN 56710	Paper Service	No	SPL_SL__ Electric Utilities
David	Dahlberg	davedahlberg@nweco.com	Northwestern Wisconsin Electric Company	P.O. Box 9 104 South Pine Street Grantsburg, WI 548400009	Electronic Service	No	SPL_SL__ Electric Utilities
Judy	Davis	Judlipu@frontier.com	Truman Municipal Light Plant	118 North 1st Avenue PO Box 397 Truman, MN 56088-0037	Electronic Service	No	SPL_SL__ Electric Utilities
Steve	DeVinck	sdevinck@alete.com	Minnesota Power	30 W Superior St Duluth, MN 55802	Electronic Service	No	SPL_SL__ Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Finance	Dept	N/A	Waseca Electric Utility	508 South State Street Waseca, MN 56093	Paper Service	No	SPL_SL__Electric Utilities
Spring	Detefsen	Sdetefsen@CLPower.com	Cooperative Light and Power	1554 Hwy 2 Two Harbors, mn 55616	Electronic Service	No	SPL_SL__Electric Utilities
Robin	Doege	rdoege@toddwadana.coop	Todd Wadena Electric Cooperative	PO Box 431 Wadena, MN 56482	Electronic Service	No	SPL_SL__Electric Utilities
Liza	Donabauer	ldonabauer@arlingtonmn.com	City of Arlington	204 Shamrock Drive Arlington, MN 55307	Electronic Service	No	SPL_SL__Electric Utilities
Greg	Drent	gdrent@cityoflesueur.com	LeSueur Municipal Utilities	228 N. Main Street PO Box 176 LeSueur, MN 560580176	Electronic Service	No	SPL_SL__Electric Utilities
Debbie	Ebert	debert@mcleodcoop.com	McLeod Cooperative Power Association	1231 Ford Avenue PO Box 70 Glencoe, MN 55336	Electronic Service	No	SPL_SL__Electric Utilities
Randy	Eggert	utility@cityofkenyon.com	Kenyon Municipal Utilities	709 Second Street Kenyon, MN 55946	Electronic Service	No	SPL_SL__Electric Utilities
Douglas	Fingerson	df@gcocea.com	Goodhue County Cooperative Electric	P.O. Box 99 1410 North Star Drive Zumbrota, MN 559921091	Electronic Service	No	SPL_SL__Electric Utilities
Brian	Frandle	brian.frandle@ci.north-saint-paul.mn.us	North St. Paul City Hall	2400 Margaret St. N. St. Paul, MN 55109-3020	Electronic Service	No	SPL_SL__Electric Utilities
Elaine	Garry	egarry@peoplesrec.com	Peoples Energy Cooperative	1775 Lake Shady Ave S Oronoco, MN 55960-2351	Electronic Service	No	SPL_SL__Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
L G.	Geisking	lewisg@saintpetermn.gov	St. Peter Municipal Utilities	227 S. Front Street St. Peter, MN 56082	Electronic Service	No	SPL_SL__ Electric Utilities
David J.	George	bademalld.george@kpcoop.com	Kandyohi Power Cooperative	8605 47th St PO Box 40 Spicer, MN 56288-0040	Paper Service	No	SPL_SL__ Electric Utilities
Gary J.	Gleisner	gary.gleisner@ci.new-ulm.mn.us	New Ulm Public Utilities Commission	310 First North Street New Ulm, MN 56073	Electronic Service	No	SPL_SL__ Electric Utilities
Michael	Greiveldinger	michaelgreiveldinger@alliantenergy.com	Interstate Power and Light Company	4902 N. Biltmore Lane Madison, WI 53718	Electronic Service	No	SPL_SL__ Electric Utilities
Charleen	Grossman	finance@cityofortonville.org	Otonville Light & Water Dept.	315 Madison Ave Otonville, Minnesota 56278	Electronic Service	No	SPL_SL__ Electric Utilities
Anna	Gruber	pierz@midconetwork.com	Pierz Municipal Utilities	PO Box 367 Pierz, MN 56364	Electronic Service	No	SPL_SL__ Electric Utilities
Coleen	Gruis	BADEMAILrushmore@centurylink.net	Rushmore Electric Dept.	P.O. Box 227 136 N. Thopson Avenue Rushmore, MN 56168	Paper Service	No	SPL_SL__ Electric Utilities
Marv	Grunig	winutl@windom-mn.com	Windom Municipal Utilities	444 9th Street Windom, MN 56101	Electronic Service	No	SPL_SL__ Electric Utilities
Steven J.	Haaven	shaaven@mnnkota.com	Wild Rice Electric Cooperative, Inc.	PO Box 438 502 North Main Mahnomon, MN 56557	Electronic Service	No	SPL_SL__ Electric Utilities
Scott	Hain	shain@worthingtonutilities.com	Worthington Public Utilities	PO Box 458 Worthington, MN 561870458	Electronic Service	No	SPL_SL__ Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Clayton	Halverson	chalverson@traverseelectric.com	Traverse Electric Cooperative Inc.	PO Box 66 Wheaton, MN 56296	Electronic Service	No	SPL_SL_Electric Utilities
Tammy	Hansen	newfolden@wiktel.com	Newfolden Electric Dept.	PO Box 188 145 E 1st St Newfolden, MN 56738-0188	Electronic Service	No	SPL_SL_Electric Utilities
Rhonda	Harkins	rharkins@ci.lake-city.mn.us	City of Lake City	205 West Center Street Lake City, MN 55041	Electronic Service	No	SPL_SL_Electric Utilities
Dawn	Hartung	dunnell@bevcomm.net	Dunnell Light & Water	PO Box 94 Dunnell, MN 56127	Electronic Service	No	SPL_SL_Electric Utilities
Robert J.	Hauge	lccity@hickorytech.net	Lake Crystal Municipal Utilities	100 E. Robinson Street P O, Box 86 Lake Crystal, MN 560550086	Electronic Service	No	SPL_SL_Electric Utilities
Charles	Heins	cheins@ci.redwood-falls.mn.us	Redwood Falls Public Utilities	PO Box 526 Redwood Falls, MN 562830526	Electronic Service	No	SPL_SL_Electric Utilities
Wade	Hensel	N/A	Brown County Rural Electric Assn.	24386 State Hwy 4 PO Box 529 Sleepy Eye, MN 56085-0529	Paper Service	No	SPL_SL_Electric Utilities
WR	Hensel	whensel@benco.org	Blue Earth-Nicollet-Faribault Cooperative (BENCO)	Hwy 169 South PO Box 8 Mankato, MN 56001	Electronic Service	No	SPL_SL_Electric Utilities
Joe	Hoffman	jhoffman@prestonmn.org	Preston Public Utilities	PO Box 657 Preston, MN 55965	Electronic Service	No	SPL_SL_Electric Utilities
Jeffrey	Holsen	cityhall@runestone.net	Elbow Lake Municipal Electric Dept	PO Box 1079 Elbow Lake, MN 56531	Electronic Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ronald	Horman	rhorman@redwoodelectric.com	Redwood Electric Cooperative	60 Pine Street Clements, MN 56224	Electronic Service	No	SPL_SL_Electric Utilities
Dan	Huskins	danh@wiktel.com	North Star Electric	P.O. Box 719 Baudette, MN 56623	Electronic Service	No	SPL_SL_Electric Utilities
Tiffany	Hughes	Regulatory Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	SPL_SL_Electric Utilities
Michael	Jensen	njensen@bagleymn.us	Bagley Public Utilities Commission-elec	18 Main Avenue South PO Box M Bagley, MN 56621	Electronic Service	No	SPL_SL_Electric Utilities
Roger	Johanneck	rjohanneck@minkota.com	Red Lake Electric Cooperative, Inc.	412 International drive PO Box 430 Red Lake Falls, MN 56750	Electronic Service	No	SPL_SL_Electric Utilities
Scott	Johnson	utilities@newulmiel.net	Springfield Public Utilities	14 North Marshall Avenue Springfield, MN 56087	Electronic Service	No	SPL_SL_Electric Utilities
Chris	Johnson	N/A	Harmony Water & Light	225 3rd Avenue SW PO Box 488 Harmony, MN 55939	Paper Service	No	SPL_SL_Electric Utilities
Korwin	Johnson	kjohnson@agralite.com	Agralite Electric Cooperative	PO Box 228 320 East Highway 12 Benson, MN 56215	Electronic Service	No	SPL_SL_Electric Utilities
Dennis	Jutting	djutting@centurytel.net	Westbrook Municipal Light And Power	556 First Avenue PO Box 308 Westbrook, MN 561830308	Electronic Service	No	SPL_SL_Electric Utilities
John	Kappes	N/A	Ada Water & Light Dept.	15 E. 4th Ave. Ada, MN 56510-1281	Paper Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Susan	Kidrowski	kandiyohi@frontier.com	Kandiyohi Public Utilities	PO Box 276 628 Atlantic Avenue Kandiyohi, MN 56251-0276	Electronic Service	No	SPL_SL__Electric Utilities
Richard	Kitelson	rdkbp@frontiernet.net	Blooming Prairie Public Utilities Commission	146 3rd Ave SE PO Box 55 Blooming Prairie, MN 55917	Electronic Service	No	SPL_SL__Electric Utilities
Lee	Klein	klein@twoharbors.com	Two Harbors Water & Light Dept. - Electric	522 1st Ave. Two Harbors, MN 55616	Electronic Service	No	SPL_SL__Electric Utilities
Ron	Kleinschmidt	claysupt@mncable.net	Warroad Municipal Power & Light Dept.	PO Box 50 Warroad, MN 56763	Electronic Service	No	SPL_SL__Electric Utilities
Adam	Koch	adam.koch@ci.stjames.mn.us	St. James Light & Water Dept.	PO Box 70 St. James, MN 55081-0070	Electronic Service	No	SPL_SL__Electric Utilities
Jim	Koep	utilities@lakefieldmn.com	Lakefield Public Utilities	PO Box 1023 Lakefield, MN 56150	Electronic Service	No	SPL_SL__Electric Utilities
Larry J.	Koshire	lkoshire@rpu.org	Rochester Public Utilities	4000 East River Road NE Rochester, MN 559062813	Electronic Service	No	SPL_SL__Electric Utilities
Bruce L.	Kraemer	N/A	Crow Wing Cooperative Power & Light Co.	Hwy 371 North PO Box 507 Brainerd, MN 56401	Paper Service	No	SPL_SL__Electric Utilities
Brian	Krambeer	bkr@tec.coop	Tri-County Electric Cooperative	PO Box 626 31110 Cooperative Way Rushford, MN 55971	Electronic Service	No	SPL_SL__Electric Utilities
Sara	Krueger	cityofdundee@swrnet.com	City of Dundee Light & Power	111 North Main Street Dundee, MN 56131-1178	Electronic Service	No	SPL_SL__Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jim	Krueger	jkrueger@fmcs.coop	Freeborn-Mower Cooperative Services	Box 611 Albert Lea, MN 56007	Electronic Service	No	SPL_SL_Electric Utilities
Greg	Kruse	BADEMAILcityofbrewstermn@roundk.net	Brewster Electric Light & Power Dept.	PO Box 55 246 10th St Brewster, MN 56119-0055	Paper Service	No	SPL_SL_Electric Utilities
Pamela	LaBine	nashwaukcityhall@mchsi.com	Nashwauk Public Utilities	301 Central Avenue Nashwauk, MN 55769	Electronic Service	No	SPL_SL_Electric Utilities
Mike	Labine	N/A	Keewatin Public Utilities	PO Box 190 Keewatin, MN 55753	Paper Service	No	SPL_SL_Electric Utilities
Harold	Langowski	elyod@ely.mn.us	Ely Light & Water Dept.	209 East Chapman Street Ely, MN 55731	Electronic Service	No	SPL_SL_Electric Utilities
Sharon	Larsen	BADEMAILcityofgrovecity@earthlink.net	Grove City Electric Dept.	210 Atlantic Ave PO Box 98 Grove City, MN 56243	Paper Service	No	SPL_SL_Electric Utilities
David	Larson	dave.larson@fosston.com	Fosston Municipal Utilities	220 E 1st St. PO Box 239 Fosston, MN 56542	Electronic Service	No	SPL_SL_Electric Utilities
Bill aka WP	Lavin	bill.lavin@granitefalls.com	City of Granite Falls	641 Prentice Street Granite Falls, MN 56241-1598	Electronic Service	No	SPL_SL_Electric Utilities
Jeff	Legge	jlegge@otpc.com	Otter Tail Power Company	215 South Cascade St. P.O. Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL_Electric Utilities
Terry	Leoni	general@vpuc.com	Virginia Dept. Of Public Utilities	618 Second Street South P.O. Box 1048 Virginia, MN 55792	Electronic Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Carol	Lind	clind@ci.proctor.mn.us	Proctor Public Utilities Comm.	100 Plonk Drive Proctor, MN 55810	Electronic Service	No	SPL_SL__Electric Utilities
Cynthia	Lindeman	c.lindeman@cityofbrownnton.com	Brownnton Municipal Light Plant	335 Third Street PO Box 238 Brownnton, MN 55312-0238	Electronic Service	No	SPL_SL__Electric Utilities
Greg	Lippert	greg@olivia.mn.us	Olivia Municipal Water & Light Dept	1009 West Lincoln Avenue Olivia, MN 56277	Electronic Service	No	SPL_SL__Electric Utilities
david	Logue	N/A	Sleepy Eye Public Utilities Commission	130 2nd Avenue NW PO Box 408 Sleepy Eye, MN 56085	Paper Service	No	SPL_SL__Electric Utilities
Terry	Lowell	N/A	Blwabik Public Utilities	PO Box A Blwabik, MN 55708	Paper Service	No	SPL_SL__Electric Utilities
Gary	Mackley	BADEMAIL.garymackley@gilbertmn.org	Gilbert Water, Light & Water Dept.	16 South Broadway PO Box 368 Gilbert, MN 557410368	Paper Service	No	SPL_SL__Electric Utilities
General	Manager		Lake Country Power	Grand Rapids Service Center 2810 Elida Drive Grand Rapids, MN 55744	Paper Service	No	SPL_SL__Electric Utilities
Gerald	Mareck	gerrym@mvec.net	Minnesota Valley Electric Cooperative	PO Box 125 Jordan, MN 55352-0125	Electronic Service	No	SPL_SL__Electric Utilities
John	Markas	N/A	Buhl Water Light Heat & Bldg. Comm.	PO Box 704 Buhl, MN 55713	Paper Service	No	SPL_SL__Electric Utilities
Lolly	Melander	melander@acegroup.cc	City of Whalan	RR2 Box 2105 Lanesboro, MN 55949	Electronic Service	No	SPL_SL__Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Tim	Mergen	tmergen@meeker.coop	Meeker Cooperative Light And Power	1725 US Hwy 12 E, Suite 100 PO Box 68 Litchfield, MN 55355	Electronic Service	No	SPL_SL_Electric Utilities
David	Meyer	dave@glencoe.lighthousepower.com	Glencoe Light and Power Commission	305 11th Street East Glencoe, MN 55336	Electronic Service	No	SPL_SL_Electric Utilities
Terrance	Miller	tmiller2@lw.net	Adrian Public Utilities	20 Maine Avenue Adrian, MN 56110	Electronic Service	No	SPL_SL_Electric Utilities
Bruce	Miller	bruce.miller@ci.litchfield.mn.us	Litchfield Public Utilities Commission	126 Marshall Avenue North Litchfield, MN 55355	Electronic Service	No	SPL_SL_Electric Utilities
Gregory C.	Miller	gmiller@dakotaelectric.com	Dakota Electric Association	4300 220th Street West Farmington, MN 55024	Electronic Service	No	SPL_SL_Electric Utilities
Deb	Mohelski	deb.mohelski@mlwl.us	Moose Lake Water And Light Commission	P.O. Box 418 401 Douglas Ave Moose Lake, MN 55767	Electronic Service	No	SPL_SL_Electric Utilities
Michael	Monsrud	mmonsrud@itasca-mantrap.com	Itasca-Mantrap Coop. Electric Assn.	PO Box 192 Park Rapids, MN 56470	Electronic Service	No	SPL_SL_Electric Utilities
Steve	Moses		Madelia Municipal Light & Power	24 Abbot Avenue S.W. P O Box 26 Madelia, MN 560620026	Paper Service	No	SPL_SL_Electric Utilities
Mary	Muller	cityofceylon@frontiernet.net	Ceylon Water & Light Dept.	112 West Main Box 328 Ceylon, MN 56121	Electronic Service	No	SPL_SL_Electric Utilities
Jeanne	Muntean	N/A	Arrowhead Electric Coop., Inc.	PO Box 39 Luisen, MN 55612-0039	Paper Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Luayn	Murphy	N/A	Mountain Lake Municipal Utilities	1015 2nd Avenue Drawer C Mountain Lake, MN 56159	Paper Service	No	SPL_SL__ Electric Utilities
Gary	Myers	garym@hpuc.com	Hibbing Public Utilities	1902 E 6th Ave Hibbing, MN 55746	Electronic Service	No	SPL_SL__ Electric Utilities
Ralph D.	Mykkanen	BADEMAIL- ralphm@mlcmm.com	Mille Lacs Electric Cooperative	P.O. Box 230 Aitkin, MN 56431	Paper Service	No	SPL_SL__ Electric Utilities
Dale	Narlock	dnarlock@cityrf.net	City of Thief River Falls	Power & Light Dept. Box 528 Thief River Falls, MN 56701	Electronic Service	No	SPL_SL__ Electric Utilities
J	Narum	N/A	Mabel Public Utilities	Box 425 Mabel, MN 55954	Paper Service	No	SPL_SL__ Electric Utilities
Jodean	Neil	N/A	Shelly Electric Dept.	PO Box 126 Shelly, MN 56581	Paper Service	No	SPL_SL__ Electric Utilities
Eric	Nelson	fairfax@mchsi.com	Fairfax Municipal Utilities	18 First St SE PO Box K Fairfax, MN 55332-0911	Electronic Service	No	SPL_SL__ Electric Utilities
Robert	Nelson	N/A	Caledonia Light & Water Dept.	231 East Main Street PO Box 232 Caledonia, MN 55921	Paper Service	No	SPL_SL__ Electric Utilities
Troy	Nemmers PE	tnemmers@fairmont.org	City of Fairmont	100 Downtown Plz. PO Box 751 Fairmont, MN 56031-0751	Electronic Service	No	SPL_SL__ Electric Utilities
DeeAnne	Newville	dnewville@renville- sibley coop	Renville-Sibley Cooperative Power Assn	103 Oak Street Box 68 Danube, MN 56230	Electronic Service	No	SPL_SL__ Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Mark	Nibaur	markn@austinutilities.com	Austin Utilities	400 Fourth Street NE Austin, MN 55912	Electronic Service	No	SPL_SL__ Electric Utilities
Michael	Nichals	N/A	Willmar Munic. Utilities Comm.	700 Litchfield Avenue SW P.O. Box 937 Willmar, MN 56201	Paper Service	No	SPL_SL__ Electric Utilities
Rick	Olesen	rolesen@ilec.coop	Iowa Lakes Electric Cooperative	702 South 1st Street Estherville, IA 51334-1890	Electronic Service	No	SPL_SL__ Electric Utilities
J.	Ortman	N/A	North Itasca Electric Cooperative, Inc.	PO Box 227 Bigfork, MN 56628	Paper Service	No	SPL_SL__ Electric Utilities
Sandra	Pasche	N/A	St. Charles Light & Water Dept.	830 Whitewater Avenue St. Charles, MN 55972	Paper Service	No	SPL_SL__ Electric Utilities
Glen	Pedersen	N/A	Benson Water & Light Dept.	1411 Pacific Avenue Benson, MN 56215	Paper Service	No	SPL_SL__ Electric Utilities
Gerald	Peterschick	randallcity@brainerd.net	Randall Municipal Gas	PO Box 229 525 Pacific Avenue Randall, MN 56475	Electronic Service	No	SPL_SL__ Electric Utilities
Mark	Petsche	nbwmark@windstream.net	North Branch Municipal	6388 Maple Street North Branch, MN 55056	Electronic Service	No	SPL_SL__ Electric Utilities
Curt	Punt	N/A	Detroit Lakes Public Utilities Commission	1025 Roosevelt Avenue PO Box 647 Detroit Lakes, MN 56501	Paper Service	No	SPL_SL__ Electric Utilities
Don	Qualley	N/A	Lake Park Utilities	PO Box 239 Lake Park, MN 56554	Paper Service	No	SPL_SL__ Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Bruce	Reimers	breimers@ci.new-prague.mn.us	New Prague Utilities Commission	118 Central Avenue North New Prague, MN 56071	Electronic Service	No	SPL_SL_Electric Utilities
Charles	Riesen		PKM Electrical Cooperative	406 North Minnesota Street PO Box 108 Warren, MN 567620108	Paper Service	No	SPL_SL_Electric Utilities
Vernell	Roberts		Wadena Light And Water	104 Jefferson Street North Wadena, MN 56402	Paper Service	No	SPL_SL_Electric Utilities
Clinton M.	Rogers	clintonmrogers@hotmail.com	Janesville Utilities	101 N. Mott, Box 0 Janesville, MN 560480617	Electronic Service	No	SPL_SL_Electric Utilities
Ryan	Rooney	Rooney@rea-arp.com	Runestone Electric Assn.	6875 Country Rd 28 SW Alexandria, MN 56308	Electronic Service	No	SPL_SL_Electric Utilities
Brad	Roos	bradr@marshallutilities.com	Marshall Municipal Utilities	113 4th Street South Marshall, MN 56258	Electronic Service	No	SPL_SL_Electric Utilities
Steve	Sarvi	rushford@acegroup.cc	Rushford Electric Dept.	PO Box 430 Rushford, MN 55971	Electronic Service	No	SPL_SL_Electric Utilities
Steve	Schuldt	N/A	Eitzen Public Utilities	PO Box 110 Eitzen, MN 55931	Paper Service	No	SPL_SL_Electric Utilities
William E.	Schwandt	mps@mpsutility.com	Moorhead Public Service	500 Cedar Avenue PO Box 779 Moorhead, MN 565610779	Electronic Service	No	SPL_SL_Electric Utilities
Official	Service	j.dhein@cityofmora.com	Mora Public Utilities Commission	101 Lake Street S. Mora, MN 55051-1588	Electronic Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Stephen	Shurts		Owatonna Public Utilities	P. O. Box 800 208 South Walnut Owatonna, MN 55060	Paper Service	No	SPL_SL_Electric Utilities
Steve	Shurts	steve.shurts@ecernn.com	East Central Energy	412 North Main Braham, MN 55006	Electronic Service	No	SPL_SL_Electric Utilities
Rosie	Sickler	N/A	Kasota Electric Light Dept.	PO Box 218 Kasota, MN 56050	Paper Service	No	SPL_SL_Electric Utilities
Walter	Sjölund	N/A	Brainerd Water & Light Dept.	1151 Highland Scenic Drive PO Box 373 Brainerd, MN 56401-0373	Paper Service	No	SPL_SL_Electric Utilities
Sidney	Sletten	ssletten@beltramelectric.c om	Beltrami Electric Cooperative	po box 488 Bemidji, Mn 56619	Electronic Service	No	SPL_SL_Electric Utilities
Theresa	Stominski	tslominski@elkriverutilities. com	Elk River Municipal Utilities	PO Box 430 Elk River, MN 55330-0430	Electronic Service	No	SPL_SL_Electric Utilities
Ted	Smith	ted.smith@siouxvalleyener gy.com	Sioux Valley - Southwestern Elec Coop. Inc.	P O Box 216 Colman, SD 570170216	Electronic Service	No	SPL_SL_Electric Utilities
Stu	Smith	BADEMAILsvutil@myclear wave.net	Spring Valley Public Utilities Comm.	104 South Section Avenue Spring Valley, MN 55975	Paper Service	No	SPL_SL_Electric Utilities
Lyn	Solberg	N/A	Spring Grove Munic. Utility	118 1st Ave NW PO box 218 Spring Grove, MN 559740218	Paper Service	No	SPL_SL_Electric Utilities
Patrick E	Spethman		Hutchinson Utilities Commission	225 Michigan St. SE Hutchinson, MN 55350	Paper Service	No	SPL_SL_Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Randy	Spicer	rspicer@roseauelectric.coop	Roseau Electric Coop., Inc.	po box 100 Roseau, MN 56751	Electronic Service	No	SPL_SL__Electric Utilities
Joseph	Steffel	joseph.steffel@ci.buffalo.mn.us	City of Buffalo Municipal Electric	212 Central Avenue Buffalo, MN 55313	Electronic Service	No	SPL_SL__Electric Utilities
Tim	Stoner	timothy.stoner@belw.org	Blue Earth Light & Water Dept.	125 East Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL__Electric Utilities
Marty	Sunderman	martys@scpsc.com	Sauk Centre Public Utilities Commission.	101 Main Street South P O Box 128 Sauk Centre, MN 56378	Electronic Service	No	SPL_SL__Electric Utilities
Guy	Swenson	gswenson@bvillemn.net	Barnesville Municipal Telephone Company	PO Box 550 101 Front St S Barnesville, MN 56514	Electronic Service	No	SPL_SL__Electric Utilities
Mike	Taylor	mtaylor@boreal.org	Grand Marais Public Utilities Comm.	15 Broadway North PO Box 600 Grand Marais, MN 55604	Electronic Service	No	SPL_SL__Electric Utilities
GB	Taylor Jr.	gtaylor@mncable.net	Baudette Municipal Light Plant	PO Box 548 Baudette, MN 56623	Electronic Service	No	SPL_SL__Electric Utilities
Tim	Thompson	tthompson@rec.coop	Lake Region Electric Cooperative	PO Box 643 1401 South Broadway Pelican Rapids, MN 56572	Electronic Service	No	SPL_SL__Electric Utilities
Jerry	Thompson	N/A	Cedar Valley Rural Electric Coop.	PO Box 70 St. Ansgar, IA 50472	Paper Service	No	SPL_SL__Electric Utilities
David	Todd	lanesboro@acegroup.cc	Lanesboro Public Utilities Commission	PO Box 333 Lanesboro, MN 55949	Electronic Service	No	SPL_SL__Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Louis	Van Hout	N/A	Shakopee Public Utilities	255 Sarazin St. Shakopee, MN 55379	Paper Service	No	SPL_SL__Electric Utilities
Jim	Viekaryous	N/A	Roseau Munic. Power Plant	100 2nd Avenue PO Box 307 Roseau, MN 56751	Paper Service	No	SPL_SL__Electric Utilities
Mark F.	Vogt	N/A	Wright Hennepin Coop. Electric Assn.	6800 Electric Drive P O Box 330 Rockford, MN 553730330	Paper Service	No	SPL_SL__Electric Utilities
Craig	Wainio	BADEMAILwainio@ci.mountain-iron.mn.us	Mountain Iron Light & Water Dept.	8586 Enterprise Drive So. Mountain Iron, MN 55768-8260	Paper Service	No	SPL_SL__Electric Utilities
Robert	Walsh	bwalsh@mnvalleyrec.com	Minnesota Valley Coop Light and Power	PO Box 248 501 S 1st St Montevideo, MN 56265	Electronic Service	No	SPL_SL__Electric Utilities
Connie	Wangen	cwangen@princetonutilities.com	Princeton Public Utilities Commission	907 1st Street Princeton, MN 55371	Electronic Service	No	SPL_SL__Electric Utilities
AT	Ward	N/A	Grand Rapids Public Utilities Commission	Village Hall PO Box 658 Grand Rapids, MN 55744	Paper Service	No	SPL_SL__Electric Utilities
Ray H.	Wigern		Wells Public Utilities	101 First Street SE PO Box 96 Wells, MN 56097	Paper Service	No	SPL_SL__Electric Utilities
Bruce	Williams	N/A	Tyler Munic. Light & Power Dept.	PO Box 398 230 N Tyler St Tyler, MN 561780452	Paper Service	No	SPL_SL__Electric Utilities
Jeff	Wolters	bademallwohler@warrenminnesota.com	Warren Light & Power Dept - Electric	120 E. Bridge Ave. Warren, MN 56762	Paper Service	No	SPL_SL__Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Jack	Worm	jworm@chaskamn.com	City of Chaska Electric Department	660 Victoria Dr. Chaska, MN 55318	Electronic Service	No	SPL_SL__ Electric Utilities
Lori	Yager	Lyager@ci.anoka.mn.us	Anoka Water, Light Dept.	2015 1st Avenue N Anoka, MN 55303	Electronic Service	No	SPL_SL__ Electric Utilities
Linda	York	N/A	Alpha Electric Dept.	PO Box 97 Alpha, MN 56111	Paper Service	No	SPL_SL__ Electric Utilities
Nancy	Zaworski	financedept@cityofkasson.com	City Of Kasson ELECTRIC Dept.	401 Fifth St. SE Kasson, MN 55944	Electronic Service	No	SPL_SL__ Electric Utilities

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Erich	Bachmeyer	ebachmeyer@globalwinds.com	Buffalo Ridge Power Partners LLC	103 Front Street Schenectady, NY 12035	Electronic Service	No	SPL_SL_Independent Power Producers
Mike	Beckner	mbeckner@quantumug.com	Quantum Energy	N/A	Electronic Service	No	SPL_SL_Independent Power Producers
James J.	Bertrand	james.bertrand@leonard.com	Leonard Street & Deinard	150 South Fifth Street, Suite 2300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_Independent Power Producers
Alan	Blum	alan.blum@blumandleonard.com	Northstar Transmission, LLC	418 Central Avenue Esterville, IA 51334	Electronic Service	No	SPL_SL_Independent Power Producers
B. Andrew	Brown	brown.andrew@dorsey.com	Dorsey & Whitney LLP	Suite 1500 50 South Sixth Street Minneapolis, MN 55402	Electronic Service	No	SPL_SL_Independent Power Producers
B. Andrew	Brown	N/A	Calpine Corporation	Dorsey & Whitney 50 South Sixth Street 1500 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Independent Power Producers
Terry L	Carlson	tjabcarl@midwestinfo.net	Prairie Wind Energy, LLC	PO Box 33 Parkers Prairie, MN 56361	Electronic Service	No	SPL_SL_Independent Power Producers
Regulatory	Contact	N/A	LS Power Corporation	1700 Broadway FL 35 New York, NY 10019-5905	Paper Service	No	SPL_SL_Independent Power Producers
Will	Cooksey	bademailwcooksey@nationalwind.com	National Wind, LLC	706 2nd Ave S Suite 1200 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Independent Power Producers
Robert	Crowell	bob.crowell@horizonwind.com	FPL Energy Mower County, LLC	808 Travis Street, Ste 700 Houston, TX 77002	Electronic Service	No	SPL_SL_Independent Power Producers
Robert	Crowell	N/A	High Prairie Wind Farm II, LLC	Suite 700 808 Travis St. Houston, TX 77002	Paper Service	No	SPL_SL_Independent Power Producers

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John H.	Daniels, Jr.	j.danielsjr@worldnet.att.net	Kenyon Wind LLC	201 Ridgewood Avenue Minneapolis, MN 554033508	Electronic Service	No	SPL_SL_Independent Power Producers
Bruce	Freeman	N/A	Shell Rock Wind Farm, LLC	c/o Avant Energy 220 South Sixth Street, Suite 1300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Independent Power Producers
Bruce	Freeman	N/A	Oak Glen Wind Farm, LLC	200 South 6th Street Suite 300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Independent Power Producers
Joe	Grennan	joe.grennan@res- americas.com	Pleasant Valley Wind LLC	c/o Renewable Energy Systems Americas Inc. 11101 W. 120th Ave Suite 400 Broomfield, CO 80021	Electronic Service	No	SPL_SL_Independent Power Producers
Michael	Hastings	N/A	Half Moon Power, LLC	2018 East Thomas Avenue Milwaukee, WI 53211	Paper Service	No	SPL_SL_Independent Power Producers
John	Ihle	ljihle@rtt.net	PlainStates Energy LLC	27451 S Hwy 34 Barnesville, MN 56514	Electronic Service	No	SPL_SL_Independent Power Producers
John	Ihle	N/A	Bear Creek Wind Partners LLC	27451 S. Hwy 34 Barnesville, MN 56514	Paper Service	No	SPL_SL_Independent Power Producers
Corey	Juhl	info@juhlwind.com	Grant County Wind, LLC	1502 17th St SE Pipestone, MN 56164-2096	Electronic Service	No	SPL_SL_Independent Power Producers
Dan	Juhl	dan@juhlwind.com	Juhl Energy Inc.	1502 17th St SE Pipestone, MN 56164	Electronic Service	No	SPL_SL_Independent Power Producers

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Roland	Jurgens	N/A	Getty Wind, LLC	37402 County Road 187 Sauk Rapids, MN 56378	Paper Service	No	SPL_SL_Independent Power Producers
Ian	Krygowski	ian.krygowski@edf-re.com	EDF Renewable Energy	10 2nd Street, Ste 107 Minneapolis, MN 55413	Electronic Service	No	SPL_SL_Independent Power Producers
Maria	Litos	N/A	Jeffers Wind 20, LLC	c/o Edison Mission Energy 3 MacArthur Place, Ste 100 Santa Ana, CA 92707	Paper Service	No	SPL_SL_Independent Power Producers
Maria	Litos	mlitos@edisonmission.com	Community Wind North, LLC	c/o Edison Mission Energy 3 MacArthur Pl Ste 100 Santa Ana, CA 92707	Electronic Service	No	SPL_SL_Independent Power Producers
Christopher	Little	chris.little@ecosrenewable.com	Ecos Energy	222 S 9th St Suite 1600 Minneapolis, Minnesota 55402	Electronic Service	No	SPL_SL_Independent Power Producers
Robert	Meyerson	N/A	Whirlwind Energy, LLC	212 Atlantic Ave W Atwater, MN 56209	Paper Service	No	SPL_SL_Independent Power Producers
Donald	Miller	bademailDMiller@ecoenergyllc.com	EcoEnergy LLC	2511 Technology Dr Ste 110 Elgin, IL 60124	Paper Service	No	SPL_SL_Independent Power Producers
Kate	O'Hair	kate.ohair@edf-re.com	EDF Renewable Energy	10 2nd Street NE Ste 400 Minneapolis, MN 55413-2652	Electronic Service	No	SPL_SL_Independent Power Producers
Thomas L.	Osteraas	bademail.tomosteraas@excelsiorenergy.com	Excelsior Energy	150 South 5th Street Suite 2300 Minneapolis, MN 55402	Paper Service	No	SPL_SL_Independent Power Producers

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Michael	Ruckers	N/A	CWS Wind Farm, LLC	4845 Pearl East Circle, Suite 200 Boulder, CO 80302	Paper Service	No	SPL_SL_Independent Power Producers
Peter J.	Samuelson	comfreywindenergy@fronti erneL.net	Comfrey Wind Energy, LLC	58307 County Road 17 Comfrey, MN 56019	Electronic Service	No	SPL_SL_Independent Power Producers
Anna	Schmalzbauer	bademallanna@sparkse ner.net	Sparks Energy, LLC	1913 Ewing Ave S Minneapolis, MN 55416	Paper Service	No	SPL_SL_Independent Power Producers
Tim	Sack	N/A	Moraine Wind II, LLC	2221 Riverwood Place St. Paul, MN 55104	Paper Service	No	SPL_SL_Independent Power Producers
Tim	Sack	N/A	Elm Creek Wind, LLC	2221 Riverwood Place St. Paul, MN 55104	Paper Service	No	SPL_SL_Independent Power Producers
Brian	Sickels	N/A	MAPP Wind II, LLC	PacificCorp Power Marketing, INC. 825 NE Multnomah St Portland, OR 97232	Paper Service	No	SPL_SL_Independent Power Producers
Michael	Skelly		High Prairie Wind Farm I, LLC	Suite 700 808 Travis St Houston, TX 77002	Paper Service	No	SPL_SL_Independent Power Producers
Patrick	Smith	patrick@geronimowind.co m	Geronimo Wind Energy, LLC	7650 Edinborough Way, Ste 725 Edina, MN 55435	Electronic Service	No	SPL_SL_Independent Power Producers
Patrick	Smith	N/A	Black Oak Wind, LLC	c/o Geronimo Wind Energy 7650 Edinborough Way Ste 725 Edina, MN 55435	Paper Service	No	SPL_SL_Independent Power Producers

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Adam	Sokolski	N/A	Heartland Wind, LLC	c/o Iberdrola Renewables 1125 NW Couch Street 700 Portland, OR 97209	Paper Service	No	SPL_SL_Independent Power Producers
Keith	Thorstad	N/A	West Stevens Wind, LLC	PO Box 321 Chokla, MN 56221	Paper Service	No	SPL_SL_Independent Power Producers
Paul	White	paul.white@prowind.com	Project Resources Corp./Tamarac Line LLC/Ridgewind	618 2nd Ave SE Minneapolis, MN 55414	Electronic Service	No	SPL_SL_Independent Power Producers
Jeff	Wright	N/A	Morgan Wind Acquisition Group, LLC	5200 West 73rd St Edina, MN 55439	Paper Service	No	SPL_SL_Independent Power Producers
Dan	Yarano	N/A	Ulik Wind Farm, LLC	266 Highway 30 Pipestone, MN 56146	Paper Service	No	SPL_SL_Independent Power Producers

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ross	Abbey	abbey@fresh-energy.org	Fresh Energy	408 Saint Peter St Ste 220 St. Paul, MN 55102-1125	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Michael	Allen	michael.allen@allenergysolar.com	All Energy Solar	721 W 26th st Suite 211 Minneapolis, Minnesota 55405	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
John	Aune	johna@bluehorizonsolar.com	Blue Horizon Energy	171 Cheshire Ln Ste 500 Plymouth, MN 55441	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Sara	Bergan	sebergan@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Thor	Bjork	Thor.S.Bjork@xcelenergy.com	Xcel Energy	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
William A.	Blazar	blazar@mmchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Michael J.	Bull	mbull@mncee.org	Center for Energy and Environment	212 Third Ave N Ste 560 Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Jessica	Burdette	jessica.burdette@state.mn.us	Department of Commerce	85 7th Place East Suite 500 St. Paul, MN 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Joel	Cannon	jcannon@tenksolar.com	Tenk Solar, Inc.	9549 Penn Avenue S Bloomington, MN 55431	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
John J.	Carroll	jcarroll@newportpartners.com	Newport Partners, LLC	9 Cushing, Suite 200 Irvine, California 92618	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Steve W.	Chriss	Stephen.chriss@wal-mart.com	Wal-Mart	2001 SE 10th St Bentonville, AZ 72716-5530	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Steve	Coleman	scoleman@appliedenergyinnovations.org	Applied Energy Innovations	4000 Minnehaha Ave S Minneapolis, MN 55406	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Leigh	Currie	lcurrie@mncrcenter.org	Minnesota Center for Environmental Advocacy	26 E. Exchange St., Suite 206 St. Paul, Minnesota 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Chris	Davis	christopher.davis@state.mn.us	Department of Commerce	Suite 500 85 Seventh Place East St. Paul, MN 551012198	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Dustin	Denison	dustin@appliedenergyinnovations.org	Applied Energy Innovations	4000 Minnehaha Ave S Minneapolis, MN 55406	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Dan	Donkers	N/A	Saint Paul - Ramsey County Public Health	Environmental Health Section 2785 White Bear Ave., Suite 350 Maplewood, MN 55109	Paper Service	No	SPL_SL_13-315_Solar Stakeholders List
Bill	Droessler	bdroessler@wla.org	Izaak Walton League of America-MWO	1619 Dayton Ave Ste 202 Saint Paul, MN 55104	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Rick	Evans	Rick.Evans@xcelenergy.com	Xcel Energy	404 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Nathan	Franzen	nathan@geronimoenergy.com	Geronimo Energy	7650 Edinborough Way Suite 725 Edina, MN 55435	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Lee	Gabler	Lee.E.Gabler@xcelenergy.com	Xcel Energy	404 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List

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Benjamin	Gerber	bgerber@mnchamber.com	Minnesota Chamber of Commerce	400 Robert Street North Suite 1500 St. Paul, Minnesota 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Bill	Grant	Bill.Grant@state.mn.us	Minnesota Department of Commerce	85 7th Place East, Suite 500 St. Paul, MN 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Tony	Hainaut	anthony.hainaut@co.hennepin.mn.us	Hennepin County DES	701 4th Ave S Ste 700 Minneapolis, MN 55415-1842	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
J Drake	Hamilton	hamilton@fresh-energy.org	Fresh Energy	408 St Peter St Saint Paul, MN 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Sam	Hanson	shanson@briggs.com	Briggs And Morgan, P.A.	2200 IDS Center 80 South Eighth Street Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Brandon	Heath	bheath@misoenergy.org	MISO Energy	1125 Energy Park Drive St. Paul, MN 55108-5001	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Lynn	Hinkle	lhinkle@mnseia.org	Minnesota Solar Energy Industries Association	2512 33rd Ave South #2 Minneapolis, MN 55406	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Holly	Hinman	holly.r.hinman@xcelenergy.com	Xcel Energy	414 Nicollet Mall, 7th Floor Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
David	Horneck	david.g.horneck@xcelenergy.com	Xcel Energy	1800 Larimer Street Denver, CO 80202	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Tiffany	Hughes	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Anne	Hunt	anne.hunt@aol.com	City of Saint Paul	390 City Hall 15 West Kellogg Boulevard Saint Paul, MN 55102	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Steve	Huso	steve.huso@xcelenergy.com	Xcel Energy	G.O. 7th Floor 414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Dwight	Jelle	djelle@gmail.com	Best Power International, LLC	P.O. 5126 Hopkins, MN 55343	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Alan	Jenkins	aj@jenkinsattlaw.com	Jenkins at Law	2265 Roswell Road Suite 100 Marietta, GA 30062	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Linda	Jensen	linda.s.jensen@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota Street St. Paul, MN 55101	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Richard	Johnson	Rick.Johnson@lawmoss.com	Moss & Barnett	150 S. 5th Street Suite 1200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Kerry	Klermm	kerry.r.klermm@xcelenergy.com	Xcel Energy Services, Inc	414 Nicollet Mall Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Mara	Koeller	mara.n.koeller@xcelenergy.com	Xcel Energy	414 Nicollet Mall 5th Floor Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Jon	Kramer	jk2surf@aol.com	Sundial Solar	4708 York Ave. S Minneapolis, MN 55410	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
Allen	Krug	allen.krug@xcelenergy.com	Xcel Energy	414 Nicollet Mall-7th fl Minneapolis, MN 55401	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Paula	Maccabee	Pmaccabee@justchangela.com	Just Change Law Offices	1961 Selby Ave Saint Paul, MN 55104	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
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Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List
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First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Steven	Wishart	steven.w.wishart@xcelenergy.com	Xcel Energy	7th Floor 414 Nicollet Mall Minneapolis, MN 554011993	Electronic Service	No	SPL_SL_13-315_Solar Stakeholders List

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where: \$ per point is the dollar amount applied to each point; T is the fee target calculated according to part 7002.0410, item C; and B is the sum of all points for participating laboratories during the previous calendar year.

7002.0430 LABORATORY CERTIFICATION APPLICATION FEES.

Subpart 1. Payment of fees.

A. Certification for a calendar year is provisional until the laboratory's certification application is paid.

B. Fees are nonrefundable once an invoice has been issued.

Subp. 2. Application points. The points assessed for certification application or category types designated in this subpart are multiplied by the dollar per point value determined under part 7002.0420 to calculate the appropriate fee.

<u>Application or category type</u>	<u>Points</u>
A. <u>Initial application</u>	6
B. <u>Renewal application</u>	4
C. <u>Voluntary field tests</u>	0
D. <u>Oxygen utilization</u>	1
E. <u>Nitrogen</u>	1
F. <u>Phosphorus</u>	1
G. <u>Physical</u>	1
H. <u>Microbiology</u>	1
I. <u>General I</u>	1
J. <u>General II</u>	2
K. <u>General III</u>	4
L. <u>Metals</u>	4
M. <u>Organics, purgeable, Gas Chromatograph, and Gas Chromatograph Mass Spectrometer</u>	4
N. <u>Organics, semivolatile, Gas Chromatograph Mass Spectrometer</u>	4
O. <u>Organics, organochlorine compounds</u>	4

Subp. 2. Revised applications.

A. A laboratory submitting a revised application to add a new test category to the laboratory's certification must pay:

(1) the full category fee if the application is submitted to the agency on or before July 1; or

(2) 50 percent of the category fee if the application is submitted to the agency after July 1.

B. A laboratory submitting a revised application to add a test method for a parameter in a category for which the laboratory is already certified must pay 25 percent of the total category fee for the parameter.

Minnesota Public Utilities Commission (PUC)

Proposed Permanent Rules Relating to Cogeneration and Small Power Production

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04214

Proposed Amendment to Rules Governing Cogeneration and Small Power Production, *Minnesota Rules*, Chapter 7835, Including Repeal of Minn. R. parts 7835.2300; 7835.2500; 7835.2700; 7835.2900; 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400; 7835.5500; 7835.5600; 7835.5700; and 7835.5800

Introduction. The Public Utilities Commission intends to adopt rules without a public hearing following the procedures in the rules of

Proposed Rules

be substantially different than these proposed rules unless the Commission follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Commission will cancel the hearing scheduled for February 25, 2015, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at 651-201-2239 after February 4, 2015 to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling 651-201-2239 or going on-line at: <http://mn.gov/puc/index.html>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Commission will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Commission will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James Mortenson is assigned to conduct the hearing. Judge Mortenson's Legal Assistant Denise Collins can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7900, and **fax:** (651) 361-7936.

Hearing Procedure. If the Commission holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person or on the Commission website at: <http://mn.gov/puc/index.html>.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, **telephone:** (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Commission will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure After a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 18 December 2014

Burl W. Haar, Executive Secretary
Public Utilities Commission

Proposed Rules

7835.0800 SCHEDULE E.

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. ~~These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800.~~ The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

7835.1200 AVAILABILITY OF FILINGS.

All filings required by parts 7835.0300 to 7835.1100 must be made with filed in the commission's electronic filing system and be maintained at the utility's general office and any other offices of the utility where rate case filings are kept. These filings must be available for public inspection at the commission and at the utility offices during normal business hours.

7835.1300 GENERAL REPORTING REQUIREMENTS.

Each utility interconnected with a qualifying facility must provide the commission with the information in parts 7835.1400 to 7835.1800 annually on or before November March 1, 1984, and annually thereafter, and in such form as the commission may require.

7835.2100 ELECTRICAL CODE COMPLIANCE WITH NATIONAL ELECTRICAL SAFETY CODE.

Subpart 1. Compliance; standards. The interconnection between the qualifying facility and the utility must comply with the requirements of the National Electrical Safety Code, ~~1981 edition,~~ issued by the Institute of Electrical and Electronics Engineers as American National Standards Institute Standard C2 (New York, 1980). ~~The interconnection is subject to subparts 2 and 3.~~

Subp. 2. Interconnection. The interconnection customer is responsible for complying with all applicable local, state, and federal codes, including building codes, the National Electric Code (NEC), the National Electric Safety Code (NESC), and noise and emissions standards. The Area Electric Power System will require proof of complying with the NEC before the interconnection is made. The interconnection customer must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 3. Generation system. The interconnection customer's generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.

Subpart 1. Service to be offered. The utility must offer maintenance, interruptible, supplementary, and backup power to the qualifying facility upon request.

Subp. 2. Standby service; public utility. A public utility may not impose a standby charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must comply with an order of the commission establishing allowable costs.

Subp. 3. Standby service; cooperative or municipality. A cooperative electric association or municipal utility must offer a qualifying facility standby power or service consistent with its applicable tariff for such service adopted under Minnesota Statutes, section 216B.1611, subdivision 3, clause (2).

7835.3000 RATES FOR UTILITY SALES TO A QUALIFYING FACILITY TO BE GOVERNED BY TARIFF.

Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility must be governed by the applicable tariff for the class of electric utility customers to which the qualifying facility belongs or would belong were it not a qualifying facility.

7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPAL UTILITY.

Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility and a cooperative electric association or municipal utility.

7835.3200 STANDARD RATES FOR PURCHASES IN GENERAL BY COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES FROM QUALIFYING FACILITIES.

Subpart 1. Qualifying facilities with 100 kilowatt capacity or less. For qualifying facilities with capacity of 100 kilowatts or less, standard purchase rates apply. Qualifying facilities with capacity of more than 100 kilowatts may negotiate contracts with the utility or may be compensated under standard rates if they make commitments to provide firm power. The utility must make available three types

7835.4015 TIME-OF-DAY PURCHASE RATES.

Subpart 1. Method of billing. The qualifying facility must be billed for all energy and capacity it consumes during each billing period according to the utility's applicable retail rate schedule. Any utility rate-regulated by the commission may propose time-of-day retail rate tariffs which require qualifying facilities that choose to sell power on a time-of-day basis to also purchase power on a time-of-day basis.

Subp. 2. Compensation to qualifying facility. The utility must purchase all energy and capacity which is made available to it by the qualifying facility. Compensation to the qualifying facility must be the sum of items A and B.

A. The energy component must be the appropriate on-peak and off-peak system incremental costs shown on schedule A; or if the generating utility has not filed schedule A, the energy component must be the energy rate of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.

Subpart 1. Applicability. Individual system capacity limits are subject to the requirements in *Minnesota Statutes*, section 216B.164, subdivision 4c.

Subp. 2. Usage history. A facility subject to capacity limits with less than 12 calendar months of actual electric usage or no demand metering available is subject to limits based on data for similarly situated customers combined with any actual data for the facility.

7835.4017 NET METERED FACILITY; BILL CREDITS.

Subpart 1. Kilowatt-hour credit. A customer with a net metered facility can elect to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill, subject to *Minnesota Statutes*, section 216B.164, subdivision 3a, and the following conditions:

A. the customer is not receiving a value of solar rate under *Minnesota Statutes*, section 216B.164, subdivision 10;

B. the customer is interconnected with a public utility; and

C. the net metered facility has a capacity of at least 40 kilowatt capacity but less than 1,000 kilowatt capacity.

Subp. 2. Notification to customer. A public utility must notify the customer of the option to be compensated for net input in the form of a kilowatt-hour credit under subpart 1. The public utility must inform the customer that if the customer does not elect to be compensated for net input in the form of a kilowatt-hour credit on the bill, the customer will be compensated for the net input at the utility's avoided cost rate, as described in the utility's tariff for that customer class.

Subp. 3. End-of-year net input. A public utility must compensate the customer, in the form of a payment, for any net input remaining at the end of the calendar year at the utility's avoided cost rate, as described in the utility's tariff for that class of customer.

7835.4018 AGGREGATION OF METERS.

A public utility must aggregate meters at the request of a customer as described in *Minnesota Statutes*, section 216B.164, subdivision 4a.

7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR MORE.

A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate a contract with the utility to set the applicable rates for payments to the customer of avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity under its avoided cost rates.

7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.

The qualifying facility which negotiates a contract under part 7835.4019 must be entitled to the full avoided capacity costs of the

Proposed Rules

THIS CONTRACT is entered into _____, by _____ (hereafter called "Utility") and _____ (hereafter called "QF").

RECITALS

The QF has installed electric generating facilities, consisting of _____ (Description of facilities), rated at ~~less than 40~~ _____ kilowatts of electricity, on property located at _____.

The QF is prepared to generate electricity in parallel with the Utility.

The QF's electric generating facilities meet the requirements of the Minnesota Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and Small Power Production and any technical standards for interconnection the Utility has established that are authorized by those rules.

The Utility is obligated under federal and Minnesota law to interconnect with the QF and to purchase electricity offered for sale by the QF.

A contract between the QF and the Utility is required by the Commission's rules.

AGREEMENTS

The QF and the Utility agree:

1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.
2. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF ~~has elected~~ elects the rate schedule category hereinafter indicated (~~select one~~):
 - ____ a. Net energy billing rate under part 7835.3300.
 - ____ b. Simultaneous purchase and sale billing rate under part 7835.3400.
 - ____ c. Time-of-day purchase rates under part 7835.3500.A copy of the presently filed rate schedule is attached to this contract.

3. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:
 - ____ a. Net energy billing rate under part 7835.4013.
 - ____ b. Simultaneous purchase and sale billing rate under part 7835.4014.
 - ____ c. Time-of-day purchase rates under part 7835.4015.A copy of the presently filed rate schedule is attached to this contract.

4. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:
 - ____ a. Simultaneous purchase and sale billing rate under part 7835.4014.
 - ____ b. Time-of-day purchase rates under part 7835.4015.A copy of the presently filed rate schedule is attached to this contract.

3.5. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility or of the Commission, and the QF and the Utility agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

4.6. The Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF will be made under one of the following options as chosen by the QF:

- ____ 1. Credit to the QF's account with the Utility.
- ____ 2. Paid by check to the QF within 15 days of the billing date.

7. Renewable energy credits associated with generation from the facility are owned by:

5.8. The QF must operate its electric generating facilities within any rules, regulations, and policies adopted by the Utility not prohibited by the Commission's rules on Cogeneration and Small Power Production which provide reasonable technical connection and

F.

**Not Enclosed: Rule Text Omitted from
Notice**

**This is not enclosed because the Commission
included the text of the proposed rules with the
Notice of Intent to Adopt Rules published in the
State Register**

G.

**Certificate of Mailing the Notice of Intent
to Adopt Rules and the Certificate of
Accuracy of the Mailing List**

Minnesota Public Utilities Commission

CERTIFICATE OF ACCURACY OF THE MAILING LIST

**Proposed Rules Governing Cogeneration and Small Power Production,, Minnesota Rules,
Chapter 7835; Revisor's ID Number R-024214**

I certify that the list of persons and associations who have requested that their names be placed on the Commission's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of December 29, 2014. A copy of the mailing list is attached to this Certificate.

A handwritten signature in cursive script, appearing to read "Kate Kahlert", written over a horizontal line.

Kate Kahlert
Commission Attorney

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Christopher	Anderson	canderson@allele.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	SPL_SL__Rulemaking - Energy
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	SPL_SL__Rulemaking - Energy
Peter	Beithon	pbeithon@otpc.com	Otter Tail Power Company	P.O. Box 496 215 South Cascade Street Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
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B. Andrew	Brown	brown.andrew@dorsey.com	Dorsey & Whitney LLP	Suite 1500 50 South Sixth Street Minneapolis, MN 554021498	Electronic Service	No	SPL_SL__Rulemaking - Energy
Dennis	Chandler		City Of Two Harbors Municipal Gas	522 First Avenue Two Harbors, MN 55616	Paper Service	No	SPL_SL__Rulemaking - Energy
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Patrick D.	Crocker	contact@nationwideregulatorycompliance.com	CROCKER & CROCKER	The Kalamazoo Building 107 West Michigan, 4th Floor Kalamazoo, MI 490074752	Electronic Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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David	Dahlberg	davedahlberg@nweco.com	Northwestern Wisconsin Electric Company	P.O. Box 9 104 South Pine Street Granitsburg, WI 548400009	Electronic Service	No	SPL_SL__Rulemaking - Energy
Jeffrey A.	Daugherty	jeffrey.daugherty@centerpointenergy.com	CenterPoint Energy	800 LaSalle Ave Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Energy
Robin	Doege	rdoege@toddwadena.coop	Todd Wadena Electric Cooperative	PO Box 431 Wadena, MN 56482	Electronic Service	No	SPL_SL__Rulemaking - Energy
Randy	Eggert	utility@cityofkenyon.com	Kenyon Municipal Utilities	709 Second Street Kenyon, MN 55946	Electronic Service	No	SPL_SL__Rulemaking - Energy
Mark	Erickson		City Of Lakefield	301 Main Street PO Box 1023 Lakefield, MN 561500900	Paper Service	No	SPL_SL__Rulemaking - Energy
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes	SPL_SL__Rulemaking - Energy
Douglas	Fingerson	df@gccea.com	Goodhue County Cooperative Electric	P.O. Box 99 1410 NorthStar Drive Zumbrota, MN 559921091	Electronic Service	No	SPL_SL__Rulemaking - Energy
Bruce	Gomm		Willmar Municipal Utilities	PO Box 937 700 SW Litchfield Avenue Willmar, MN 56201	Paper Service	No	SPL_SL__Rulemaking - Energy
Coleen	Gruis	BADEMAILrushmore@centerpointenergylink.net	Rushmore Electric Dept.	P.O. Box 227 136 N. Thopson Avenue Rushmore, MN 56168	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Todd J.	Guerrero	todd.guerrero@kutakrock.com	Kutak Rock LLP	Suite 1750 220 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No	SPL_SL_Rulemaking - Energy
Burl W.	Haar	burl.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	SPL_SL_Rulemaking - Energy
Steven J.	Haaven	shaaven@minnkota.com	Wild Rice Electric Cooperative, Inc.	PO Box 438 502 North Main Mahnomon, MN 56557	Electronic Service	No	SPL_SL_Rulemaking - Energy
Dan	Hayes		Southern Minnesota Municipal Power	500 1st Avenue SW Rochester, MN 559023303	Paper Service	No	SPL_SL_Rulemaking - Energy
Corey	Hinz	chintz@dakotaelectric.com	Dakota Electric Association	4300 220th Street Farmington, MN 550249583	Electronic Service	No	SPL_SL_Rulemaking - Energy
Tiffany	Hughes	Regulatory.Records@xcelenergy.com	Xcel Energy	414 Nicollet Mall FL 7 Minneapolis, MN 554011993	Electronic Service	No	SPL_SL_Rulemaking - Energy
Eric	Jensen	ejensen@iwla.org	Izaak Walton League of America	Suite 202 1619 Dayton Avenue St. Paul, MN 55104	Electronic Service	No	SPL_SL_Rulemaking - Energy
Ronnie	Kennedy		Red Lake Electric Cooperative Inc.	PO Box 430 412 - 8th St. SW Red Lake Falls, MN 567500430	Paper Service	No	SPL_SL_Rulemaking - Energy
Donna	Klay	adrian_admin@iw.net	City of Adrian/Adrian PUC	P.O. Box 190 209 Maine Avenue, Suite 106 Adrian, MN 56110	Electronic Service	No	SPL_SL_Rulemaking - Energy
Don	Kleinschmidt	publicworks@mniron.com	City Of Mountain Iron	8586 Enterprise Drive South Mountain Iron, MN 55768	Paper Service	No	SPL_SL_Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
John	Knofczynski		Heartland Consumers Power District	PO Box 248 203 W. Center Street Madison, SD 570420248	Paper Service	No	SPL_SL__Rulemaking - Energy
Heidi	Konynenbelt	hkynynenbelt@otpc.com	Otter Tail Power Company	215 S. Cascade Street, PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
Larry J.	Koshire	lkoshire@rupu.org	Rochester Public Utilities	4000 East River Road NE Rochester, MN 559062813	Electronic Service	No	SPL_SL__Rulemaking - Energy
Brian	Krambeer	bkramber@ec.coop	Tri-County Electric Cooperative	PO Box 626 Rushford, MN 55971	Electronic Service	No	SPL_SL__Rulemaking - Energy
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	SPL_SL__Rulemaking - Energy
Bill aka WP	Lavin	bill.lavin@granitefalls.com	City of Granite Falls	641 Prentice Street Granite Falls, MN 56241-1598	Electronic Service	No	SPL_SL__Rulemaking - Energy
Jon	Leerar	jleerar@heartlandpower.com	Heartland Power Cooperative	P.O. Box 70 Thompson, IA 50478	Electronic Service	No	SPL_SL__Rulemaking - Energy
Jeff	Legge	jlegge@otpc.com	Otter Tail Power Company	215 South Cascade St. P.O. Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	SPL_SL__Rulemaking - Energy
Cynthia	Lindeman	c.lindeman@cityofbrownnton.com	Brownnton Municipal Light Plant	335 Third Street PO Box 238 Brownnton, MN 55312-0238	Electronic Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Electronic Service	No	SPL_SL__Rulemaking - Energy
Kate	McBride	ksmcbride@comcast.net		18705 37th Ave. N, Plymouth, MN 55446	Paper Service	No	SPL_SL__Rulemaking - Energy
Brian	Meloy	brian.meloy@stinsonleopard.com	Stinson Leonard, Street LLP	150 S 5th St Ste 2300 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Energy
Michael	Monsrud	N/A	Bagley Public Utilities	18 Main Ave. S. PO Box M Bagley, MN 56621	Paper Service	No	SPL_SL__Rulemaking - Energy
Andrew	Moralzka	apmoralzka@stoel.com	Stoel Rives LLP	33 South Sixth Street Suite 4200 Minneapolis, MN 55402	Electronic Service	No	SPL_SL__Rulemaking - Energy
Robert	Nelson	melson.calcity@acegroup.com	City Of Caledonia Electric Utility	P.O. Box 232 231 East Main Street Caledonia, MN 55921	Paper Service	No	SPL_SL__Rulemaking - Energy
DeeAnne	Newville	dnewville@renville-sibley.coop	Renville-Sibley Cooperative Power Assn	103 Oak Street Box 68 Darnube, MN 56230	Electronic Service	No	SPL_SL__Rulemaking - Energy
Lynette	Nieuwsma		Beltrami Electric Cooperative, Inc.	411 Technology Drive PO Box 488 Bernicji, MN 566190488	Paper Service	No	SPL_SL__Rulemaking - Energy
Darrell	Nitschke	dnitschk@nd.gov	North Dakota Public Service Commission	600 E. Boulevard Avenue State Capital, 12th Floor, Dept 408 Bismarck, ND 585050480	Electronic Service	No	SPL_SL__Rulemaking - Energy
Vernell	Roberts		Wadena Light And Water	104 Jefferson Street North Wadena, MN 56402	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Joseph	Roy		Northwest Gas	1608 NW 4th Street Grand Rapids, MN 55744	Paper Service	No	SPL_SL__Rulemaking - Energy
Mrg	Simon	mrgsimon@mrenergy.com	Missouri River Energy Services	3724 W. Avera Drive P.O. Box 88920 Sioux Falls, SD 571098920	Electronic Service	No	SPL_SL__Rulemaking - Energy
Ron	Spangler, Jr.	rspangler@otpco.com	Otter Tail Power Company	215 So. Cascade St. PO Box 496 Fergus Falls, MN 565380496	Electronic Service	No	SPL_SL__Rulemaking - Energy
Patrick E.	Spethman		Hutchinson Utilities Commission	225 Michigan St. SE Hutchinson, MN 55350	Paper Service	No	SPL_SL__Rulemaking - Energy
Tim	Stoner	timothy.stoner@belw.org	Blue Earth Light & Water Dept.	125 East Seventh Street Blue Earth, MN 56013	Electronic Service	No	SPL_SL__Rulemaking - Energy
Tim	Thompson	tthompson@lrec.coop	Lake Region Electric Cooperative	PO Box 843 1401 South Broadway Pelican Rapids, MN 56572	Electronic Service	No	SPL_SL__Rulemaking - Energy
David	Thompson	dthompson@sherblet.net	Princeton Public Utilities	907 1st Street Princeton, MN 55371	Electronic Service	No	SPL_SL__Rulemaking - Energy
Lowell	Thompson		City Of Ada	Public Works Box 32 Ada, MN 56510	Paper Service	No	SPL_SL__Rulemaking - Energy
Sieve	Thompson	sieve1@crmpa.org	Central Minnesota Municipal Power Agency	459 S Grove St Blue Earth, MN 56013-2629	Electronic Service	No	SPL_SL__Rulemaking - Energy
Darryl	Tveitbakk		Northern Municipal Power Agency	123 Second Street West Thief River Falls, MN 56701	Paper Service	No	SPL_SL__Rulemaking - Energy

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Frank	Welter	fwelter@peoplesrec.com	People's Energy Cooperative	1775 Lake Shady Ave S Oronoco, MN 55960-2351	Electronic Service	No	SPL_SL__Rulemaking - Energy
Ray H.	Wigern		Wells Public Utilities	101 First Street SE PO Box 96 Wells, MN 56097	Paper Service	No	SPL_SL__Rulemaking - Energy
Sherry	Wold		Blooming Prairie Public Utilities	146 Third Avenue SE Post Office Box 55 Blooming Prairie, MN 55917	Paper Service	No	SPL_SL__Rulemaking - Energy

H.

Certificate of Additional Notice

Minnesota Public Utilities Commission

**CERTIFICATE OF ADDITIONAL NOTICE UNDER THE ADDITIONAL NOTICE
PLAN ON P.27 of the Statement of Need and Reasonableness (SONAR)**

**Proposed Rules Governing Cogeneration and Small Power Production, Minnesota Rules,
Chapter 7835**

I certify that on December 29, 2014, at St. Paul, Ramsey County, Minnesota, I gave notice according to the Additional Notice Plan approved by the Office of Administrative Hearings on December 11, 2014 Specifically, I:

- published the Notice of Intent to Adopt Rules, and text of the proposed rules in the State Register, as attached to item E, of this record as mailed.
- mailed a copy of the Notice of Intent to Adopt Rules, as proposed, to everyone who requested to receive it pursuant to Minnesota Statutes § 14.14, subdivision 1(a). I accomplished this mailing by depositing a copy in the United States mail with postage prepaid to all persons and associates on the list. The affidavit of service and the mailing lists are attached to item E of this record as mailed.
- gave notice to the Legislature as required by Minnesota Statutes § 14.116. The letter and certificate of mailing to legislators is attached to item P of this record as mailed.
- published the Notice of Intent to Adopt Rules and the Statement of Need and Reasonableness, including the text of the proposed rules, on the Commission's website pages that include direct links to the Notice, SONAR, and proposed rules.
- mailed the Notice of Intent to Adopt to Minnesota's Electric Utilities.
- mailed the Notice of Intent to Adopt to everyone on the Commission's official service list for this proceeding.
- Issued a press release to all newspapers of general circulation throughout the state. Attached is a copy of the press release as posted on the Commission's website.



Kate Kahlert
Commission Attorney

Public Utilities Commission

State of Minnesota



Public Rulemaking Docket

Minnesota Statutes, Chapter [14.366](#) (2012) requires each agency to maintain a current, public rulemaking docket. This section contains a list of pending rulemakings under consideration. The status of each rulemaking will be updated as we proceed through the rulemaking process. All documents, including any written requests for a public hearing, are available through the Minnesota Public Utilities Commission's electronic filing system, eDockets.

Agency Contact: [Kate Kahlert](#)
Phone: 651-201-2239

Subject: In the Matter of Possible Amendments to Rules Concerning White Pages Directory Publication and Distribution

Docket: P-999/R-13-459

Notices: [Notice of Comment Period on Possible Rule Amendments ; Request for Comments and Working Draft](#)

Comment Period: Not currently in a comment period
[See comments in eDockets](#)

Hearing Info: Not yet available

Status: Request for Comments publised in the State Register October 14, 2013

Timetable: Ongoing

Date Adopted: Not yet available

Rule Filed with Secretary of State: Not yet filed

Date Effective: Not yet determined

Subject: In the Matter of Possible Amendments to Rules Governing Cogeneration and Small Power Production, Chapter 7835

Docket: E-999/R-13-729

Notices: [Notice](#)

Statement of Need and Reasonableness

Comment Period: In comment period until February 4, 2015
Speak Up!

See Comments in eDockets

Hearing Info: If the Commission receives 25 or more requests for a hearing, a hearing will be held on February 25, 2015 at 10:00 a.m. in the Large Hearing Room at the Commission.

Status: In comment period

Timetable: Ongoing

Date Adopted: Not yet adopted

**Rule Filed with
Secretary of State:** Not yet filed

Date Effective: Not yet determined

Subject: In the Matter of Amendments to Rules Governing Certificates of Need (Chapter 7849) and Site and Route Permits (Chapter 7850) for Large Electric Power Plants and High-Voltage Transmission Lines; and to Rules Governing Notice Plan Requirements for High-Voltage Transmission Lines (part 7829.2550)

Docket: E,ET,IP-999/R-12-1246

Notices: Request for Comments

Comment Period: Not currently in comment period

See Comments in eDockets

Hearing Info: Not yet available

Status: Advisory Committee Established

Timetable: Ongoing

Date Adopted: Not yet adopted

**Rule Filed with
Secretary of State:** Not yet filed

Date Effective: Not yet determined

Subject: In the Matter of Amendments to Rules Governing Proceeding, Practice, and Procedure (Chapter 7829,

Public Utilities Commission

State of Minnesota



The Minnesota Public Utilities Commission (PUC) is the state's agency responsible for the regulation of public utilities such as electric, natural gas and landline telephone service. The PUC also has oversight of the construction or modifications to large energy facilities such as electric power plants, transmission lines, wind power generation plants, and large natural gas and petroleum pipelines.

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Bad Weather Hotline
651-201-2213
1-855-731-6208

December 2014

S	M	T	W	T	F	S
30	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	1	2	3
4	5	6	7	8	9	10



Spotlights

- [Commission Names New Executive Secretary](#)
- [Press Release, Commission Amends Rules Governing Cogeneration and Small Power Production](#)
- [Commission comments on EPA's proposed Clean Power Plan](#)
- [Press Release, November 10, Commission Acts on Alberta Clipper Line 67](#)
- [Utilities Must Accept Electronic Service](#)

Links

- [Cold Weather Rule](#)
- [U.S Energy Information Center](#)
- [Natural Gas Safety for Kids](#)

For Immediate Release

Contact: MN Public Utilities Commission
Kate Kahlert
Telephone: 651-201-2239
Fax: 651-297-7073
Email: kate.kahlert@state.mn.us
Web: <http://mn.gov/puc>.

MINNESOTA PUBLIC UTILITIES COMMISSION TO AMEND RULES GOVERNING COGENERATION AND SMALL POWER PRODUCTION

Notice of Proposed Rules

St Paul, MN – December 29, 2014 - The Minnesota Public Utilities Commission announced its intent to amend Minnesota Rules, Chapter 7835, to incorporate recent statutory changes affecting cogeneration and small power production.

The proposed rule amendments incorporate changes to *Minnesota Statutes*, section 216B.164, which increase the capacity limit of qualifying facilities interconnecting with a public utility. Under the changes, the capacity limit increases from *under 40 kilowatts to less than 1,000 kilowatts*. The proposed rule amendments incorporate this and other changes, including changes to filing and reporting requirements, conditions of service, compensation rates, interconnection guidelines, and the uniform statewide contract.

The Commission's Notice of Intent to Adopt the proposed rule amendments, along with the proposed rules, will be published in the December 29, 2014 *State Register*. All documents related to this proposed rulemaking are available on the Commission's website at <http://mn.gov/puc>.

Written comments on the proposed rules may be sent to Kate Kahlert, Commission Attorney, Minnesota Public Utilities Commission, 121 7th Place E, Suite 350, St. Paul, Minnesota 55101-2147, by **4:30 p.m. February 4, 2015**. Written comments are most effective when you identify: (1) the specific proposed rule parts you are addressing; (2) your specific recommendation; and (3) the reason for your recommendation. Please refer to Docket Number **E-999/R-13-729** in your comments. If 25 or more persons submit a written request for a public hearing within the comment period, a hearing will be held at 10:00 a.m. on Wednesday, February 25, 2015 in the Commission's Large Hearing Room.

All documents, including the proposed rule amendments, are available on the Commission's website at <http://mn.gov/puc>. Select Search eDockets.

###

I.

**Certificate Showing SONAR sent to
Legislative Reference Library**

Minnesota Public Utilities Commission

**CERTIFICATE OF MAILING THE STATEMENT OF NEED AND REASONABLENESS
TO THE LEGISLATIVE REFERENCE LIBRARY**

**Proposed Rules Governing Cogeneration and Small Power Production, Minnesota Rules,
Chapter 7835; Revisor's ID Number R-04214**

I certify that on December 29, 2014, when the Dual Notice was mailed, I submitted an electronic copy of the Statement of Need and Reasonableness to the Legislative Reference Library via email to sonar@lrl.leg.mn. I mailed this copy to comply with Minnesota Statutes, sections 14.131 and 14.23. A copy of the cover letter is attached to this Certificate.

A handwritten signature in dark ink, appearing to read "Kate Kahlert", is written over a horizontal line.

Kate Kahlert
Commission Attorney



December 29, 2014

Legislative Reference Library
645 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Public Utilities Commission Governing
Cogeneration and Small Power Production; Revisor's ID Number R-04214

Dear Librarian:

The Minnesota Public Utilities Commission intends to adopt rules governing cogeneration and small power production. We plan to publish a Dual Notice of Intent to Adopt Rules in the December 29, 2014 State Register.

The Commission has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Commission is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651-201-2239.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Kate Kahlert", is written over a faint, circular official stamp.

Kate Kahlert
Commission Attorney

Enclosure: Statement of Need and Reasonableness

Kahlert, Kate (PUC)

From: Kahlert, Kate (PUC)
Sent: Monday, December 29, 2014 1:34 PM
To: sonar@lrl.leg.mn
Subject: SONAR
Attachments: lrl.pdf; SONAR.pdf

Please see attached and let me know if you have any questions.

Thank you!

Kate

J.

All Written Comments on the Proposed Rule that the Commission Received During the Comment Period, Requests for Hearing and Withdrawals of Requests for Hearing, Except Those that only Requested Copies of Documents.

Also enclosed is the Notice of Cancellation of the Hearing, Dated February 6, which the Commission sent to all persons who Requested a Hearing

From: Mackenzie, Susan (PUC)
To: Benson, Robin (PUC)
Cc: Kahlert, Kate (PUC)
Subject: FW: Regarding interconnect agreement
Date: Thursday, February 05, 2015 9:57:42 AM

Robin,

Can you scan this email and include it in eDockets a letter/filing in docket 13-729?

Thanks,
Susan

Susan Mackenzie
MNPUC
651-201-2241

From: Darryl Thayer [mailto:darylsolar1@gmail.com]
Sent: Wednesday, February 04, 2015 4:32 PM
To: Mackenzie, Susan (PUC)
Subject: Regarding interconnect agreement

Dear Commissioners,

I appreciate the opportunity to comment on the proposed rules for small generators. I have experience installing hundreds of solar PV systems, decades of solar teaching experience, and have consulted with dozens of solar professionals nationwide.

Based on my experience with interconnection with numerous utilities in Minnesota, I am concerned that the proposed changes don't do enough to protect electricity customers who wish to self generate. Specifically, the rules fall short of setting appropriate parameters around a utility's authority to impose unreasonable conditions to interconnect. Examples include:

- the lack of transparency about cost allocations for upgrades to the utility's distribution system
- imposing excessive technical requirements for code compliant systems.

Complaints from solar professionals and their clients are on the rise with the increasing number of systems installed in Minnesota.

I recommend that it be made clear that any upgrades to the utility distribution system be explained and that the costs are fairly distributed between utility and customer. For example, if a transformer upgrade is determined to be necessary to accommodate solar, the utility should offer their analysis of why the upgrade is needed and include a breakdown of shared costs for the upgrade instead of making the customer bear the full cost. The appropriate financial responsibility of the customer is the cost of the transformer less the amount the utility has depreciated over time. Often times the undersized transformer is brought to the attention of the utility because of the solar inspection, however the added solar will reduce the transformer load.

I further recommend both the utility and state acknowledge the state-authorized electrical inspector as having exclusive authority to pass or fail a system. This means that if an electricity customer produces evidence that their system has passed electrical inspection, the system is understood to be code compliant and the utility may not specify additional technical requirements on the customer side of the meter. This is important since a utility that requires a customer to do more than provide evidence of a code compliant system drives up costs and may even specify things that are in conflict with what the state or local electrical inspector approved. In no case should a utility require things of the customer that go beyond code and the state authorized inspector is solely authorized to determine if the system meets code or not. This should be explicit in the rules. State statutes, and adopting the NEC sets the

demarcation between the utility and the State regulated inspection. This demarcation is at the mast head or end of the service lateral. Beyond this point it is clearly State Board of electricity and NEC. Arguments that they want to add safety are not warranted and may compromise the safety provided by UL and the NEC.

Thank you for your consideration.

Darryl Thayer



Midwest Cogeneration Association
P.O. Box 37874
Carol Stream, Illinois 60188
(603) 323-7909
midwestcogen@ameritech.net

VIA E-MAIL AND FIRST CLASS U.S. MAIL

Kate Kahlert
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101
kate.kahlert@state.mn.us

**Re: COMMENTS OF THE MIDWEST COGENERATION ASSOCIATION
In the Matter of Possible Amendments to Rules Governing Cogeneration and
Small Power Production, Minnesota Rules Chapter 7835; Docket No. E-999/R-13-
729**

Dear Ms. Kahlert:

The Midwest Cogeneration Association (MCA) appreciates the opportunity to comment on the Proposed Amendments in the above docket. The MCA is a not-for-profit professional association dedicated to promoting clean and energy efficient combined heat and power (CHP) and waste heat-to-power (WHP) technologies. MCA members include representatives of CHP and WHP technology manufacturers and project developers, energy efficiency analysts, and energy and environmental consultants and attorneys – a number of whom do business in Minnesota and all of whom have expertise in distributed generation CHP and WHP technologies and projects.

As you know, the MCA and several of its members, individually, participated in Advisory Committee meetings on these rules last spring and summer and provided feedback and suggestions on early drafts. We appreciate that some of our suggestions have been included in the rules as proposed, e.g. a definition of “cogeneration” in the draft that was inconsistent with the Minnesota statutory definition is not included in the proposal.

It was our understanding that this rulemaking proceeding was intended to make changes in the regulations necessary to implement the statutory changes made by H.F. 729 in 2013. However, we believe the Proposed Rules are inconsistent with H.F.729 on two critical points and will undermine the intent of the statute if not reconsidered.

First, the Proposed Rules contain a definition of “Standby Charges” which differs substantively from the statutory definition adopted in H.F. 729. MCA raised this issue in the Advisory Committee meetings and provided written comments on this point to PUC Staff and the Committee.

Second, the Proposed Rules in Section 7835.4012 regarding compensation for net-metered facilities with capacities between 40 kW to 1,000 kW are inconsistent with the letter and intent of H.F. 729 and will undermine the usefulness of the net-metering provisions adopted in that law.

MCA requests the PUC’s reconsideration of it’s the Proposed Rules on these points and requests that a hearing be held to obtain full public review of these issues.

1) STANDBY CHARGES

The Proposed Rules propose new definitions of “standby charge” and “standby service” which differ from the statutory definition of “standby charge.” Section 216B.164.2.a states:

“(l) “Standby charge” means a charge imposed by an electric utility upon a distributed generation facility for the recovery of costs for the provision of standby services, as provided for in a utility’s tariffs approved by the commission, necessary to make electricity service available to the distributed generation facility.”

This language contains a legal standard for what utilities can charge for standby service. “Standby Charges” must be “for the recovery of costs ... necessary to make electricity service available to the distributed generation facility.” This language provides an important directive to utilities and the commission on how they are to establish standby tariffs and also provides a legal basis for challenging unwarranted charges.

The proposed regulatory definition (“the rate or fee a utility charges for standby service or standby power”) is simply tautological and therefore unnecessary. But what is more troubling is that it fails to reference the statutory definition or include the legal standard stated in the statutory definition. The proposed definition of “standby service” doesn’t help. It simply references “commission approved tariffs.” This suggests that “Standby Charges” can be based on whatever tariff the utility chooses to offer and the commission approves. While the commission should consider the legal standard stated in the statutory definition in setting these tariffs, it is confusing to not reference that standard in the proposed regulatory definition.

MCA provided written comments and recommendations to the PUC Staff and Advisory Committee on this point (attached here) and believed that there was consensus in the Advisory Committee that the PUC should either not provide a definition of “standby charges” in the regulations or simply incorporate the statutory language in the regulation. MCA continues to believe either of these approaches would be satisfactory.

Given the existing statutory definition, the Proposed new regulatory definition is not necessary. Moreover, as the PUC has now opened a generic docket to review standby charges in general, it is unhelpful and confusing to adopt a new and inconsistent regulatory definition in this proceeding.

2) COMPENSATION FOR NET-METERING FOR >100KW BUT < 1000KW FACILITIES

Proposed new Section 7835.4012 (for public utilities) addresses “Compensation” for distributed generation facilities. It provides in Subpart 1, that facilities with < 40 kW capacity have the option to be billed at the “net energy rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.” But, in Subpart 2, facilities with a generating capacity between 40 – 1000 kW have only the options of the “simultaneous purchase and sale billing rate” (“SPS Rate”) or the “time of day billing rate” (“TOD Rate”).

The problem with this proposal is that the SPS Rate and TOD Rate provisions in the existing rules, which the Proposed Rule references and which would be the only option for facilities with capacity between 40 kW and 1000 kW, require that the distributed generation facility must provide “firm power” to receive any payment for the “capacity” component of the “avoided cost” rate, which is the rate H.F. 729 requires be paid to these generators. This “firm power” requirement undermines the letter and intent of the net-metering provisions in H.F.729.

The existing definition of “firm power” in Section 7835.0100, Subpart 1 of the rules is as follows:

“Subp.9 **Firm power:** ‘Firm Power’ means energy delivered by the qualifying facility to the utility with at least a 65 percent on-peak capacity factor in the month. The capacity factor is based upon the qualifying facility’s maximum on-peak metered capacity delivered to the utility during the month.”

The proposed “firm power” requirement for capacity payments is entirely inconsistent with the concept of “net-metering” at distributed generation facilities, including combined heat-to-power systems (“CHP Systems”), particularly where the facility’s capacity is less than 1,000kW. The reason net-metering is useful for CHP Systems, in particular, is because it allows the CHP System to be optimized for the thermal load at the facility and therefore to run most efficiently. When a CHP System is designed to meet the full thermal load of a facility, e.g. an industrial plant’s manufacturing processes or a commercial buildings comfort heating, the CHP System may generate more electricity than the facility can use on-site. Net-metering provides the avenue for “off-take” of that excess electric energy – to the grid. As the Commission knows well, excess electricity cannot be “flared” to the environment as can heat. Without that “off-take” of the excess electricity, the CHP System would have to reduce both electric and thermal production and thus not meet the thermal load of the facility. This reduces the efficiency and value of the CHP System. The electric load of the “thermal host” facilities can vary daily and even hourly. Thus, net-metering is an ideal solution allowing CHP Systems to run in a consistent, stable mode while balancing variations in the facility’s electric-to-thermal load ratio.

But, CHP Systems, particularly those below 1,000kW, are installed by private businesses primarily to meet the electric and thermal load at their own facilities – not primarily to sell power back to the grid. While some CHP Systems, mainly much larger than 1,000 kW systems, may be able to provide the utility with “firm power,” as defined in the Commission’s rules, most CHP System host facilities need the majority of their CHP System electric generation for their own operations -- particularly during on-peak periods.

H.F. 729 expressly requires that qualifying facilities with capacity between 40 kW and 1000 kW must be compensated at the “avoided cost” rate. That rate includes both energy and capacity components. By making the capacity component of the compensation contingent on the provision of “firm power,” the Proposed Rules will effectively deny the great majority of distributed generation facilities of this size the compensation intended and required by H.F. 729.

The Commission does not have the authority to limit the full “avoided cost” compensation required by H.F. 729 for these facilities. Therefore, the Commission should reconsider these proposed rules and amend these rules to conform with statutory requirements.

MCA also agrees with the Department of Commerce Division of Energy Resources and other commenters in this proceeding, that the existing regulatory definition of “firm power” and “firm power” requirements in the Commission’s regulations, which are now being re-stated in these rules, are outdated and inconsistent with MISO requirements and the utilities’ own practices. These requirements should be revisited, either in this proceeding or another Commission docket.

Thank you for this opportunity to comment on these important regulations. MCA believes that the issues identified herein are substantial and warrant the Commission holding a public hearing.

Respectfully submitted,



Patricia F. Sharkey
Policy Director
Midwest Cogeneration Association

**Please send future correspondence
regarding this matter to:**

**Patricia F. Sharkey
Environmental Law Counsel, P.C.
180 North LaSalle Street, Suite 3700
Chicago, Illinois 60601
312.981.0404
psharkey@environmentallawcounsel.com**

February 4, 2015

Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101



RE: Docket No. E999/R-13-729

Dear MN Public Utilities Commission,

I appreciate the opportunity to comment on the proposed changes to the solar interconnection contract. I have been installing solar for 8 years in Minnesota, and am a solar homeowner. While solar in Minnesota is growing rapidly, I feel it is important to continue to keep the interests of the small solar generator in mind. Small changes to contract language could impose large risks for small solar generators.

I am concerned about the proposal to strike the language in 7835.0800 Schedule E that holds the utility responsible for not being more restrictive than the currently adopted interconnection guidelines. We have experienced several recent instances of Minnesota utilities attempting to put the costs of upgrading their infrastructure onto a proposed small qualifying facility (solar homeowner). It is important to clearly set boundaries for what a utility is allowed to require as a condition for interconnection, particularly with respect to cost allocations for upgrades to the utility's distribution system and future upgrades costs.

We have also noted that a few utilities seem eager to come up with barriers to discourage homeowners from installing solar. It should be upheld that a solar PV system that meets National Electric Code requirements and has passed inspection by the state electrical inspector is code compliant, and not required to meet additional technical requirements imposed by a utility.

Thank you for making sure that transparency and clear parameters are maintained in our state interconnection policy.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Lundberg".

Rebecca Lundberg
Owner/CEO, Powerfully Green



© **minnesota power** / 30 west superior street / duluth, minnesota 55802-2093 / 218-722-5642 / www.mnpower.com

Lori Hoyum
Policy Manager
218-355-3601
lhoyum@mnpower.com

February 4, 2015

VIA E-FILING

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

Re: In the Matter of Possible Amendments
to Rules Governing Cogeneration and
Small Power Production
Docket No. E-999/CI-13-729

Dear Dr. Haar:

The Minnesota Public Utilities Commission ("Commission") issued a Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received on December 29, 2014 ("Notice") in Docket No. E-999/CI-13-729. Concurrently, the Commission also released a Statement of Need and Reasonableness ("SONAR") to outline the proposed rule changes consistent with recent changes to Minn. Stat. §216B.164. Minnesota Power respectfully submits its Comments in response to the Notice.

Please contact me at the number provided above with any questions or concerns.

Yours truly,

Lori Hoyum

Attachment
cc: Service List

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of Possible Amendments
to Rules Governing Cogeneration and
Small Power Production

Docket No. E-999/CI-13-729
**MINNESOTA POWER'S
COMMENTS**

The Minnesota Public Utilities Commission ("Commission") issued a Notice of Intent to Adopt Rules without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received on December 29, 2014 ("Notice"). Concurrently, the Commission also released a Statement of Need and Reasonableness ("SONAR") to outline the proposed rule changes consistent with recent changes to Minn. Stat. §216B.164.

The Commission opened a rulemaking to consider amending the Commission's rules governing cogeneration and small power production to incorporate the statutory changes and to make housekeeping changes as necessary. An advisory committee was appointed on November, 26, 2013. The scope was limited to updating the rules to help facilitate the timely and efficient development of rule amendments and to meet the goal of publishing proposed rule amendments by the end of 2014.

Minnesota Power (or "the Company") participated in the advisory committee meetings which informed the changes outlined within the SONAR. Most of the changes are without controversy due to the narrow scope of this particular rulemaking process. However, Minnesota Power highlights in these Comments a couple of key clarifications which the Company believes are essential for these changes to function smoothly.

Response:

During the course of the advisory committee process, Minnesota Power's representatives advocated for a clear definition of capacity and how to apply that definition in the distributed generation ("DG") application, review, and installation process. Creating a clear definition for capacity is necessary to prevent ambiguity and confusion, and to reduce future compliance issues. Minnesota Power believes the proposed definition within the SONAR requires further clarification in a number of areas.

Nameplate vs. Measured Capacity

There are currently two ways of defining capacity; the *potential* output of a DG unit, and the *actual* output of a DG unit. The potential output is typically indicated by the nameplate data. The nameplate data describes the maximum amount of electric energy that a generator can produce under specific conditions. The actual output may be considerably different than the potential outlined in the nameplate data, and is determined by measurement or metering. From a practical design perspective, the most valuable definition pertains to maximum actual output. This is true for both the DG customer and the utility. The SONAR language states that the intent of the rule is to view capacity as the amount of electricity actually produced. However; the reference to the "capability to produce" within the definition hints more at a potential capacity or nameplate value as opposed to actual production. Minnesota Power suggests that the revised definition clarify that capacity is the actual/measured AC output of the DG unit as opposed to the potential output.

Measurement Criteria

Due to the fact that the definition for capacity outlined in the SONAR is not clear about measured vs. nameplate capacity, the definition then does not go into detail about the measurement method. The SONAR does address the topic, but only to state why it is not included in the definition. As was highlighted during the advisory committee rulemaking process, the real issue of concern is that the term, "capacity", is used to describe numerous areas of both customer generation and customer usage. The consequence of using capacity to define multiple aspects of generation and usage is that this one term will not be adequate for all

situations, and shortcomings will exist with whatever approach is taken. The goal should be to eliminate as much confusion as possible for the largest number of circumstances, and deal with the outliers independently.

Minnesota Power suggests utilizing the industry standard 15-minute intervals for measuring capacity as discussed in the SONAR. This will clarify capacity in the vast majority of the DG cases and will provide the greatest clarity and practical value to those affected.

Point of Common Coupling

Although “point of common coupling” or “point of interconnection” language is commonplace in the analysis of DG installations, it is not effective when combined with the definition of capacity set forth in the SONAR. The “point of common coupling” is commonly considered to be the location of the net meter. The net meter measures the difference between the amount of energy taken from the utility and used on site by the customer and the amount of energy generated on site and delivered to the utility. It does not reflect the amount of energy generated and used on site. The definition of capacity of the DG installation should be addressing only the actual metered production of the generation unit, which is best measured at the output of the generator. This is located on the customer side of the point of common coupling. Minnesota Power suggests “point of generator output” as a term that best describes the point on the output side of the generator prior to the interconnection with customer load.

Suggested Definitions:

Minnesota Power suggests the following as revisions and additions to the proposed definitions within the SONAR:

Minnesota Power’s proposed language:

“Generation Capacity” means the capability to produce, transmit or deliver electric energy, and is determined by the maximum 15 minute average alternating current (“AC”) energy production of a qualifying generating facility, measured with a production demand meter at the point of generator output.

SONAR language:

Subp. 20b "Standby service."

Standby service. "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and related services necessary to make electricity service available to the facility, as described in the public utility's commission-approved standby tariff.

Minnesota Power's proposed language:

Subp. 20b. "Standby service."

Standby service. "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and related services necessary to make electric service available to the distributed generation facility, as described in the public utility's commission-approved standby tariff.

SONAR language:

***7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES
FROM QUALIFYING FACILITIES.***

Subp. 2. Negotiated rates. A qualifying facility with 1,000 kilowatt capacity or more has the option to negotiate a contract with a utility, or if it commits to provide firm power, be compensated under standards rates.

7835.4012 COMPENSATION.

Subp. 1. Facilities with less than 40 kilowatt capacity. A qualifying facility with less than 40 kilowatt capacity has the option to be compensated at the net energy billing rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

Minnesota Power's proposed language:

7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES FROM QUALIFYING FACILITIES.

Subp. 2. At the end of this sentence, there is a minor typographical error; "standards rates" should be changed to "standard rates."

7835.4012 COMPENSATION.

Subp. 1. the reference to "net energy billing rate" should be changed to "average retail energy rate" to match the revised title of 7835.4013 (this matches the terminology in Minn. Stat. 216B.164, subd. 3(d)).

Comment on Regulatory Analysis within the SONAR -

The following excerpt is taken from Page 24 of the SONAR:

"VII. REGULATORY ANALYSIS

The following persons will probably benefit from the proposed rule:(...)

- Retail electric customers, who will offset reliability concerns during outages by using electricity they are producing."*

Minnesota Power believes this statement is misleading to stakeholders and current/potential DG customers. The interconnection standards set by the Commission in 2004 clearly prohibit islanding. If a utility's distribution system loses power, the standards require that the generation system will be shut down as well. If this occurs, a DG customer who does not have a backup generator installed would still be without power as long as the distribution system is down. This is a basic safety requirement needed to prevent unintentional back feed and energizing of the utility system by the customer generation. The benefit referred to in the above analysis is that of a simple backup generator that does not operate in continuous parallel mode. It is important to note that not all DG customers install backup generation.

Conclusion:

Minnesota Power appreciates the opportunity to be involved in this important rulemaking process. The proposed changes to processes and procedures will directly affect both utilities and DG customers alike. The suggested clarifications outlined in these Comments are aimed at better serving and educating current and potential DG customers.

Dated: February 4, 2015

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Lori Hoyum".

Lori Hoyum
Policy Manager
Minnesota Power
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Duluth, MN 55802
(218) 355-3601
lhoyum@mnpower.com

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

AFFIDAVIT OF SERVICE VIA
ELECTRONIC FILING

Susan Romans of the City of Duluth, County of St. Louis, State of Minnesota, says that on the 4th day of February, 2015, she served Minnesota Power's Comments in Docket No. E-999/CI-13-729 to the Minnesota Public Utilities Commission and the Energy Resources Division of the Minnesota Department of Commerce via electronic filing. The remaining parties on the attached service list were served as so indicated on the list.

Susan Romans

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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_13-729_Official
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Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_13-729_Official

February 4, 2015

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

RE: Comments from Fresh Energy on Amendments to Rules Governing Cogeneration and Small Power Production – Docket No. E999/R-13-729

Dear Mr. Wolf:

Fresh Energy appreciates the opportunity to comment in this docket, as well as participate in the stakeholder engagement that Public Utilities Commission staff conducted prior to filing the Proposed Amendment to Rules Governing Cogeneration and Small Power Production on December 29, 2014. The purpose of that stakeholder engagement was to update current rules according to statutory changes implemented by House File 729, passed in 2013 by the Minnesota Legislature.

Fresh Energy has concerns about two areas of the proposed rules. First, the implementation of the existing definition of “firm power” in parts 7835.3200, 7835.4011, 7835.4014, and 7835.4015 of the proposed rules may have significant consequences that inhibit distributed generation deployment in Minnesota, conflicts with a previous Commission ruling on capacity credits for large solar facilities (E002/M-13-315), and is inconsistent with the Midcontinent Independent System Operator (MISO) rules and practices. Fresh Energy recommends: 1) updating the current definition to match the accredited MISO capacity related to the specific type of generation as explained in [MISO's Business Practices Manual](#); 2) further examining the impacts of the proposed rules relating to firm power on all types of distributed generation in this proceeding or another Commission docket; and, 3) holding a public hearing to deliberate these issues.

Second, the proposed rules do not include the statutory definition of “standby charge” implemented by House File 729. A justification is given on page 6 of the Statement of Need and Reasonableness, filed in this proceeding on December 29, 2014, that a definition of standby charges and standby services is both reasonable and necessary for subsequent rule parts. However, the statutory definition of standby charges importantly connects the imposition of standby charges to the *recovery of costs incurred* for providing standby services. Fresh Energy believes this is an important connection to ensure fair and equitable rates, and recommends that part 7835.0100 include the statutory definition¹ and be amended to read:

¹ Minnesota Statute 216B.164, subdivision 2a, paragraph (l)

"Subp. 20a. **Standby charge.** "Standby charge" means a charge imposed by an electric utility upon a distributed generation facility for the recovery of costs for the provision of standby services, as provided for in a utility's tariffs approved by the commission, necessary to make electricity service available to the distributed generation facility.

Subp. 20b. **Standby service.** "Standby service" means:

A. for public utilities, service or power that includes backup, maintenance, and related services necessary to make electricity service available to the facility, as described in the public utility's commission-approved standby tariff; and

B. for a utility not subject to the commission's rate authority, the service associated with the applicable tariff in effect under Minnesota Statutes, section 216B.1711, subdivision 3, clause (2)."

Thank you again for the opportunity to comment in this proceeding. We are happy to answer any questions you might have.

Sincerely,

Will Nissen

Senior Policy Associate, Fresh Energy

nissen@fresh-energy.org

651-294-7143

Allen Gleckner

Senior Policy Associate, Fresh Energy

gleckner@fresh-energy.org

651-726-7570



414 Nicollet Mall
Minneapolis, MN 55401

February 4, 2015

—Via Electronic Filing—

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

RE: COMMENTS
AMENDMENTS TO RULES GOVERNING COGENERATION AND SMALL POWER
PRODUCTION
DOCKET NO. E999/R-13-729

Dear Mr. Wolf:

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission the enclosed Comments in response to the Commission's December 29, 2014 Statement of Need and Reasonableness, and Notice of Intent to Adopt Rules.

Please contact Holly Hinman at holly.r.hinman@xcelenergy.com or (612) 330-5941 if you have any questions regarding this filing.

Sincerely,

/s/

PAUL LEHMAN
MANAGER, COMPLIANCE AND FILINGS

Enclosure
c: Service List

STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

IN THE MATTER OF POSSIBLE
AMENDMENTS TO RULES GOVERNING
COGENERATION AND SMALL POWER
PRODUCTION, *MINNESOTA RULES*
CHAPTER 7835

DOCKET NO. E999/R-13-729

COMMENTS

COMMENTS

Northern States Power Company, doing business as Xcel Energy, submits to the Minnesota Public Utilities Commission these Comments in response to the Commission's December 29, 2014 Statement of Need and Reasonableness and Notice of Intent to Adopt Rules.

A. Background

The Company has observed with interest the Commission's proposed rules to align with the 2013 Omnibus Energy Bill, which amended Minn. Stat. 216B.164 governing cogeneration and small power production. The proposed rules are intended to implement the provisions of the bill which expanded net metering to a higher capacity threshold, and exempt the application of standby charges in certain circumstances, among other changes.

This rulemaking follows the Company's filing of proposed tariff changes to implement the new state policies on cogeneration and small power production.¹ After an exchange of comments and a hearing, the Commission determined that the proposed tariff modifications relating to net energy billing services, meter aggregation, distributed generation system limits, Renewable Energy Credits (REC), meter charges, and net excess generation payments "raise issues that need to be resolved with the

¹ See Docket No. E002/M-13-642, *Petition for Approval of Tariff Modifications Implementing Net Metered Facility Provisions, Standby Service Exemptions, and Meter Aggregation Pursuant to the 2013 Omnibus Energy Bill*, July 31, 2013.

input of all interested stakeholders” and declined to take action on most of the Company’s requested tariff changes.² The Commission addressed ownership of RECs generated from distributed generation systems in its July 22, 2014, order.³ The Company then participated in the Commission’s advisory committee, which met in 2014. The Commission issued its proposed rules attached to the Staff Briefing Papers on October 14, 2014, which are included in the Notice issued in this matter on December 29, 2014. We appreciate the thoughtful approach all parties have brought to this discussion.

We note that we have been approached by a couple of customers in the interim requesting a net metering interconnection for a system sized greater than 40 kW. We highlight in these Comments a few of the issues we have encountered as we work to accommodate these customers’ requests.

We worked directly with one customer, a commercial customer named Turning Seeds, to create a contract solution for the customer’s request as we have no current tariff which governs the service for the larger generator. We developed a contract using the Commission’s draft rules as a guide and filed it for Commission approval.⁴ At the time of this filing, the Commission has issued a revised Notice of a Comment Period on the Company’s filing. We believe the ultimate disposition of this contract request may be instructive to the Company on a going forward basis for similarly situated customers, in the absence of final rules and approved tariff revisions.

We appreciate the opportunity to provide written comments on the Commission’s Statement of Need and Reasonableness and its proposed rules. We ask that the Commission consider these Comments in their deliberation on this matter.

B. Comments on the Proposed Rules

We offer comments and clarifying notes on the Commission’s proposed rules, including the application of our Section 10 tariff, bill crediting procedure, and REC treatment.

² See Docket No. E-002/M-13-642, Order of the Commission, January 27, 2015.

³ See Docket No. E-999/CI-13-720, *In the Matter of a Commission Inquiry into Ownership of Renewable Energy Credits used to Meet Minnesota Requirements*.

⁴ See Docket No. E002/M-14-1057, *Petition for Approval of an Amendment to the Electric Service Agreement with Turning Seeds*, December 22, 2014.

1. Section 10 Interconnection Tariff

The Company interprets the proposed rules and proposed uniform statewide contract (proposed rule 7835.9910) as requiring customers seeking interconnection with the Company under the revised rules for systems 40 kW and above to sign the Company's Interconnection Agreement, as found in Section 10 of the Company's Electric Rate Book. This is consistent with how the Company has presented its proposed contract in the *Termining Seeds* docket referenced above.

2. Bill Credits

The Company interprets the proposed rules implementing the on-bill compensation for customers with net metered facilities for facilities with at least 40 kW capacity, but less than 1,000 kW capacity, in proposed rules 7835.4013, 7835.4014, and 7835.4015, as applying a dollar amount based on kWh output. Based on substantially similar wording, this is consistent with the preexisting rules for facilities under 40 kW capacity as set forth in current rules 7835.3300, 7835.3400, and 7835.3500. The dollar value is applied per month and kWh credit inputs are not "banked" over time. The Company interprets the proposed rules to implement meter aggregation in the same manner: compensation will be in the form of a dollar amount based on kWh output, and kWh quantities are not "banked" over time.

3. RECs

The Company believes the Commission's proposed rule part addressing REC ownership should be broadened to reflect circumstances where the disposition of RECs is determined by Commission order, in addition to private contract. This change would be consistent with the July 22, 2014 Order in Docket No. E999/CI-13-720. By including Commission order in its sources of authority, the Commission can avoid the submission of rule variances or individual contracts to transfer RECs where Commission order has already provided for REC ownership. The Company suggests possible language as follows:

7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.

Generators own all RECs unless: (1) other ownership is expressly provided for by a contract between the generator and a utility; (2) state law specifies a different outcome; or (3) specific Commission orders or rules specify a different outcome.

CONCLUSION

We appreciate the opportunity to provide written comments on the Commission's Statement of Need and Reasonableness and its proposed rules. The Company requests that the Commission considers these Comments when it deliberates on this matter.

Dated: February 4, 2015

Northern States Power Company

CERTIFICATE OF SERVICE

I, Tiffany Hughes, 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 No. E999/R-13-729

Dated this 4th day of February 2015

/s/

Tiffany Hughes
Records Analyst

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Patricia F.	Sharkey	N/A	Midwest Cogeneration Association	P.O. Box 87374 Carol Stream, IL 60188	Paper Service	No	OFF_SL_13-729_Official
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_13-729_Official



February 4, 2015

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

***Subject: In the Matter of Possible Amendments to Rules
Governing Cogeneration and Small Power Production
(Minnesota Rules Chapter 7835)
Docket No. E-999/R-13-729***

Dear Mr. Wolf:

The Minnesota Rural Electric Association (MREA) respectfully submits the attached comments in response to the Proposed Amendments to Rules Governing Cogeneration and Small Power Production published in the State Register and the Minnesota Public Utilities Commission (Commission or MPUC) Statement of Need and Reasonableness (SONAR) issued by the Commission in the above-referenced docket on December 29, 2014.

MREA represents the interests of the state's 44 electric distribution cooperatives and the six generation and transmission cooperatives that supply them with power. Our member cooperatives are not-for-profit electric utility businesses that are locally owned and governed by the member-consumers they serve.

The Minnesota Rural Electric Association appreciates the opportunity to submit comments in this matter on behalf of the state's electric cooperatives.

Sincerely,

/s/ Darrick Moe

Darrick Moe
President & CEO
Minnesota Rural Electric Association

Enclosure

Certificate of Service

I, Cherry Jordan, hereby certify that I have this day served copies of the attached document to those on the following service list by e-filing, personal service, or by causing to be placed in the U.S. mail at Farmington, Minnesota.

Docket No. *E-999/R-13-729*

Dated this 4th day of February, 2015

/s/ Cherry Jordan

Cherry Jordan

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

Beverly Jones Heydinger
David C. Boyd
Nancy Lange
Dan Lipschultz
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

*In the Matter of Possible Amendments to Rules
Governing Cogeneration and Small Power Production*

*E-999/R-13-729
February 4, 2015*

**COMMENTS OF THE
MINNESOTA RURAL ELECTRIC ASSOCIATION**

Introduction

The Minnesota Rural Electric Association (MREA) respectfully submits the attached comments in response to the Proposed Amendments to Rules Governing Cogeneration and Small Power Production published in the State Register and the Minnesota Public Utilities Commission (Commission or MPUC) Statement of Need and Reasonableness (SONAR) issued by the Commission in the above-referenced docket on December 29, 2014.

MREA represents the interests of the state's 44 electric distribution cooperatives and the six generation and transmission cooperatives that supply them with power. Our member cooperatives are not-for-profit electric utility businesses that are locally owned and governed by the member-consumers they serve.

Statutory and Regulatory Background

The Commission currently has rules governing interconnections between utilities and qualifying facilities, cogeneration and small power production facilities, entitled under federal law to sell their output to utilities. The rules govern filing and reporting requirements, conditions of service, compensation rates, wheeling and exchange agreements, interconnection guidelines, and they also establish a uniform statewide contract.

During the 2013 legislative session, the Legislature amended Minn. Stat. § 216B.164 governing cogeneration and small power production. The statutory changes primarily affect interconnections between qualifying facilities and public utilities.

This rulemaking proceeding will update the rules to incorporate the recent statutory changes and to make housekeeping changes as necessary. On August 26, 2013, the Commission published a Request for Comments in the *State Register* and did a mass mailing to the rulemaking list, requesting comments on amending the rules to incorporate the statutory changes.

The Commission subsequently appointed an advisory committee, which met monthly between April and August 2014.

MREA Comments

The Minnesota Rural Electric Association, and staff from several electric cooperatives, attended and participated in the stakeholder process leading to the drafting of the proposed cogeneration rule amendments. MREA has comments and suggested changes to the proposed rule amendments as follows:

1. Definition of “Capacity”
2. Definition of “Customer”
3. Uniform Statewide Contract

1. Definition of “Capacity”

The proposed definition of “capacity” in Minnesota Rule 7835.0100 states:

Subp. 4. Capacity.

"Capacity" means the capability to produce, transmit, or deliver electric energy, and is measured by the number of megawatts alternating current at the point of common coupling between a qualifying facility and a utility's electric system.

The definition of “capacity” was discussed several times during the stakeholder meetings. While the generic definition of capacity contained in these proposed rules is fine, cooperatives had encouraged the adoption of additional definitions/descriptions to clarify the meaning of “capacity” in other situations. Following are three definitions that cooperatives shared in the stakeholder process:

For determining generation system size – used for qualifying for Net Energy Billing; qualify for rates; Technical Standard thresholds; Metering requirement thresholds:

Capacity of Generation System – means the maximum capability to produce electrical energy and is quantified as the greater of either the manufacturer’s

nameplate continuous kilowatts (kW) rating or the maximum measured kilowatts (kW) alternating current (AC) produced by the generation during standard 15-minute intervals.

For determining when standby charges may be applicable:

Capacity for standby –quantified by the nameplate rating for continuous output of the generation system.

For reporting to the Department of Commerce for compliance:

Capacity of distributed generation surplus production – quantified by the maximum number of kilowatts alternating current (AC) produced and measured at the point of common coupling during standard 15-minute intervals.

These additional definitions would help clarify specific situations and help avoid future confusion.

2. Definition of “Customer”

The proposed definition of “customer” in Minnesota Rule 7835.0100 states:

Subp. 6a. Customer.

"Customer" means the person named on the utility electric bill for the premises.

In other proceedings before the Commission, electric cooperatives have raised the issue/concern of people establishing electric service where the only load being served is the distributed generation / qualifying facility. In essence, these facilities are “merchant generators” and not qualifying facilities being constructed to serve a portion or all of a traditional consumer load. The definition of “customer” could have helped with the merchant generator issue. We encourage the Commission to begin addressing this matter through the docket that was initiated some time ago now.

3. Uniform Statewide Contract

The proposed amendments to the Uniform Statewide Contract contained in part 7835.9910 begins with a description of when the Uniform Statewide Contract should be applied. The proposed amendments adjust the language as it applies to investor-owned utilities. Minnesota Statutes leading to these rule amendments, however, do not apply to cooperative and municipal utilities. Accordingly, we recommend that the opening paragraph to proposed 7835.9910 be modified as follows:

The form for the uniform statewide contract must be applied to all new and existing interconnections between a utility and cogeneration and small power production facilities having less than 40 kilowatts of capacity for electric

cooperative and municipal utilities and 1,000 kilowatts of capacity for public utilities is as follows:, except as described 12.17 in part 7835.5900.

The amended 7835.9910 goes on to include the following two new sections in the Uniform Statewide Contract that only apply to investor-owned utilities as follows:

3. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:
 - a. Net energy billing rate under part 7835.4013.
 - b. Simultaneous purchase and sale billing rate under part 7835.4014.
 - c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

4. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

- a. Simultaneous purchase and sale billing rate under part 7835.4014.
 - b. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

To avoid confusion for consumers, and cooperative and municipal utilities executing this contract with those consumers, we request that the Commission clarify in the order adopting these rules that these two sections, and any other provisions that only apply to investor-owned utilities, are only required in the Uniform Statewide Contract for investor-owned utilities. We also request that the Commission expressly authorize cooperative and municipal utilities modifications to the Uniform Statewide Contract that eliminate any non-applicable provisions or clarify those with applicability limited to investor-owned utilities. In the alternative, the proposed rules should include two separate versions of the Uniform Statewide Contract that distinguish cooperative and municipal utilities from investor-owned utilities.

Conclusion

Minnesota's electric cooperatives appreciate the opportunity to participate in the stakeholder process and submit comments on these proposed rule amendments. There is an ever increasing interest and participation in distributed generation among consumers in Minnesota. It is vital that Minnesota Rules applicable to such installations provide for an orderly installation of these facilities. MREA encourages the Commission to adopt the changes to the proposed rule amendments we have identified in these comments to help enhance the implementation of the proposed rules.

Respectfully submitted,

/s/ Darrick Moe

Darrick Moe
President & CEO
Minnesota Rural Electric Association

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Patricia F.	Sharkey	N/A	Midwest Cogeneration Association	P.O. Box 87374 Carol Stream, IL 60188	Paper Service	No	OFF_SL_13-729_Official
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_13-729_Official

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February 4, 2015

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

Re: Proposed Amendments to Rules Governing Cogeneration and Small Power Production, *Minnesota Rules*, Chapter 7835; Including Repeal of Minn. R. parts 7835.2300; 7835.2500; 7835.2700; 7835.2900; 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400; 7835.5500; 7835.5600; 7835.5700; and 7835.5800.
PUC Docket No. E-999/R-13-729

Comments of Otter Tail Power Company

Dear Mr. Wolf:

Otter Tail Power Company ("Otter Tail") respectfully submits this letter as its Comments in response to the December 18, 2014 notice ("Notice") of the Minnesota Public Utilities Commission ("Commission") in the above-referenced docket.

Our comments seek a balance between closure on the rules and comprehensive and meaningful rules¹. On one hand, having near-term closure on the rules allows for implementation for all stakeholders, yet on the other hand, less than meaningful rules that are finalized too soon can cause distortion of understanding in its application as well as compliance with these rules. Otter Tail urges the Commission to also seek the appropriate balance between closure and inclusion of meaningful rules for the public good.

¹ Otter Tail is cognizant of Xcel's E002/M-14-1057

Otter Tail's Recommendations

Otter Tail's comments focus on two important factors within this rule-making process: defining the term "capacity" and addressing production meters.

- Incorporate various contexts for defining capacity², per Attachment 1
- Address the requirement for production meters in the Commission's interconnection standards³.

Discussion

The term "capacity" is used in multiple contexts throughout chapter 7835. Otter Tail believes that a clear definition of the term capacity within its proper context will provide both transparency and clarity throughout Minn. Stat. § 216B.164. In these comments, Otter Tail summarizes the various uses of the term capacity and provides specific recommendations for the definition of capacity within those contexts.

The concern over the definition of capacity is not unique to Otter Tail. At the final Advisory Committee Meeting, a number of Minnesota electric utility providers⁴ delivered a joint set of issues/concerns for the participants. Capacity, and its various contexts, was identified as one of the key issues/concerns.

The term "capacity" impacts a variety of important functions of distributed generation for all stakeholders. For example, the term capacity is used:

1. As the foundation for measuring facility output capability.
2. For defining compensation amounts between parties.
3. For determining qualification levels of facilities.
4. In the context of sizing equipment.
5. In relation to the safety aspects of sizing equipment and protection devices.

Having a clear understanding the term within each context will help remove ambiguity amongst the parties and enhance compliance with applicable statutes and associated rules. These various contexts of capacity were also described in the Commission Staff's October 30, 2014 Briefing Papers.

² There may be other context definitions for capacity not included in Attachment 1

³ In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212, Docket No. E-999/CI-01-1023, Order Establishing Standards (September 28, 2004).

⁴ On August 18, 2014, the following utilities contributed general comments to the Advisory Committee Members: Connexus Energy, Dakota Electric Association, Great River Energy, Minnesota Municipal Utilities Association, Minnesota Power, Minnesota Rural Electric Association, Otter Tail Power Company, Steele-Waseca Electric Cooperative, and Xcel Energy.

Daniel P. Wolf
February 4, 2015
Page 3

Because of its importance, Otter Tail recommends changes to the proposed rule amendments for the term capacity (e.g. Chapter 7835.01 subp.4) to include more clearly defined, context based definitions⁵ as listed in Attachment 1. This attachment originated from the aforementioned joint set of electric utility provider issues/concerns.

And finally, production meters should be addressed in the Commission's interconnection standards, as suggested in the Commission Staff's October 30, 2014 Briefing Papers. Production meters provide benefits to the delivery system, customers, and to the state. These benefits include actual versus net measurements of production for delivery system design (i.e. reliability and safety) as well as meeting required state production reporting.

Otter Tail appreciated the contributions of those involved in the Advisory Committee process as well as the opportunity to provide these comments.

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

Please contact me by phone at (218) 739-8595 or by email at dprazak@otpc.com if you have any questions.

Sincerely,

/s/ DAVID G. PRAZAK

David G. Prazak
Supervisor Pricing & Tariff Administration

wao
Enclosures
By electronic filing
c: Service List

⁵ Otter Tail is willing to work with other stakeholders to find an appropriate place in the Amended Rules.

Attachment 1

Various Contexts for Defining Capacity

Definitions of Capacity

Due to the multiple ways the term capacity is utilized within Minnesota's Chapter Rules 7835 with regards to electricity, it seems beneficial to define capacity explicitly for the situation the section of Chapter Rules is addressing. The following is a recommendation from the utilities of different capacity definitions and the situation the definition would be used in.

Capacity – Generic definition

Capacity – is the maximum average energy which is produced or is designed to be produced over standard 15-minute intervals.

For determining generation system size – used for: qualifying for Net Energy Billing; qualifying for rates; technical standard thresholds; metering requirement thresholds.

Capacity of Generation System – means the maximum capability to produce electrical energy and is quantified as the greater of either the manufacturer's nameplate continuous kilowatts (kW) rating or the maximum measured kilowatts (kW) alternating current (AC) produced by the generation during standard 15-minute intervals.

For determining when standby charges may be applicable

Capacity for Standby – quantified by the nameplate rating stated in kilowatts (kW) alternating current (AC) for continuous output of the generation system.

For reporting to the DOC-DER for Compliance

Capacity of DG's Surplus Production – quantified by the maximum number of kilowatts alternating current (AC) produced and measured at the point of common coupling during standard 15-minute intervals.

CERTIFICATE OF SERVICE

**Re: Proposed Amendments to Rules Governing Cogeneration and Small Power Production, Minnesota Rules, Chapter 7835; Including Repeal of Minn. R. parts 7835.2300;7835.2500; 7835.2700; 7835.2900; 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400; 7835.5500; 7835.5600; 7835.5700; and 7835.5800.
PUC Docket No. E-999/R-13-729**

I, Wendi A. Olson, hereby certify that I have this day served a copy of the following, or a summary thereof, on Mr. 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.

Comments of Otter Tail Power Company

Dated this **4th** day of **February 2015**

/s/ WENDI A. OLSON

Wendi A. Olson
Regulatory Filing Coordinator
Otter Tail Power Company
215 South Cascade Street
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(218) 739-8699

Minnesota Docket No. E-999/R-13-729
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Minnesota Docket No. E-999/R-13-729
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February 4, 2015

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COPY VIA E-MAIL: kate.kahlert@state.mn.us
ORIGINAL VIA U.S. MAIL

Kate Kahlert
Minnesota Public Utilities Commission
121 Seventh Place East, Suite 350
St. Paul, MN 55101

Re: In the Matter of Possible Amendments to Rules Governing Cogeneration and
Small Power Production, *Minnesota Rules* Chapter 7835; Docket No. E-999/R-13-729
Our File No. 2177-01

Dear Ms. Kahlert

These comments are written on behalf of the City of Minneapolis, Hennepin County, the Metropolitan Council and Metropolitan Airports Commission to proposed changes to the proposed rules as previously filed.

These comments are also being electronically filed in the above-referenced docket.

Sincerely,

/e/ Richard J. Savelkoul
Richard J. Savelkoul

RJS:wsl

cc: Service List
Larry Schedin (via email)
Kavita Maini (via email)

**STATE OF MINNESOTA
BEFORE THE PUBLIC UTILITIES COMMISSION**

In the Matter of Possible Amendments to
Rules Governing Cogeneration and Small
Power Production, *Minnesota Rules* Chapter
7835

MPUC Docket No. E-999/R-13-729

**CITY OF MINNEAPOLIS, HENNEPIN COUNTY AND
THE METROPOLITAN COUNCIL AND THE METROPOLITAN
AIRPORTS COMMISSION COMMENTS**

I. EXECUTIVE SUMMARY

The City of Minneapolis, Hennepin County, Metropolitan Council and Metropolitan Airports Commission (the "Large Government Consumer Group") propose that the proposed rules be modified to incorporate the Federal requirements for qualified facilities and add consideration of accredited capacity or avoided capacity needs that benefit a system's ratepayers to the extent that a facility with 1,000 Kw capacity or more brings to a system.

II. ANALYSIS OF INDIVIDUAL RULES

7835.0100 - Definitions

Subp. _____ "Accredited Capacity"

Accredited Capacity. "Accredited Capacity" means the capacity of a qualifying facility determined by the MidContinent Independent System Operator ("MISO"), or such governing organization that replaces MISO, that allows the facility's Accredited Capacity to be included as part of a Load Serving Entity's plan for resource adequacy.

7835.4020 – Amount of Capacity Payments; Considerations

The qualifying facility which negotiates a contract under part 7835.4019 must be entitled to the full avoided capacity costs of the utility if the utility needs capacity within a 10-year planning period. The amount of capacity payments must be determined through consideration of the following, without requirement that all be met:

- A. the capacity factor of the qualifying facility;

- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the qualifying facility to provide firm power during system emergencies;
- F. the willingness and ability of the qualifying facility to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the qualifying facility to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; ~~and~~
- I. the smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities, and
- J. The expected Accredited Capacity, capacity value or expected capacity value to the utility in its resource plan.

These changes are needed to both bring the rules into compliance with PURPA laws¹ and allow for consideration of the resource planning benefits that a distributed generation facility brings to the utility's system.

Dated: February 4, 2015

Respectfully submitted,

/e/ Richard J. Savelkoul

Richard J. Savelkoul

Martin & Squires

Attorney for Large Government Consumers Group

332 Minnesota Street, Suite W2750

St. Paul, MN 55101

Phone: (651) 767-3740

¹ Public Utility Regulatory Policies Act of 1978, as amended, (PURPA) 18 CFR 292.303(b) requires capacity payments to Qualified Facilities if the utility has capacity need during the succeeding ten years.

CERTIFICATE OF SERVICE

I, Wendy S. Latuff, hereby certify that I have this day, served a true and correct copy of the following to all persons at the addresses on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

LARGE GOVERNMENT CONSUMER GROUP COMMENTS

Docket Number **E-999-R-13-729**

Dated this **4th** day of **February, 2015**

/s/ Wendy S. Latuff

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Wolf	Daniel	dan.wolf@state.mn.us	Public Utilities Commission	Electronic Service	Yes

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February 4, 2015

Kate Kahlert
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
Saint Paul, MN 55101-2147

Re: Comments on Possible Amendments to Minnesota Rules, Chapter 7835
PUC Docket No. E-999/R-13-729

Dear Ms. Kahlert:

This letter is in response to the Minnesota Public Utilities Commission (Commission) notice dated December 18, 2014 requesting comments on proposed amendments to rules governing cogeneration and small power production. Missouri River Energy Services (MRES) appreciates the Commission's efforts to ensure that its rules are consistent with recent statutory changes to Minn. Stat. § 216B.164, and offers the following comments relating to the proposed rules that govern interconnections between utilities and cogeneration or small power production facilities.

MRES has identified four changes that it believes should be made to the proposed rules to increase clarity, avoid ambiguity, and more closely conform the rules with Minn. Stat. § 216B.164, the Public Utility Regulatory Policies Act of 1978, as amended, and the Federal Energy Regulatory Commission's implementing regulations. For the convenience of the reader, MRES' comments are presented in the order in which the rule parts appear in the proposed rules.

7835.2100 – Electrical Code Compliance

The proposed rule does not indicate what version of the National Electrical Safety Code (NESC) applies in this subpart. If the intent is to have the most recently published edition of the NESC apply, MRES recommends the proposed rule be modified as shown below in red.

Subpart 1. Compliance; standards. The interconnection between the qualifying facility and the utility must comply with the requirements in the most recently published edition of the National Electrical Safety Code, 1981 edition, issued by the Institute of Electrical and Electronics Engineers as American National Standards Institute Standard C2 (New York, 1980). The interconnection is subject to subparts 2 and 3.

7835.4750 – Interconnection Standards

The proposed rule requiring a utility to provide a customer a copy of, or link to, the commission's interconnection standards would impose a significant financial and administrative

burden on small municipal electric utilities with limited resources. Additional language should be inserted in this rule provision to allow a utility to notify its customers of their commission's interconnection standards by publishing notice of those standards in a newspaper of general circulation in the service area of the utility. This would ease the burden on small municipal electric utilities while ensuring that customers are aware of their commission's standards. MRES recommends the proposed rule be modified as shown below in red.

Prior to signing the uniform statewide contract, a utility must distribute to each customer a copy of, or electronic link to, the commission's order establishing interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023. The utility must provide each customer a copy of, or electronic link to, subsequent changes made by the commission to any of those standards. A utility may satisfy this requirement by publishing notice in a newspaper of general circulation in the service area of the utility information that the Commission established interconnection standards in docket E-999/CI-01-1023, and describing where a copy of the commission's interconnection standards may be reviewed.

7835.5900 – Existing Contracts

The proposed rule provides that any existing interconnection contract executed between a utility and a qualifying facility (QF) with capacity of less than 40 kW remains in force until terminated by mutual agreement of the parties. However, there may be provisions in an existing interconnection contract that allow a party to unilaterally terminate the contract without having to obtain consent of the other party. For example, a utility may exercise a right to terminate an existing interconnection contract if the QF is not, or at any time ceases to be, a "qualifying facility" under the Public Utility Regulatory Policies Act of 1978 or if the utility determines that its purchases from the QF would result in costs greater than those which the utility would incur if it did not make such purchases. See 18 C.F.R. § 292.304(f). The proposed rule should take into account existing contracts that may be terminated under law by means other than mutual agreement of the parties. MRES recommends the proposed rule be modified as shown below in red

Any existing interconnection ~~contracts~~contract executed between a utility and a qualifying facility with installed capacity of less than 40 kilowatts before November 13, 1984, may be canceled and replaced with the uniform statewide contract at the option of either party by either party giving the other written notice remains in force until terminated by mutual agreement of the parties, or as otherwise specified in the contract. The notice is effective upon the shortest period permitted under the existing contract for termination, but not less than ten nor more than 30 days.

7835.9920 – Non-standard Provisions

The proposed rule requires utilities, including municipally owned electric utilities, which intend to implement provisions other than those included in the uniform statewide contract to file a

request for authorization with the Commission. As written, the proposed rule is inconsistent with Minnesota Statutes § 216B.164, subd. 9., which authorizes the local governing body of each municipal electric utility to regulate matters concerning cogeneration and small power production as long as the governing body adopts and has in effect rules implementing Minnesota Statutes § 216B.164 which are consistent with the cogeneration and small power production rules adopted by the Commission. The proposed rule should be modified to clarify that the local governing body of a municipal electric utility has authority to determine the provisions in the contract as long as it has adopted and has in effect rules consistent with *Minnesota Rules* Chapter 7835. This could be accomplished by adding part 7835.9920 to the definition of "utility" under part 7835.0100. MRES recommends the proposed rule be modified as shown below in red.

Subp. 24. Utility. "Utility" means:

A. for the purposes of parts 7835.1300 to 7835.1800 and 7835.4500 to 7835.4550, any public utility, including municipally owned electric utilities or cooperative electric associations, that sells electricity at retail in Minnesota; or

B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400, 7835.4600 to 7835.6100, and 7835.9910 to 7835.9920, any public utility, including municipally owned electric utilities and cooperative electric associations, that sells electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

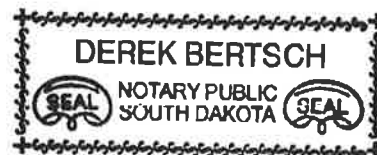
MRES appreciates the opportunity to provide these brief comments on proposed rules governing cogeneration and small power production. MRES requests that these comments be incorporated into the draft rules proposed by the Commission.

Respectfully submitted,

MISSOURI RIVER ENERGY SERVICES

By: /s/ Derek Bertsch

Derek Bertsch
Staff Attorney, Legal
Missouri River Energy Services
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February 4, 2015

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. E999/R-13-729

Dear Mr. Wolf:

On December 18, 2014, the Minnesota Public Utilities Commission (Commission) issued a Notice of Intent to Adopt Rules in Docket E999/R-13-729. Attached are the comments of the Minnesota Department of Commerce, Division of Energy Resources (Department) in this matter.

The Department is available to answer any questions the Commission may have.

Sincerely,

/s/ SUSAN L. PEIRCE
Rate Analyst

SLP/lt
Attachment



BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE DIVISION OF ENERGY RESOURCES

DOCKET NO. E999/R-13-729

I. BACKGROUND INFORMATION

The 2013 Legislature amended Minn. Stat. §216B.164 governing cogeneration and small power production affecting interconnections between qualifying facilities and public utilities. As a result of those legislative changes a rulemaking proceeding was undertaken to incorporate the statutory changes.

On December 18, 2014, the Minnesota Public Utilities Commission (Commission) issued a *Dual Notice of Intent to Adopt Rules without a Public Hearing unless 25 or more Persons request a hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received*.

II. DEPARTMENT COMMENTS

The Department recommends a number of edits to the proposed rules. The Department believes one issue, the definition of “firm power,” may warrant further discussion in a public hearing if the Commission determines a public hearing is necessary.

A. DEFINITION OF FIRM POWER

The use and definition of “firm power” in the current and now proposed rules is outdated, is contrary to Midcontinent Independent System Operator (MISO) rules and practices, contradicts recent Commission orders, and is inconsistent with recent Department positions.

Consistent with Department positions in recent dockets and the subsequent Commission Orders (e.g., E002/M-13-315, Rate for Large Solar PV), this outdated concept of “firm power” in the proposed rules should be replaced with the current reliability-based loss of load expectation (LOLE) approach to determining capacity for planning resources and the definition should be anchored in MISO’s Resource Adequacy Business Practice Manual (MISO BPM-011-r14, effective 9/1/14).

<https://www.misoenergy.org/Library/BusinessPracticesManuals/Pages/BusinessPracticesManuals.aspx>

The language of concern is found in:

7835.0100 DEFINITIONS

Subp. 9 Firm Power. "Firm Power" means energy delivered by the qualifying facility to the utility with at least a 65% on-peak capacity factor in the month. The capacity factor is based on the qualifying facility's maximum on-peak metered capacity delivered to the utility during the month.

Firm Power is subsequently referenced numerous times throughout the proposed rules, and affects the compensation paid to a qualifying facility. The references include:

- I. 7835.3200 Standard Rates For Purchases by Cooperative Electric Associations and Municipal Utilities From Qualifying Facilities.
- II. 7835.4011 Standard Rates For Purchases by Public Utilities From Qualifying Facilities.

Subpart 2 to each of these rule parts includes similar language. The proposed language in Minn. Rules pt. 7835.4011, subp. 2 states (emphasis added):

Subp. 2. Negotiated Rates. A qualifying facility with 1,000 kilowatt capacity or more has the option to negotiate a contract with a utility or, if it commits to provide firm power, be compensated under standard rates.

- III. 7835.4014 Simultaneous Purchase and Sale Billing Rate
- IV. 7835.4015 Time-of-Day Purchase Rates

Subp. 2, B. of each of these rules includes similar language. The proposed language in Minn. Rules pt. 7835.4015, subp. 2, B states (emphasis added):

B. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over all hours shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of hours in the billing period, or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of hours in the billing period. If the qualifying facility does not provide firm power to the utility,

no capacity component may be included in the compensation paid to the qualifying facility.

The Department recommends the definition of firm power be revised to read:

7835.0100 Subp. 9 Firm Power. For purposes of this chapter, "Firm power" means the capacity credit for the specified type of generation as determined by the methodology in the most recently approved MISO Resource Adequacy Business Practices Manual.

B. MINN. RULES PT. 7825.0800, SCHEDULE E

Minn. Rules pt. 7835.0800 governs the utility's filing of its safety standards in Schedule E. The proposed rule strikes the sentence, "These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800."

The Department recommends that, rather than striking this sentence, it be revised to read "These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts ~~7835.4800 to 7835.5800~~ 7835.2100 and 7835.4750."

Minn Rules 7835.2100 requires compliance with the National Electric Code, and 7835.4750 requires that the utility provide customers with a copy of the Commission's September 28, 2004 Order in docket No. E999/CI-01-1023 establishing interconnection standards and any subsequent revisions. The inclusion of this proposed sentence with the Department's proposed revision will ensure customers remain protected from the imposition of excessive technical requirements.

C. UNIFORM STATEWIDE CONTRACT; MINN. RULES PT. 7835.9910

The Uniform Statewide Contract contains language setting forth a qualifying facility's (QF) election for the rate schedule under which the utility will buy electricity from the QF. Specifically, the contract states:

The QF and the Utility agree:

1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.
2. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF elects the rate schedule category hereinafter indicated:

- ☐ a. Net energy billing rate under part 7835.3300
- ☐ b. Simultaneous purchase and sale billing rate under part 7835.3400
- ☐ c. Time-of-day purchase rates under part 7835.3500.

A copy of the presently filed rate schedule is attached to this contract.

3. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:

- ___a. Net energy billing rate under part 7835.4013
- ___b. Simultaneous purchase and sale billing rate under part 7835.4014
- ___c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

4. The Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity the QF elects the rate schedule category hereinafter indicated:

- ___a. Net energy billing rate under part 7835.4013
- ___b. Simultaneous purchase and sale billing rate under part 7835.4014
- ___c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

The rates referred to under No. 2 in the Uniform Contract, and set forth in Minn. Rules pts. 7835.3200 - .3500 specifically refer to the standard rates for purchases by Cooperative Electric Associations and Municipal Utilities from Qualifying Facilities. The rates referred to under Nos. 3 and 4 in the Uniform Contract, and set forth in Minn. Rules pts. 7835.4013 - .4015 refer to Public Utilities.

The Department recommends that additional clarifying language be added to the Uniform Contract to specifically identify that No. 2 in the contract pertains to Cooperative Electric Associations and Municipal Utilities, and Nos. 3 and 4 pertain to Public Utilities. The Department recommends the following additions:

- 2. The Utility Cooperative Electric Association or Municipal Utility will buy electricity from the QF under the current rate schedule filed with the Commission.
- 3. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission.
- 4. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission.

D. AREA ELECTRIC POWER SYSTEM

Minn. Rules pt. 7835.2100, subp. 2 states "The Area Electric Power System will require proof of complying with the NEC before the interconnection is made." The proposed rules do not include a definition of the Area Electric Power System.

The Commission's Interconnection Standards contained in its September 28, 2004 Order in Docket No. E999/CI-01-1023 defines an Area Electric Power System as "an electric power system (EPS) that serves Local EPS's. Note. Typically an Area EPS has primary access to public rights-of-way, priority crossing of property boundaries, etc." The Department recommends the definition of an Area Electric Power System be added to the list of definitions contained in Minn. Rules pt. 7835.0100.

III. SUMMARY OF DEPARTMENT RECOMMENDATIONS

The Department recommends that the Commission adopt the proposed Rules Governing Cogeneration and Small Power Production with the following revisions:

1. 7835.0100 Subp. 9 Firm Power. ~~"Firm power" means energy delivered by the qualifying facility to the utility with at least a 65 percent on peak capacity factor in the month. The capacity factor is based upon the qualifying facility's maximum on peak metered capacity delivered to the utility during the month.~~ For purposes of this chapter, "Firm power" means the capacity credit for the specified type of generation as determined by the methodology in the most recently approved MISO Resource Adequacy Business Practices Manual.
2. 7835.0800 Schedule E. Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. ~~These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800. These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.2100 and 7835.4750.~~
3. 7835.9910 Uniform Statewide Contract
 2. The ~~Utility~~ Cooperative Electric Association or Municipal Utility will buy electricity from the QF under the current rate schedule filed with the Commission.
 3. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission.
 4. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission.
4. Minn. Rules pt. 7835.0100 Definitions. Area Electric Power System "Area Electric Power System" is an electric power system (EPS) that serves Local EPS's. Note. Typically an Area EPS has primary access to public rights-of-way, priority crossing of property boundaries, etc.

Docket No. E999/R-13-729
Analyst assigned: Susan L. Peirce
Page 6

The Department concludes that the definition of "firm power," may warrant further discussion in a public hearing if the Commission determines a public hearing is necessary.

/It

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. E999/R-13-729

Dated this 4th day of February 2015

/s/Sharon Ferguson

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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Patricia F.	Sharkey	N/A	Midwest Cogeneration Association	P.O. Box 87374 Carol Stream, IL 60188	Paper Service	No	OFF_SL_13-729_Official
Daniel	Wolf	dan.wolf@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551022147	Electronic Service	Yes	OFF_SL_13-729_Official

Minnesota Public Utilities Commission

NOTICE OF CANCELLATION OF HEARING TO PERSONS WHO REQUESTED A HEARING

Proposed Rules Governing Cogeneration and Small Power Production, Minnesota Rules, Chapter 7835

To persons who requested a hearing. The Commission is sending this Notice to all persons who requested a hearing.

The hearing is canceled. In the December 29, 2014, State Register, on pages 959 to 968, the Public Utilities Commission published a Notice of Intent to Adopt Rules relating to cogeneration and small power production. The Notice stated that a hearing would be held on the proposed rules if 25 or more persons submitted written requests for a hearing. In response, the Commission received two requests for a hearing. Consequently, the Commission is canceling the hearing. The Commission will adopt the rules without a hearing and then submit the rules and other required documents to the Chief Administrative Law Judge for review by the Office of Administrative Hearings. The Commission will consider all written comments when it adopts the rules.

Agency Contact Person. The agency contact person is: Kate Kahlert at the Public Utilities Commission, 121 Seventh Place East, Suite 350, and phone: 651-201-2239. Questions or comments concerning the cancellation of the hearing or about the rule adoption process should be directed to the agency contact person.

2-6-15

Date

Kate Kahlert

Kate Kahlert
Commission Attorney

CERTIFICATE OF SERVICE

I, Margie DeLaHunt, hereby certify that I have this day, served a true and correct copy of the following document to all persons at the addresses indicated below or on the attached list by electronic filing, electronic mail, courier, interoffice mail or by depositing the same enveloped with postage paid in the United States mail at St. Paul, Minnesota.

**Minnesota Public Utilities Commission
NOTICE OF CANCELLATION OF HEARING TO PERSONS WHO
REQUESTED A HEARING**

Docket Number **E999/R-13-729**

Dated this **6th** day of **February, 2015**

/s/ Margie DeLaHunt

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
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_13-729_Official
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Jennifer	Kelzer	N/A	Alliance for Industrial Efficiency	David Gardiner & Associates, LLC 2609 11th St N Arlington, VA 22201-2825	Paper Service	No	OFF_SL_13-729_Official
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_13-729_Official

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Patricia F.	Sharkey	N/A	Midwest Cogeneration Association	P.O. Box 87374 Carol Stream, IL 60188	Paper Service	No	OFF_SL_13-729_Official
Daniel P	Wolf	dan.wolf@state.nm.us	Public Utilities Commission	121 7th Place East Suite 350 St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_13-729_Official

K.

**Not Enclosed: Notice of Withdrawal of
Hearing Request**

**This is not enclosed because Minnesota
Statutes, section 14.25 did not require the
Commission to send a notice of withdrawal of
hearing request**

L.

**Copy of the Adopted Rules Dated July
14, 2015. The Modifications to the
Proposed Rules are Reflected in the
Rules as Adopted and are Approved by
the Revisor of Statutes**

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Relating to Cogeneration and Small Power Production**

1.3 **7835.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 3, see M.R.]

1.5 Subp. 4. **Capacity.** "Capacity" means the capability to produce, transmit, or deliver
1.6 electric energy, and is measured by the number of megawatts alternating current at the
1.7 point of common coupling between a qualifying facility and a utility's electric system.

1.8 Subp. 5. **Capacity costs.** "Capacity costs" means the costs associated with
1.9 providing the capability to deliver energy. The utility capital costs consist of the costs
1.10 of facilities used to generate, transmit, and distribute electricity and the fixed operating
1.11 and maintenance costs of these facilities.

1.12 [For text of subp 6, see M.R.]

1.13 Subp. 6a. **Customer.** "Customer" means the person named on the utility electric
1.14 bill for the premises.

1.15 [For text of subps 7 to 15, see M.R.]

1.16 Subp. 15a. **Net metered facility.** "Net metered facility" means an electric generation
1.17 facility constructed for the purpose of offsetting energy use through the use of renewable
1.18 energy or high-efficiency distributed generation sources.

1.19 [For text of subps 16 and 17, see M.R.]

1.20 Subp. 17a. **Point of common coupling.** "Point of common coupling" means the
1.21 point where the qualifying facility's generation system, including the point of generator
1.22 output, is connected to the utility's electric power grid.

1.23 Subp. ~~17a~~ 17b. **Public utility.** "Public utility" has the meaning given in Minnesota
1.24 Statutes, section 216B.02, subdivision 4.

2.1 [For text of subp 18, see M.R.]

2.2 Subp. 19. **Qualifying facility.** "Qualifying facility" means a cogeneration or small
2.3 power production facility which satisfies the conditions established in Code of Federal
2.4 Regulations, title 18, part 292. The initial operation date or initial installation date of a
2.5 cogeneration or small power production facility must not prevent the facility from being
2.6 considered a qualifying facility for the purposes of this chapter if it otherwise satisfies
2.7 all stated conditions.

2.8 [For text of subp 20, see M.R.]

2.9 Subp. 20a. **Standby charge.** "Standby charge" means the rate or fee a utility charges
2.10 for the recovery of costs for the provision of standby service or standby power.

2.11 Subp. 20b. **Standby service.** "Standby service" means:

2.12 A. for public utilities, service or power that includes backup, or maintenance,
2.13 ~~and related services necessary to make electricity service available to the facility,~~ as
2.14 described in the public utility's commission-approved standby tariff, necessary to make
2.15 electricity service available to the distributed generation facility; and

2.16 B. for a utility not subject to the commission's rate authority, the service
2.17 associated with the applicable tariff in effect under Minnesota Statutes, section 216B.1611,
2.18 subdivision 3, clause (2).

2.19 [For text of subps 21 to ~~24~~ 23, see M.R.]

2.20 Subp. 24. **Utility.** "Utility" means:

2.21 [For text of item A, see M.R.]

2.22 B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400,
2.23 7835.4600 to 7835.6100, ~~and~~ 7835.9910, and 7835.9920, any public utility, including
2.24 municipally owned electric utilities and cooperative electric associations, that sells

electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

7835.0200 SCOPE AND PURPOSE.

The purpose of this chapter is to implement certain provisions of Minnesota Statutes, section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code, title 16; section 824a-3; and the Federal Energy Regulatory Commission regulations, Code of Federal Regulations, title 18, part 292. Nothing in this chapter excuses any utility from carrying out its responsibilities under these provisions of state and federal law. This chapter must at all times be applied in accordance with its intent to give the maximum possible encouragement to cogeneration and small power production consistent with protection of the ratepayers and the public.

7835.0400 FILING OPTION.

If, after the January 1, 2015, filing, schedule C is the only change in the cogeneration and small power production tariff to be filed in a subsequent year, the utility may notify the commission in writing, by the date the tariff is due, that there is no other change in the tariff. This notification and new schedule C will serve as a substitute for the refiling of the complete tariff in that year.

7835.0800 SCHEDULE E.

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. These standards and procedures must not be more restrictive than the standards contained in the electrical code under part 7835.2100 or the interconnection standards distributed to customers under part 7835.4750. The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

4.1 **7835.1200 AVAILABILITY OF FILINGS.**

4.2 All filings required by parts 7835.0300 to 7835.1100 must be filed in the commission's
4.3 electronic filing system and be maintained at the utility's general office and any other
4.4 offices of the utility where rate case filings are kept. These filings must be available for
4.5 public inspection at the commission and at the utility offices during normal business hours.

4.6 **7835.1300 GENERAL REPORTING REQUIREMENTS.**

4.7 Each utility interconnected with a qualifying facility must provide the commission
4.8 with the information in parts 7835.1400 to 7835.1800 annually on or before March 1, and
4.9 in such form as the commission may require.

4.10 **7835.1400 NET AVERAGE RETAIL UTILITY ENERGY BILLED QUALIFYING**
4.11 **FACILITIES.**

4.12 For qualifying facilities under net average retail utility energy billing, the utility must
4.13 provide the commission with the following information:

4.14 [For text of item A, see M.R.]

4.15 B. for each qualifying facility type, the total kilowatt-hours delivered per month
4.16 to the utility by all net average retail utility energy billed rate qualifying facilities;

4.17 C. for each qualifying facility type, the total kilowatt-hours delivered per month
4.18 by the utility to all net average retail utility energy billed rate qualifying facilities; and

4.19 D. for each qualifying facility type, the total net energy delivered per month to
4.20 the utility by net average retail utility energy billed rate qualifying facilities.

4.21 **7835.1500 OTHER QUALIFYING FACILITIES.**

4.22 For all qualifying facilities not under net average retail utility energy billing, the
4.23 utility must provide the commission with the following information:

4.24 [For text of items A and B, see M.R.]

5.1 **7835.2100 ELECTRICAL CODE COMPLIANCE.**

5.2 Subpart 1. **Compliance; standards.** The interconnection between the qualifying
5.3 facility and the utility must comply with the requirements in the most recently published
5.4 edition of the National Electrical Safety Code issued by the Institute of Electrical and
5.5 Electronics Engineers. The interconnection is subject to subparts 2 and 3.

5.6 Subp. 2. **Interconnection.** The ~~interconnection customer~~ qualifying facility is
5.7 responsible for complying with all applicable local, state, and federal codes, including
5.8 building codes, the National ~~Electric~~ Electrical Code (NEC), the National ~~Electric~~
5.9 Electrical Safety Code (NESC), and noise and emissions standards. The ~~Area Electric~~
5.10 ~~Power System will~~ utility must require proof of ~~complying that the qualifying facility is~~
5.11 in compliance with the NEC before the interconnection is made. The ~~interconnection~~
5.12 ~~customer~~ qualifying facility must obtain installation approval from an electrical inspector
5.13 recognized by the Minnesota State Board of Electricity.

5.14 Subp. 3. **Generation system.** The ~~interconnection customer's~~ qualifying facility's
5.15 generation system and installation must comply with the American National Standards
5.16 Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards
5.17 applicable to the installation.

5.18 **7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.**

5.19 Subpart 1. **Service to be offered.** The utility must offer maintenance, interruptible,
5.20 supplementary, and backup power to the qualifying facility upon request.

5.21 Subp. 2. **Standby service; public utility.** A public utility may not impose a standby
5.22 charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A
5.23 utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must
5.24 comply with an order of the commission establishing allowable costs.

6.1 Subp. 3. **Standby service; cooperative or municipality.** A cooperative electric
6.2 association or municipal utility must offer a qualifying facility standby power or service
6.3 consistent with its applicable tariff for such service adopted under Minnesota Statutes;
6.4 section 216B.1611, subdivision 3, clause (2).

6.5 **7835.3000 RATES FOR UTILITY SALES TO A QUALIFYING FACILITY TO**
6.6 **BE GOVERNED BY TARIFF.**

6.7 Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility
6.8 must be governed by the applicable tariff for the class of electric utility customers to
6.9 which the qualifying facility belongs or would belong were it not a qualifying facility.

6.10 **7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC**
6.11 **ASSOCIATION OR MUNICIPAL UTILITY.**

6.12 Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility
6.13 and a cooperative electric association or municipal utility.

6.14 **7835.3200 STANDARD RATES FOR PURCHASES BY COOPERATIVE**
6.15 **ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES FROM**
6.16 **QUALIFYING FACILITIES.**

6.17 Subpart 1. **Qualifying facilities with 100 kilowatt capacity or less.** For qualifying
6.18 facilities with capacity of 100 kilowatts or less, standard purchase rates apply. The utility
6.19 must make available three types of standard rates, described in parts 7835.3300, 7835.3400,
6.20 and 7835.3500. The qualifying facility with a capacity of 100 kilowatts or less must
6.21 choose interconnection under one of these rates, and must specify its choice in the written
6.22 contract required in part 7835.2000. Any net credit to the qualifying facility must, at its
6.23 option, be credited to its account with the utility or returned by check within 15 days of the
6.24 billing date. The option chosen must be specified in the written contract required in part
6.25 7835.2000. Qualifying facilities remain responsible for any monthly service charges and
6.26 demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. **Qualifying facilities over 100 kilowatt capacity.** A qualifying facility with more than 100 kilowatt capacity has the option to negotiate a contract with a utility or, if it commits to provide firm power, be compensated under standard rates.

7835.3300 NET AVERAGE RETAIL UTILITY ENERGY BILLING RATE.

Subpart 1. **Applicability.** The net average retail utility energy billing rate is available only to qualifying facilities with capacity of less than 40 kilowatts which choose not to offer electric power for sale on either a time-of-day basis or a simultaneous purchase and sale basis.

[For text of subps 2 and 3, see M.R.]

7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.

Parts 7835.4011 to 7835.4023 apply to interconnections between a qualifying facility and a public utility.

7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES FROM QUALIFYING FACILITIES.

Subpart 1. **Standard rates.** For qualifying facilities with less than 1,000 kilowatt capacity, standard rates apply. The utility must make available the types of standard rates described in parts 7835.4012 to 7835.4015. Qualifying facilities remain responsible for any monthly service charges and demand charges specified in the tariff under which they consume electricity from the utility.

Subp. 2. **Negotiated rates.** A qualifying facility with 1,000 kilowatt capacity or more has the option to negotiate a contract with a utility or, if it commits to provide firm power, be compensated under standard rates.

7835.4012 COMPENSATION.

Subpart 1. **Facilities with less than 40 kilowatt capacity.** A qualifying facility with less than 40 kilowatt capacity has the option to be compensated at the net average

8.1 retail utility energy billing rate, the simultaneous purchase and sale billing rate, or the
8.2 time-of-day billing rate.

8.3 Subp. 2. **Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt**
8.4 **capacity.** A qualifying facility with at least 40 kilowatt capacity but less than 1,000
8.5 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing
8.6 rate, or at the time-of-day billing rate.

8.7 **7835.4013 AVERAGE RETAIL ENERGY RATE.**

8.8 Subpart 1. **Method of billing.** The utility must bill the qualifying facility for the
8.9 energy supplied by the utility that exceeds the amount of energy supplied by the qualifying
8.10 facility during each billing period according to the utility's applicable retail rate schedule.

8.11 Subp. 2. **Additional calculations for billing.** When the energy generated by the
8.12 qualifying facility exceeds that supplied by the utility during a billing period, the utility
8.13 must compensate the qualifying facility for the excess energy at the average retail utility
8.14 energy rate.

8.15 **7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.**

8.16 Subpart 1. **Method of billing.** The qualifying facility must be billed for all energy
8.17 and capacity it consumes during a billing period according to the utility's applicable retail
8.18 rate schedule.

8.19 Subp. 2. **Compensation to qualifying facility.** The utility must purchase all energy
8.20 and capacity which is made available to it by the qualifying facility. At the option of the
8.21 qualifying facility, its entire generation must be deemed to be made available to the utility.
8.22 Compensation to the qualifying facility must be the sum of items A and B.

8.23 A. The energy component must be the appropriate system average incremental
8.24 energy costs shown on schedule A; or if the generating utility has not filed schedule A,
8.25 the energy component must be the energy rate of the retail rate schedule applicable to the

9.1 qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
9.2 not filed schedule A, the energy component must be the energy rate shown on schedule H.

9.3 B. If the qualifying facility provides firm power to the utility, the capacity
9.4 component must be the utility's net annual avoided capacity cost per kilowatt-hour
9.5 averaged over all hours shown on schedule B; or if the generating utility has not filed
9.6 schedule B, the capacity component must be the demand charge per kilowatt, if any, of the
9.7 retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B,
9.8 divided by the number of hours in the billing period; or if the nongenerating utility has not
9.9 filed schedule B, the capacity component must be the capacity cost per kilowatt shown on
9.10 schedule H, divided by the number of hours in the billing period. If the qualifying facility
9.11 does not provide firm power to the utility, no capacity component may be included in the
9.12 compensation paid to the qualifying facility.

9.13 **7835.4015 TIME-OF-DAY PURCHASE RATES.**

9.14 Subpart 1. **Method of billing.** The qualifying facility must be billed for all
9.15 energy and capacity it consumes during each billing period according to the utility's
9.16 applicable retail rate schedule. Any utility rate-regulated by the commission may propose
9.17 time-of-day retail rate tariffs which require qualifying facilities that choose to sell power
9.18 on a time-of-day basis to also purchase power on a time-of-day basis.

9.19 Subp. 2. **Compensation to qualifying facility.** The utility must purchase all energy
9.20 and capacity which is made available to it by the qualifying facility. Compensation to the
9.21 qualifying facility must be the sum of items A and B.

9.22 A. The energy component must be the appropriate on-peak and off-peak system
9.23 incremental costs shown on schedule A; or if the generating utility has not filed schedule
9.24 A, the energy component must be the energy rate of the retail rate schedule applicable to
9.25 the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
9.26 not filed schedule A, the energy component must be the energy rate shown on schedule H.

10.1 B. If the qualifying facility provides firm power to the utility, the capacity
10.2 component must be the utility's net annual avoided capacity cost per kilowatt-hour
10.3 averaged over the on-peak hours as shown on schedule B; or if the generating utility has
10.4 not filed schedule B, the capacity component must be the demand charge per kilowatt,
10.5 if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of
10.6 schedules A and B, divided by the number of on-peak hours in the billing period; or if
10.7 the nongenerating utility has not filed schedule B, the capacity component must be the
10.8 capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours
10.9 in the billing period. The capacity component applies only to deliveries during on-peak
10.10 hours. If the qualifying facility does not provide firm power to the utility, no capacity
10.11 component may be included in the compensation paid to the qualifying facility.

10.12 **7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.**

10.13 Subpart 1. **Applicability.** Individual system capacity limits are subject to the
10.14 requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

10.15 Subp. 2. **Usage history.** A facility subject to capacity limits with less than 12 calendar
10.16 months of actual electric usage or no demand metering available is subject to limits based
10.17 on data for similarly situated customers combined with any actual data for the facility.

10.18 **7835.4017 NET METERED FACILITY; BILL CREDITS.**

10.19 Subpart 1. **Kilowatt-hour credit.** A customer with a net metered facility can elect
10.20 to be compensated for net input into the utility's system in the form of a kilowatt-hour
10.21 credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision
10.22 3a, and the following conditions:

10.23 A. the customer is not receiving a value of solar rate under Minnesota Statutes,
10.24 section 216B.164, subdivision 10;

10.25 B. the customer is interconnected with a public utility; and

11.1 C. the net metered facility has a capacity of at least 40 kilowatt capacity but
11.2 less than 1,000 kilowatt capacity.

11.3 Subp. 2. **Notification to customer.** A public utility must notify the customer of the
11.4 option to be compensated for net input in the form of a kilowatt-hour credit under subpart
11.5 1. The public utility must inform the customer that if the customer does not elect to be
11.6 compensated for net input in the form of a kilowatt-hour credit on the bill, the customer
11.7 will be compensated for the net input at the utility's avoided cost rate, as described in
11.8 the utility's tariff for that customer class.

11.9 Subp. 3. **End-of-year net input.** A public utility must compensate the customer, in
11.10 the form of a payment, for any net input remaining at the end of the calendar year at the
11.11 utility's avoided cost rate, as described in the utility's tariff for that class of customer.

11.12 **7835.4018 AGGREGATION OF METERS.**

11.13 A public utility must aggregate meters at the request of a customer as described in
11.14 Minnesota Statutes, section 216B.164, subdivision 4a.

11.15 **7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR**
11.16 **MORE.**

11.17 A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate
11.18 a contract with the public utility to set the applicable rates for payments to the customer of
11.19 avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents
11.20 a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity
11.21 under its avoided cost rates.

11.22 **7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.**

11.23 The qualifying facility which negotiates a contract under part 7835.4019 must be
11.24 entitled to the full avoided capacity costs of the utility. The amount of capacity payments
11.25 must be determined through consideration of:

11.26 A. the capacity factor of the qualifying facility;

- 12.1 B. the cost of the utility's avoidable capacity;
- 12.2 C. the length of the contract term;
- 12.3 D. reasonable scheduling of maintenance;
- 12.4 E. the willingness and ability of the qualifying facility to provide firm power
- 12.5 during system emergencies;
- 12.6 F. the willingness and ability of the qualifying facility to allow the utility to
- 12.7 dispatch its generated energy;
- 12.8 G. the willingness and ability of the qualifying facility to provide firm capacity
- 12.9 during system peaks;
- 12.10 H. the sanctions for noncompliance with any contract term; and
- 12.11 I. the smaller capacity increments and the shorter lead times available when
- 12.12 capacity is added from qualifying facilities.

12.13 **7835.4021 UTILITY TREATMENT OF COSTS.**

12.14 All purchases from qualifying facilities with capacity of less than 40 kilowatts and

12.15 purchases of energy from qualifying facilities with capacity of 40 kilowatts or more must

12.16 be considered an energy cost in calculating a utility's fuel adjustment clause.

12.17 **7835.4022 LIMITING CUMULATIVE GENERATION.**

12.18 A public utility requesting that the commission limit cumulative generation of net

12.19 metered facilities under Minnesota Statutes, section 216B.164, subdivision 4b, must file

12.20 its request with the commission under chapter 7829.

12.21 **7835.4023 ALTERNATIVE TARIFF FOR VALUE OF SOLAR.**

12.22 If a public utility has received commission approval of an alternative tariff for the

12.23 value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff

12.24 applies to new solar photovoltaic interconnections effective after the tariff approval date.

13.1 **7835.4750 INTERCONNECTION STANDARDS.**

13.2 ~~Prior to signing~~ Before a customer signs the uniform statewide contract, a utility
13.3 must distribute to ~~each~~ that customer a copy of, or electronic link to, the commission's
13.4 order establishing interconnection standards dated September 28, 2004, in docket number
13.5 E-999/CI-01-1023, or to currently effective interconnection standards established by
13.6 subsequent commission order. ~~The utility must provide each customer a copy of, or~~
13.7 ~~electronic link to, subsequent changes made by the commission to any of those standards.~~

13.8 **7835.5900 EXISTING CONTRACTS.**

13.9 Any existing interconnection contract executed between a utility and a qualifying
13.10 facility with capacity of less than 40 kilowatts remains in force until terminated by mutual
13.11 agreement of the parties or as otherwise specified in the contract.

13.12 **7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.**

13.13 ~~A qualifying facility owns~~ Generators own all renewable energy credits unless:

13.14 A. other ownership is expressly provided for ~~in the~~ by a contract between the
13.15 ~~qualifying facility~~ a generator and a utility ~~under part 7835.9910.~~

13.16 B. state law specifies a different outcome; or

13.17 C. specific commission orders or rules specify a different outcome.

13.18 **7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.**

13.19 The form for the uniform statewide contract must be applied to all new and existing
13.20 interconnections between a utility and cogeneration and small power production facilities
13.21 having less than 1,000 kilowatts of capacity, except as described in part 7835.5900.

13.22 UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER
13.23 PRODUCTION FACILITIES

13.24 THIS CONTRACT is entered into _____, _____, by
13.25 _____ (hereafter called "Utility") and

14.1

14.2 (hereafter called "QF").

14.3

RECITALS

14.4

The QF has installed electric generating facilities, consisting

14.5

of _____

14.6

14.7

_____ (Description of facilities),

14.8

rated at _____ kilowatts of electricity, on property located at

14.9

14.10

14.11

The QF is prepared to generate electricity in parallel with the Utility.

14.12

14.13 The QF's electric generating facilities meet the requirements of the Minnesota

14.14

Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and

14.15

Small Power Production and any technical standards for interconnection the Utility has

14.16

established that are authorized by those rules.

14.17

The Utility is obligated under federal and Minnesota law to interconnect with the QF

14.18

and to purchase electricity offered for sale by the QF.

14.19

A contract between the QF and the Utility is required by the Commission's rules.

14.20

AGREEMENTS

The QF and the Utility agree:

14.21

1. The Utility will sell electricity to the QF under the rate schedule in force for the

14.22

class of customer to which the QF belongs.

14.23

2. The Cooperative Electric Association or Municipally Owned Electric Utility will

14.24

buy electricity from the QF under the current rate schedule filed with the Commission.

14.25

The QF elects the rate schedule category hereinafter indicated:

14.26

_____ a. Net Average retail utility energy ~~billing~~ rate under part 7835.3300.

14.27

_____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

15.1 _____ c. Time-of-day purchase rates under part 7835.3500.

15.2 A copy of the presently filed rate schedule is attached to this contract.

15.3 3. The Public Utility will buy electricity from the QF under the current rate schedule
15.4 filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the
15.5 rate schedule category hereinafter indicated:

15.6 _____ a. Net Average retail utility energy billing rate under part 7835.4013.

15.7 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

15.8 _____ c. Time-of-day purchase rates under part 7835.4015.

15.9 A copy of the presently filed rate schedule is attached to this contract.

15.10 4. The Public Utility will buy electricity from the QF under the current rate schedule
15.11 filed with the Commission. If the QF is not a net metered facility and has at least 40
15.12 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule
15.13 category hereinafter indicated:

15.14 _____ a. Simultaneous purchase and sale billing rate under part 7835.4014.

15.15 _____ b. Time-of-day purchase rates under part 7835.4015.

15.16 A copy of the presently filed rate schedule is attached to this contract.

15.17 5. The Public Utility will buy electricity from a net metered facility under the current
15.18 rate schedule filed with the Commission or will compensate the facility in the form of a
15.19 kilowatt-hour credit on the facility's energy bill. If the net metered facility has at least 40
15.20 kilowatts capacity but less than 1,000 kilowatts capacity, the QF elects the rate schedule
15.21 category hereinafter indicated:

15.22 _____ a. Kilowatt-hour energy credit on the customer's energy bill, carried forward
15.23 and applied to subsequent energy bills, with an annual true-up under part 7835.4017.

15.24 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

15.25 _____ c. Time-of-day purchase rates under part 7835.4015.

15.26 A copy of the presently filed rate schedule is attached to this contract.

16.1 ~~5~~ 6. The rates for sales and purchases of electricity may change over the time this
16.2 contract is in force, due to actions of the Utility or of the Commission, and the QF and the
16.3 Utility agree that sales and purchases will be made under the rates in effect each month
16.4 during the time this contract is in force.

16.5 ~~6~~ 7. The Public Utility, Cooperative Electric Association, or Municipally Owned
16.6 Electric Utility will compute the charges and payments for purchases and sales for each
16.7 billing period. Any net credit to the QF, other than kilowatt-hour credits under clause 5,
16.8 will be made under one of the following options as chosen by the QF:

16.9 ____ ~~1~~ a. Credit to the QF's account with the Utility.

16.10 ____ ~~2~~ b. Paid by check to the QF within 15 days of the billing date.

16.11 ~~7~~ 8. Renewable energy credits associated with generation from the facility are
16.12 owned by:

16.13

16.14 ~~8~~ 9. The QF must operate its electric generating facilities within any rules,
16.15 regulations, and policies adopted by the Utility not prohibited by the Commission's
16.16 rules on Cogeneration and Small Power Production which provide reasonable technical
16.17 connection and operating specifications for the QF. This agreement does not waive the
16.18 QF's right to bring a dispute before the Commission as authorized by Minnesota Rules,
16.19 part 7835.4500, and any other provision of the Commission's rules on Cogeneration and
16.20 Small Power Production authorizing Commission resolution of a dispute.

16.21 ~~9~~ 10. The Utility's rules, regulations, and policies must conform to the Commission's
16.22 rules on Cogeneration and Small Power Production.

16.23 ~~10~~ 11. The QF will operate its electric generating facilities so that they conform to
16.24 the national, state, and local electric and safety codes, and will be responsible for the
16.25 costs of conformance.

16.26 ~~11~~ 12. The QF is responsible for the actual, reasonable costs of interconnection
16.27 which are estimated to be \$_____. The QF will pay the Utility in this

17.1 way: _____

17.2 _____.

17.3 ~~12~~ 13. The QF will give the Utility reasonable access to its property and electric
17.4 generating facilities if the configuration of those facilities does not permit disconnection
17.5 or testing from the Utility's side of the interconnection. If the Utility enters the QF's
17.6 property, the Utility will remain responsible for its personnel.

17.7 ~~13~~ 14. The Utility may stop providing electricity to the QF during a system
17.8 emergency. The Utility will not discriminate against the QF when it stops providing
17.9 electricity or when it resumes providing electricity.

17.10 ~~14~~ 15. The Utility may stop purchasing electricity from the QF when
17.11 necessary for the Utility to construct, install, maintain, repair, replace, remove,
17.12 investigate, or inspect any equipment or facilities within its electric system.
17.13 The Utility will notify the QF before it stops purchasing electricity in this
17.14 way: _____

17.15 _____.

17.16 ~~15~~ 16. The QF will keep in force liability insurance against personal or property
17.17 damage due to the installation, interconnection, and operation of its electric generating
17.18 facilities. The amount of insurance coverage will be \$_____ (The amount
17.19 must be consistent with the Commission's interconnection standards under Minnesota
17.20 Rules, part 7835.4750).

17.21 ~~16~~ 17. This contract becomes effective as soon as it is signed by the QF and the
17.22 Utility. This contract will remain in force until either the QF or the Utility gives written
17.23 notice to the other that the contract is canceled. This contract will be canceled 30 days
17.24 after notice is given.

17.25 ~~17~~ 18. This contract contains all the agreements made between the QF and the Utility
17.26 except that this contract shall at all times be subject to all rules and orders issued by
17.27 the Public Utilities Commission or other government agency having jurisdiction over

18.1 the subject matter of this contract. The QF and the Utility are not responsible for any
18.2 agreements other than those stated in this contract.

18.3 THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE
18.4 TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY
18.5 HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT
18.6 THE BEGINNING OF THIS CONTRACT.

18.7 _____

18.8 QF

18.9 By: _____

18.10 _____

18.11 _____

18.12 UTILITY

18.13 By: _____

18.14 _____

18.15 (Title)

18.16 **7835.9920 NONSTANDARD PROVISIONS.**

18.17 A utility intending to implement provisions other than those included in the uniform
18.18 statewide form of contract must file a request for authorization with the commission. The
18.19 filing must conform with chapter 7829 and must identify all provisions the utility intends
18.20 to use in the contract with a qualifying facility.

18.21 **REPEALER.** Minnesota Rules, parts 7835.2300; 7835.2500; 7835.2700; 7835.2900;
18.22 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400;
18.23 7835.5500; 7835.5600; 7835.5700; and 7835.5800, are repealed.

M.

**Not Enclosed: Notice of Substantially
Different Rule**

**This is not enclosed because the Commission
did not adopt substantially different rules**

N.

**Order Adopting Rules that Complies
with the Requirements in Part 1400.2090.**

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
Nancy Lange
Dan Lipschultz
John A. Tuma
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Possible Amendments to Rules
Governing Cogeneration and Small Power
Production, Minnesota Rules, Chapter 7835

ISSUE DATE: July 17, 2015

DOCKET NO. E-999/R-13-729

ORDER ADOPTING RULES

PROCEDURAL HISTORY

In August, 2013, the Commission opened this rulemaking to incorporate recent statutory changes to Minn. Stat. § 216B.164, governing cogeneration and small power production.

On October 30, 2014, at a duly noticed meeting, with a quorum present, the Commission authorized the proposal of rules in Chapter 7835. The proposed rules, along with a Notice of Intent to Adopt, were published in the December 29, 2014, *State Register*.

The Commission received eleven comments on the proposed rules.

The Commission also received two hearing requests during the comment period, neither of which was withdrawn. Under Minn. Stat. § 14.25, an agency is required to hold a public hearing if 25 or more persons submit written requests for a public hearing on the proposed rule. The Commission did not hold a public hearing because the Commission received fewer than 25 hearing requests.

On February 6, 2015, the Commission sent notice of cancellation of the public hearing to those persons who requested a hearing, as well as to those on the official service list for the proceeding. The notice was also made publicly available on the same day, via the Commission's electronic filing system.

The Commission received no requests for notice of the rules' submission to the Office of Administrative Hearings.

The Commission met on June 12, 2015, at a duly noticed meeting, with a quorum of its members present, to adopt the proposed rule amendments.

The agency has complied with all notice and procedural requirements in Minnesota Statutes, Chapter 14; Minnesota Rules, Chapter 1400; and other applicable law. At its June 12 meeting, the Commission adopted the rules, with modifications as set forth below, and authorizing the Executive Secretary to sign this Order.

FINDINGS AND CONCLUSIONS

I. Introduction

Having considered the entire record herein, the Commission finds that the proposed rules are needed and reasonable for the reasons set forth in the Statement of Need and Reasonableness. The Commission makes modifications to the proposed rules as described below.

II. Background

On August 26, 2013, the Commission published a Request for Comments in the *State Register* and did a mass mailing to the rulemaking list, and others potentially interested in or affected by this rulemaking proceeding, requesting comments on amending the rules to incorporate recent statutory changes to Minn. Stat. § 216B.164.

In response to comments received, the Commission appointed an advisory committee, which met monthly between April and August, 2013. Commission staff worked with the committee to identify issues and to further develop possible rule changes in response to committee input, consistent with the Commission's objective to update the rules as necessary to incorporate statutory changes and to make housekeeping changes as necessary to increase clarity. The committee was able to resolve a number of issues, although there were issues on which the committee did not reach consensus.

With input from the committee, the Commission developed proposed rules, which were published in the *State Register* on December 29, 2014, along with a Notice of Intent to Adopt the rules. The Commission issued its Statement of Need and Reasonableness (SONAR) that same day.

The Commission received eleven comments on the proposed rules, most of which include recommended clarifications to the proposed rule language, and most of which the Commission will adopt, as explained in further detail below.

III. Modifications to Proposed Rules

Modifications to proposed rules are governed by Minn. Stat. § 14.05, subd. 2 (b) and (c), which state:

(b) A modification does not make a proposed rule substantially different if:

- (1) the differences are within the scope of the matter announced in the notice of intent to adopt or notice of hearing and are in character with the issues raised in that notice;
- (2) the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice; and
- (3) the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question.

(c) In determining whether the notice of intent to adopt or notice of hearing provided fair warning that the outcome of that rulemaking proceeding could be the rule in question the following factors must be considered:

- (1) the extent to which persons who will likely be affected by the rule should have understood that the rulemaking proceeding on which it is based could affect their interests;
- (2) the extent to which the subject matter of the rule or issues determined by the rule are different from the subject matter or issues contained in the notice of intent to adopt or notice of hearing; and
- (3) the extent to which the effects of the rule differ from the effects of the proposed rule contained in the notice of intent to adopt or notice of hearing.

The Commission makes the following modifications, which do not make the proposed rules substantially different, as explained below.

A. 7835.0100, subp. 5. Capacity Costs.

The Commission will make the following technical correction to the definition of “capacity costs.” The definition will be modified to read:

“Capacity costs” means the costs associated with providing the capability to deliver energy. ~~They consist of~~ The utility capital costs consist of the costs of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

The Commission makes this change to ensure grammatical accuracy and to simply and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed.

B. Part 7835.0100. Point of Common Coupling.

The proposed rule defines “capacity” as the number of megawatts alternating current at the “point of common coupling.” The Commission received comments from Minnesota Power recommending that the definition be modified to state that it is measured by the number of megawatts alternating current at the “point of generator output,” instead of at the “point of common coupling.” The Commission concurs that generator output (the customer’s actual output) is relevant in measuring capacity.

To address the issue raised, however, the Commission will separately define “point of common coupling.” Use of this term is consistent with recent Commission decisions, including the Commission’s decision establishing interconnection standards, which define “point of common coupling” as the point where the local area electric power system (the customer’s system) is connected to an area electric power system (the utility’s system).¹

The Commission will therefore define the term as follows:

“Point of common coupling” means the point where the qualifying facility’s generation system, including the point of generator output, is connected to the utility’s electric power system.

It is necessary and reasonable to define this term consistent with the definition contained in the Commission’s interconnection standards and to clarify that the point of generator output is relevant in measuring capacity.²

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Adding a definition of “point of common coupling” is within the scope of the changes contained in the Notice of Intent to Adopt, which states that the proposed rules incorporate statutory changes affecting capacity. It is a logical outgrowth of these changes and the comments received to clarify that measuring the capacity of a customer’s facility includes measuring generator output.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which incorporate and clarify the new statutory definition of “capacity.” And based on Minnesota Power’s comments, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

C. 7835.0100, subp. 20a. Standby Charge.

The Midwest Cogeneration Association recommended clarifying that a standby charge is the rate or fee imposed by a utility for “the recovery of costs for the provision” of standby service.

The Commission concurs with the Midwest Cogeneration Association to further clarify the rule, as recommended. The Commission will therefore modify the proposed definition of “standby charge” to read:

“Standby charge” means the rate or fee a utility charges for the recovery of costs for the provision of standby service or standby power.

¹ *In the Matter of Establishing Generic Standards for Utility Tariffs for Interconnection and Operation of Distributed Generation Facilities under Minnesota Laws 2001, Chapter 212*, Docket No. E-999/CI-01-1023, Order Establishing Standards (September 28, 2004); and *In the Matter of the Petition of Northern States Power Company, d/b/a Xcel Energy for Approval of its Proposed Community Solar Garden Program*, E-002/M-13-867, Order Approving Solar Garden Plan with Modifications (September 17, 2014).

² By the time the Commission met to consider adopting the proposed rules, Minnesota Power had concurred with staff’s recommended definition of “point of common coupling.”

The Commission makes this change to simplify and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. But this change, to the extent that it is more specific, and therefore different from the proposed rule, is a logical outgrowth of, and within the scope of, the Notice and proposed rules, which provided notice of changes affecting standby charges. And based on the comments of the Midwest Cogeneration Association, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

D. 7835.0100, subp. 20b. Standby Service.

The Commission concurs with a recommendation of Minnesota Power to modify the definition of ‘standby service’ to use “distributed generation facility,” in place of “facility.” This is consistent with use of “distributed generation facility” in the statutory definition of “standby charge.”

The Commission will also modify the proposed rule to increase clarity by removing the phrase “related services.” Standby service includes “backup” or “maintenance” services, both of which the existing rules define. It is therefore unnecessary to include the phrase “related services.”

With these two changes, the Commission will also make a technical correction to increase grammatical clarity in the proposed rule by moving the phrase “as described in the public utility’s commission-approved standby tariff” to the middle of the sentence. The proposed rule will therefore be modified to read:

“Standby service” means:

A. for public utilities, service or power that includes backup or maintenance and related services, as described in the public utility’s Commission-approved standby tariff, necessary to make electricity service available to the distributed generation facility as described in the public utility’s commission-approved standby tariff;

These changes are necessary and reasonable to increase clarity and to make the rule more consistent with the statutory language.

These changes do not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). The Commission makes these changes to simplify and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. But this change, to the extent that it is more specific, and therefore different from the proposed rule, is a logical outgrowth of, and within the scope of, the Notice and proposed rules, which provided notice of changes affecting standby charges. And based on the comments of Minnesota Power, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

E. 7835.0100, subp. 24. Utility.

Missouri River Energy Services (MRES) recommended a technical clarification to the definition of “utility” to include a reference to proposed rule provision, 7835.9920, governing nonstandard contract provisions.

The Commission concurs with MRES and will therefore modify the proposed rule to read:

“Utility” means:

[Text of item A omitted here]

B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400, 7835.4600 to 7835.6100, ~~and 7835.9910~~, and 7835.9920, any public utility, including municipally owned electric utilities and cooperative electric associations, that sells electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

This correction clarifies, without altering the meaning or effect of the rule as proposed, that the existing definition applies to the proposed rule part cited. Proposed rule part 7835.9920 is not intended to apply to municipal electric utilities with separate rules that are in effect and consistent with the Commission’s rules.

F. 7835.0800. Schedule E.

The Commission received comments from the Department of Commerce (the Department) and Powerfully Green recommending that the Commission modify the proposed rule by *not* striking the following sentence:

These standards and procedures must not be more restrictive than the interconnection guidelines listed in parts 7835.4800 to 7835.5800.

The proposed rule showed this sentence with a strikethrough because the rule parts cited will be repealed, but in comments, the Department and Powerfully Green stated that retaining the sentence and citing to other applicable rule parts clarifies the existing policy objective that utility standards and procedures must not be more restrictive than what is required by other, applicable standards.

The comments recommended citing to existing rule part 7835.2100, which governs compliance with the National Electrical Safety Code, and to proposed rule part 7835.4750, which requires each utility to distribute copies of the Commission’s standards to their customers before they sign the uniform statewide contract.

The Commission concurs with the comments that clarifying the sentence, rather than striking it, is reasonable and will modify the sentence to read as follows:

These standards and procedures must not be more restrictive than the standards contained in the electrical code under part 7835.2100 or the interconnection standards distributed to customers under part 7835.4750.

This change is necessary and reasonable to underscore the current policy objective limiting a utility from establishing more restrictive standards and procedures than are required by the National Electrical Safety Code or by the Commission.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Clarifying the sentence using updated citations, rather than striking it, is within the scope of the changes contained in the Notice of Intent to Adopt, which states that the proposed rules affect interconnection standards. It is a logical outgrowth of these changes and the comments received to update the rule citations listed.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which remove references to outdated interconnection guidelines. And based on the comments of the Department and Powerfully Green, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

G. 7835.2100. Electrical Code Compliance.

The Commission received comments from the Department and MRES recommending clarifications to the proposed rule language.

1. Subpart 1

MRES recommended clarifying subpart 1 of the proposed rule by adding the following language, as underlined:

The interconnection between the qualifying facility and the utility must comply with the requirements in the most recently published edition of the National Electrical Safety Code, ~~1981 edition~~, issued by the Institute of Electrical and Electronics Engineers as ~~American National Standards Institute Standard C2 (New York, 1980)~~. The interconnection is subject to subparts 2 and 3.

The Commission concurs with the recommended clarification of MRES. The editions of the National Electric Safety Code are issued every five years, and the Commission will therefore incorporate the proposed modification. This change is necessary and reasonable to increase clarity and to eliminate possible confusion over which edition applies.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Clarifying language governing electrical code compliance is within the scope of the changes contained in the Notice of Intent to Adopt, which states that the proposed rules include housekeeping changes to increase clarity. It is a logical outgrowth of these changes and the comments received to clarify which edition of the National Electrical Safety Code is applicable.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which require compliance with the National Electrical Safety Code. And based on the comments of MRES, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

2. Subparts 2 and 3

The Department recommended adding to the rules a definition of “electric area power system,” which is defined by the Commission’s interconnection standards as “an electric power system that serves local electric power systems.”³

To address this issue, the Commission will use “qualifying facility” and “utility,” consistent with existing rule language (rather than use the terms “interconnection customer” and “area electric power system,” which are used in the Commission’s order establishing interconnection standards). The Commission will therefore modify subparts 2 and 3 as follows:

Subpart 2. **Interconnection.**

The ~~interconnection customer~~ qualifying facility is responsible for complying with all applicable local, state, and federal codes, including building codes, the National Electrical Code (NEC), the National Electrical Safety Code (NESC), and noise and emissions standards. The ~~Area Electric Power System will~~ utility must require proof of ~~complying that the qualifying facility is in compliance~~ with the NEC before the interconnection is made. The ~~interconnection customer~~ qualifying facility must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 3. **Generation system.**

The ~~interconnection customer’s~~ qualifying facility’s generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers(ANSI/IEEE) standards applicable to the installation.

These changes are necessary and reasonable to increase clarity by eliminating possible confusion between language used in existing rule parts and language used in the Commission’s interconnection standards.

These changes do not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). The Commission makes these changes to simplify and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. But this change, to the extent that it is more specific, and therefore different from the proposed rule, is a logical outgrowth of, and within the scope of, the Notice, which states that the proposed rules include housekeeping changes to increase clarity. Clarifying terminology is logically within the scope of the issues identified in the Notice. And based on the Department’s comments, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

H. 7835.4019. **Qualifying Facilities of 1,000 Kilowatt Capacity or More.**

The Commission will make a technical correction to the first sentence of proposed rule part 7835.4019 to clarify that the rule applies to interconnections with a *public* utility. The proposed rule will therefore read:

³ *Id.*

A qualifying facility with 1,000 kilowatt capacity or more must negotiate a contract with the public utility to set the applicable rates for payments to the customer of avoided capacity and energy costs.

The Commission makes this change to simplify and clarify its rule language in a manner that does not alter the meaning, or effect of the rule as proposed.

I. 7835.4750. Interconnection Standards.

This proposed rule requires a utility to distribute to each customer, prior to signing the uniform statewide contract, a copy of the Commission's current interconnection standards, and to provide to each customer subsequent changes to the standards. MRES recommended that the proposed rule be modified to allow utilities the option of satisfying the notification requirement by publishing notice of the Commission's interconnection standards in a newspaper of general circulation, along with information on where customers can obtain a copy of the standards.

MRES stated that it would be burdensome for some utilities, particularly smaller utilities, to notify customers individually of subsequent changes to the standards.

The proposed rule is intended to require a utility to provide the Commission's interconnection standards (or subsequent changes to the standards) only *prior* to signing the contract with the customer. The Commission will therefore address the issue raised by MRES by clarifying the proposed rule to read as follows:

Before a customer signs the uniform statewide contract, a utility must distribute to that customer a copy of, or electronic link to, the commission's order establishing interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023, or to currently effective interconnection standards established by subsequent commission order.

This change is necessary and reasonable to clarify that a utility must distribute the interconnection standards to customers prior to when they sign the contract.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Modifying the language to clarify the responsibilities of a utility to provide information to customers is within the scope of the changes contained in the Notice of Intent to Adopt, which states that the proposed rules include changes affecting the uniform statewide contract. It is a logical outgrowth of these changes and the comments received to clarify that a utility is required to distribute the Commission's interconnection standards to new customers before they sign the contract but is not required to subsequently distribute any changes made to those standards to all customers.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which require utilities to provide customers with the Commission's interconnection standards before they sign the contract. And based on the comments of MRES, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

J. 7835.5900. Existing Contracts.

MRES recommended clarifying the proposed rule, which incorporates statutory language affecting existing interconnections. The statute applies the uniform statewide contract to all new and existing interconnections *except that existing contracts may remain in force until terminated by mutual agreement between both parties.*

MRES stated that some utilities might, under existing contracts, exercise a unilateral right to terminate, according to the terms of the existing contract. While the statute was amended to apply the uniform statewide form of contract to all new and existing contracts, the statute states that “existing contracts *may* remain in force until terminated by mutual agreement between both parties.” MRES recommended modifying the proposed rule to add the phrase “or as otherwise specified in the contract” as shown in bold below:

Any existing interconnection ~~contracts~~ contract executed between a utility and a qualifying facility with installed capacity of less than 40 kilowatts ~~before November 13, 1984, may be canceled and replaced with the uniform statewide contract at the option of either party by either party giving the other written notice~~ remains in force until terminated by mutual agreement of the parties or as otherwise specified in the contract. ~~The notice is effective upon the shortest period permitted under the existing contract for termination, but not less than ten nor more than 30 days.~~

The Commission concurs that this modification clarifies that parties will continue to have the option to exercise their rights to terminate, which are otherwise in effect under an existing contract. The Commission will therefore modify the proposed rule language as recommended.

This change is necessary and reasonable to ensure flexibility for regulated entities, as anticipated by the statute. The statute’s use of the word “may remain in force” leaves discretion to allow parties to be governed by the terms of an existing contract.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Modifying the language to incorporate flexibility anticipated by the statute is within the scope of the changes contained in the Notice of Intent to Adopt, which states that the proposed rules include changes affecting the uniform statewide contract. It is a logical outgrowth of these changes and the comments received to clarify that parties have the option to terminate their contracts by mutual agreement, or as otherwise specified in the contract.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which incorporate statutory changes governing contract termination, consistent with the statutory changes. And based on the comments of MRES, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

K. 7835.5950. Renewable Energy Credit; Ownership.

Xcel Energy recommended changes to the proposed rule to incorporate the precise language from the Commission's decision on renewable energy credit (REC) ownership.⁴ Xcel recommended that the rule be modified to read:

~~A qualifying facility owns~~ Generators own all renewable energy credits unless (1) other ownership is expressly provided for ~~in the~~ by a contract between the qualifying facility a generator and a utility ~~under part 7835.9910;~~ (2) state law specifies a different outcome, or (3) specific Commission orders or rules specify a different outcome.

The Commission concurs with Xcel that this is a reasonable change and will therefore modify the proposed rule as recommended. This change is necessary and reasonable to further clarify the proposed rule, consistent with the Commission's decision governing REC ownership.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). The Commission makes this change to simply and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. But this change, to the extent that it is more specific, and therefore different from the proposed rule, is a logical outgrowth of, and within the scope of, the Notice, which provided notice that the proposed rules include housekeeping changes to increase clarity. It is a logical outgrowth of these changes and the comments received to more precisely incorporate the language from the Commission's decision governing REC ownership. And based on Xcel's comments, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

L. 7835.9910. Uniform Statewide Contract; Form.

The Commission received comments on proposed changes to the uniform statewide contract from Xcel Energy, the Minnesota Rural Electric Association (MREA), and the Department.

1. Kilowatt-hour credits

The recent statutory changes include a provision stating that a net metered facility (with capacity of at least 40 kW but less than 1,000 kW) has the option to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill carried forward and applied to subsequent energy bills.⁵ The proposed rules incorporate this statutory provision in proposed rule part 7835.4017. Through inadvertence, however, the proposed rule changes to the uniform statewide contract do not list the kilowatt-credit as an available option to qualifying customers.⁶

⁴ *In the Matter of a Commission Inquiry into Ownership of Renewable Energy Credits Used to Meet Minnesota Requirements*, Docket No. E-999/CI-13-720, Order Determining Renewable Energy Credit Ownership Under Minn. Stat. § 216B.164 (July 22, 2014).

⁵ Minn. Stat. § 216B.164, subd. 3a.

⁶ The existing contract language lists compensation rates that correspond to rule parts governing the rate category listed. For example, clause 2 of the contract lists three rate categories, each with a citation to the corresponding rule part governing the rate listed.

In response to the proposed rules, Xcel stated that it would not bank a customer's kilowatt-hour credits for net input. Instead, customers would be compensated for net input at the avoided cost rate (generally lower than the kilowatt-hour credit rate) in the form of a payment (not kilowatt-hour credits) each month.

The Commission will therefore modify the proposed rule to include a clause allowing net metered facilities to select the kilowatt-hour credit option; the clause will correspond to rule part 7835.4017 and will read as follows:

5. The Public Utility will buy electricity from a net metered facility under the current rate schedule filed with the Commission or will compensate the facility in the form of a kilowatt-hour credit on the facility's energy bill. If the net metered facility has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

- a. kilowatt-hour energy credit on the customer's energy bill, carried forward and applied to subsequent energy bills, with an annual true-up under part 7835.4017.
- b. Simultaneous purchase and sale billing rate under part 7835.4014.
- c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

The Commission will also clarify clause 4 of the contract to state that it applies to *non*-net metered facilities by adding the following language:

If the QF is not a net metered facility and has at least 40 kilowatt capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

These changes are necessary and reasonable to clarify that a net metered facility has the option to elect the compensation rate governed by proposed rule part 7835.4017, which authorizes a customer to elect compensation in the form of a kilowatt-hour credit on the customer's energy bill.

This change does not create a substantially different rule under Minn. Stat. § 14.05, subd. 2 (b). Incorporating a contract clause to allow a net metered customer to select a form of payment, as set forth in a corresponding proposed rule provision, is within the scope of the changes contained in the Notice of Intent to Adopt, which notified persons that the proposed rules incorporate statutory changes governing billing compensation rates for facilities. It is a logical outgrowth of these changes and the comments received to add a contract clause that enables customers to elect the compensation rate set forth in part 7835.4017.

Furthermore, fair warning of this change was provided. It is consistent with the issues contained in the Notice and is similar in effect to the proposed rules, which authorize a customer with a net metered facility to select compensation in the form of a kilowatt-hour credit under part 7835.4017. And based on Xcel's comments, affected persons should have understood, and did understand, that this rulemaking proceeding could affect their interests.

2. Use of “utility”

The Department recommended clarifying use of the term “utility” by instead using “cooperative electric association or municipal electric utility” in clause 2 of the contract and by using “public utility” in clauses 3 and 4 of the contract.

MREA similarly recommended that the proposed rule be modified to specify that the contract governs interconnections between: a cooperative electric association or a municipal electric utility and a qualifying facility having less than 40 kW capacity; or a public utility and a qualifying facility having less than 1,000 kW capacity. MREA also recommended adding language to state that contract terms applicable only to public utilities are not required in the contract used by cooperative electric associations or municipal electric utilities.

The Commission concurs with the recommendations of the Department and MREA to clarify its use of “utility.” To address the issues identified in comments, the Commission will modify clause 2 to read:

The Cooperative Electric Association or Municipally Owned Electric Utility will buy electricity from the QF under the current rate schedule filed with the Commission.

The Commission will also modify the first sentence in clauses 3, 4 and 5 of the contract to state that the “public” utility will buy electricity,

Further, the Commission will clarify use of “utility” in the language of clause 7 (previously numbered as clause 6), which governs the form of payment to be made. The Commission will also modify that clause to clarify that the customer, except a net metered customer who has elected compensation in the form of a kilowatt-hour credit, has the option to elect the form of payment listed.

Clause 7 will therefore be modified to read:

7. The Public Utility, the Cooperative Electric Association, or the Municipally Owned Electric Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF, other than kilowatt-hour credits under clause 5 above, will be made under one of the following options as chosen by the QF:

___ 1 a. Credit to the QF's account with the Utility.

___ 2 b. Paid by check to the QF within 15 days of the billing date.

These changes are necessary and reasonable to increase clarity in the use of “utility” and to ensure that payment options are consistent with existing rule language, as well as with the statutory change governing kilowatt-hour credits for net metered facilities.

The Commission makes these changes to simplify and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. These changes, to the extent that they are more specific, and therefore different from the proposed rule, are also a logical outgrowth of, and within the scope of, the Notice and proposed rules, which provided notice of changes to the uniform statewide contract.

In addition, fair warning was provided. These changes are nearly identical in effect to the proposed rules and are consistent with proposed rule part 7835.4017. And based on the comments of the Department and MREA, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

M. Average Retail Utility Energy Rate.

7835.1400; 7835.1500; 7835.3300; 7835.4012; and 7835.9910 – Average Retail Utility Energy Rate.

The Commission will make a technical correction to the rules by replacing “net energy billing rate” with “average retail utility energy rate.” These terms are used interchangeably but “net energy billing rate” is not a defined term. The term “average retail utility energy rate” is, however, defined under part 7835.0100, subp. 2a, and the Commission will therefore update the rules to incorporate its use throughout the rule chapter.

The proposed rules use “average retail energy rate” in proposed rule part 7835.4013, but use “net energy billing rate” in proposed rule part 7835.4012. In comments on the proposed rules, Minnesota Power recommended using the retail energy rate in place of the net energy billing rate in proposed rule part 7835.4012.

The Commission concurs with Minnesota Power and will therefore adopt use of “average retail utility energy rate” in proposed rule part 7835.4012, as well as in parts 7835.1400, 7835.1500, 7835.3300, and 7835.9910, clause 2, of the uniform statewide form of contract.⁷

The Commission makes these changes to simplify and clarify its rule language in a manner that does not alter the meaning or effect of the rule as proposed. These changes, to the extent that they are more specific, and therefore different from the proposed rule, are also a logical outgrowth of, and within the scope of, the Notice and proposed rules, which provided notice of housekeeping changes. In addition, fair warning was provided. These changes are nearly identical in effect to the proposed rules, which use the terms interchangeably. And based on Minnesota Power’s comments, affected persons should have understood, and did understand, that their interests could be affected by this rulemaking proceeding.

⁷ The adopted rules will show “average retail utility energy rate” in place of “net energy billed rate” and will show “average retail utility energy billing” in place of “net energy billing.”

IV. Modifications Recommended in Public Comments and Not Made

The Commission received comments recommending the following additional changes to the rules as proposed.⁸

A. 7835.0100, subp. 9. Firm Power.

The Commission did not propose changing the definition of “firm power,” but the Commission received comments from the Department, Fresh Energy, and the Midwest Cogeneration Association recommending that the Commission adopt a new definition of “firm power.” The existing rule definition reads:

“Firm power” means energy delivered by the qualifying facility to the utility with at least a 65 percent on-peak capacity factor in the month. The capacity factor is based upon the qualifying facility’s maximum on-peak metered capacity delivered to the utility during the month.”

“Firm power” is used in current rule parts governing compensation rates to qualifying facilities that are interconnected with a public utility, a cooperative electric association, or a municipal electric utility. The proposed rules do not incorporate any changes to the existing definition.

Under the current rules, a qualifying facility that commits to provide firm power will be compensated at the avoided cost rate, which includes an energy and a capacity component.⁹ The capacity component is not, however, included in the compensation rate if the qualifying facility does not commit to provide firm power. The existing rules also include a methodology for determining the capacity component. Each utility’s specific costs and calculations are detailed in tariffs.

Commitments to provide firm power help offset a utility’s capacity requirement for serving its load and therefore the capacity component is excluded from the compensation rate paid to qualifying facilities that do not commit to provide firm power.

The proposed rules incorporate existing public policy by requiring larger qualifying facilities (with capacity of at least 40 kW but less than 1,000 kW) to commit to provide firm power to receive the avoided cost rate, including both the energy *and capacity* components.¹⁰

⁸ By the time the Commission met to consider whether to adopt the proposed rules, Otter Tail Power and Minnesota Power stated that they concurred with staff’s recommendation to make no further changes to the definition of “capacity,” although in comments they had recommended modifying the proposed rule definition.

⁹ The exception to this billing rate applies to net metered facilities that produce monthly net input and elect to be compensated in the form of a kilowatt-hour credit carried forward to subsequent energy bills.

¹⁰ Language in the proposed rules incorporates language from existing rule parts 7835.3400 and 7835.3500.

1. Comments

The Department, Fresh Energy, and the Midwest Cogeneration Association recommended repealing the existing definition and instead using a definition consistent with how Midcontinent Independent System Operator (MISO) determines accredited capacity for specific types of generation in its Business Practices Manual.

The Department recommended the following definition:

“Firm power” means the capacity credit for the specified type of generation as determined by the methodology in the most recently approved MISO Resource Adequacy Business Practices Manual.

The Department stated that the current definition of “firm power” is outdated, is contrary to MISO rules and practices, and is inconsistent with recent Commission orders and Department positions.

Fresh Energy and the Midwest Cogeneration Association also recommended further exploring how firm power requirements affect all types of distributed generation.

The Midwest Cogeneration Association stated that limiting compensation (excluding the capacity component) to qualifying facilities that do not commit to provide firm power unfairly penalizes qualifying facilities that use the majority of their power to meet their own load. Further, the Midwest Cogeneration Association stated that the statute requires compensation at the avoided cost rate, which includes the capacity component.

The Commission also received comments from A Work of Art Solar Sales and Sundial Solar recommending that qualifying facilities not be required to make commitments to provide firm power.¹¹

2. Commission Action

The MISO methodology for determining capacity credits varies because there are multiple types of capacity credits (e.g., intermittent, region wide, or wind). And use of a MISO methodology may not be applicable to all utilities, such as cooperatives and municipalities, meaning that a new definition of “firm power” would not necessarily fit all rule parts where the term is used.

It is also unclear if adopting the MISO methodology would conflict with the existing rule methodology for determining the capacity component of the avoided cost rate. Any correlation between the MISO methodology and the rule’s methodology could be considered when evaluating individual utility tariffs detailing capacity costs and credits, and therefore analyzing utility filings might be more effective than amending the rule at this time.

The advisory committee did not develop this issue, which appears to warrant additional discussion before making rule changes. Further, Minn. R. 7829.3200 governs rule variances, which can be used to vary a Commission rule under certain circumstances.

¹¹ These comments were filed on April 14, 2015, after the comment period closed.

For these reasons, the Commission declines to adopt a new definition of “firm power.”

B. 7835.0100, Subparts 20a and 20b. Standby Charge and Standby Service.

Fresh Energy and the Midwest Cogeneration Association recommended using the statutory definition of standby charge, stating that it is more accurate. The Midwest Cogeneration Association stated that the proposed rule should not limit standby service to “backup, maintenance and related services” and recommended that these issues be further explored, consistent with the Commission’s directive to open a generic proceeding to address standby rates.¹²

Although the Midwest Cogeneration Association had recommended against limiting the definition of standby service to “backup, maintenance, and related services,” the proposed rule is consistent with utility tariffs, which ordinarily treat backup and maintenance services as types of standby service.

The Commission declines to adopt the exact statutory language without any clarifications. The existing rules contain definitions of: backup power, interruptible power, maintenance power, and supplementary power. Typically, utility tariffs do not describe standby service as interruptible and supplementary power; and no one recommended considering other types of power, other than these, for inclusion in the definition.

Further, these issues will continue to be developed in the Commission’s generic proceeding on standby rates. For these reasons, the Commission declines to adopt this change.

C. 7835.4020. Amount of Capacity Payments; Considerations.

The City of Minneapolis, Hennepin County, the Metropolitan Council, and the Metropolitan Airports Commission jointly recommended adding a definition of “accredited capacity” to be used in part 7835.4020, which governs capacity payments.

They recommended the following definition:

“Accredited capacity” means the capacity of a qualifying facility determined by the Midcontinent Independent System Operator (“MISO”) or such governing organization that replaces MISO, that allows the facility’s accredited capacity to be included as part of a load serving entity’s plan for resource adequacy.

They recommended using the term in proposed rule part 7835.4020 as follows:

The qualifying facility which negotiates a contract under part 7835.4019 must be entitled to the full avoided capacity costs of the utility if the utility needs capacity within a 10-year planning period. The amount of capacity payments must be determined through consideration of the following, without requirement that all be met: _____

¹² See *In the Matter of a Rate for Large Solar Photovoltaic Installations* Order Setting Final Solar Photovoltaic Standby Service Capacity Credit, Requiring Updates, and Requiring Compliance Filing, Docket No. E-002/M-13-315 (May 19, 2014).

- A. the capacity factor of the qualifying facility;
- B. the cost of the utility's avoidable capacity;
- C. the length of the contract term;
- D. reasonable scheduling of maintenance;
- E. the willingness and ability of the qualifying facility to provide firm power during system emergencies;
- F. the willingness and ability of the qualifying facility to allow the utility to dispatch its generated energy;
- G. the willingness and ability of the qualifying facility to provide firm capacity during system peaks;
- H. the sanctions for noncompliance with any contract term; and
- I. the smaller capacity increments and the shorter lead times available when capacity is added from qualifying facilities.
- J. the expected accredited capacity, capacity value, or expected capacity value to the utility in its resource plan.

This issue was not developed by the advisory committee, and it is unclear, without further discussion, whether a definition based on a MISO determination would effectively address the issue identified.

Further, this change appears to be unnecessary because accredited capacity can be considered under F or G above. The Commission therefore declines to adopt this change.

V. Modification to the Statement of Need and Reasonableness (SONAR)

Minnesota Power recommended amending language on page 24 of the SONAR, which identifies the persons who will probably benefit from the proposed rule. Included in the list are “retail electric customers, who will offset reliability concerns during outages by using electricity they are producing.”

Minnesota Power stated the Commission’s interconnection standards require that during outages, the qualifying facility’s generation system be shut down as well. As a result, customers without a backup generator installed will not have power during outages. According to Minnesota Power, this prevents unintentional back feed and energizing of the utility system.

The Commission concurs with Minnesota Power that this is generally true and will therefore correct the SONAR as recommended by striking the following language:

retail electric customers, who will offset reliability concerns during outages by using electricity they are producing.

VI. Conclusion

The Commission adopts and incorporates the Statement of Need and Reasonableness as the factual basis for the proposed rules, as modified above. The Commission finds that the proposed rules, as modified above, are needed and reasonable. The Commission adopts the proposed rules, as modified above.

ORDER

1. The Commission adopts the above-captioned rules, in the form set out in the *State Register* on December 29, 2014, with the modifications set forth above and indicated in the Revisor's draft, file number AR4214, dated July 14, 2015.
2. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary



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.

O.

**Not Enclosed: Notice of Submission of
Rules to OAH**

**This is not enclosed because no persons
requested notification of the submission of the
rules to OAH**

P.

Other Documents, including a copy of the letter showing the agency sent notice sent to Legislators; and a copy of the letter showing that the Commission consulted with MMB

Minnesota Public Utilities Commission

**CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND
REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING
COMMISSION**

**Proposed Rules Governing Cogeneration and Small Power Production, Minnesota Rules,
Chapter 7835**

Revisor's ID Number R-04214

I certify that on December 29, 2014, when the Commission mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by either depositing them in the United States mail with postage prepaid. I mailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.

A handwritten signature in dark ink, appearing to read "Kate Kahlert", is written over a horizontal line.

Kate Kahlert
Commission Attorney



December 29, 2014

Senator John Marty
Environment and Energy Committee
323 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator David J. Tomassoni
Environment, Economic Development and
Agriculture Budget Division
State Capitol, Room G-9
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Melissa Hortman
Energy Policy Committee
377 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Atkins
Commerce and Consumer Protection
Finance and Policy Committee
583 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Legislative Coordinating Commission
72 State Office Building
100 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155

Senator David M. Brown
Environment and Energy Committee
109 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Senator Bill Ingebrigsten
Environment, Economic Development and
Agriculture Budget Division
143 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Pat Garofalo
Energy Policy Committee
247 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Representative Joe Hoppe
Commerce and Consumer Protection
Finance and Policy Committee
343 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Public Utilities Commission Governing
Cogeneration and Small Power Production; Revisor's ID Number R-04214

Dear Legislators:

The Public Utilities Commission intends to adopt rule amendments that incorporate recent statutory changes to Minn. Stat. § 216B.164 governing cogeneration and small power production.

The Commission currently has rules governing interconnections between utilities and qualifying facilities (cogeneration and small power production facilities) entitled under federal law to sell their output to utilities. The rules govern filing and reporting requirements, conditions of service, compensation rates, wheeling and exchange agreements, interconnection guidelines, and they also establish a uniform statewide contract.

During the 2013 legislative session, the Legislature amended Minn. Stat. § 216B.164 governing cogeneration and small power production. The statutory changes primarily affect interconnections between qualifying facilities and *public utilities*.

The statutory changes increase the capacity limit for facilities interconnecting to a public utility. Under the changes, the limit increases from *less than 40 kilowatts (kW)* to *less than 1,000 kW*.

The statutory changes also include:

- establishing a new annual billing/accrediting method;
- prohibiting standby charges for facilities under 100 kW;
- requiring public utilities to aggregate meters for net metering at customer's request;
- authorizing the Commission to limit cumulative generation from net-metered facilities and permitting a public utility to request that the Commission set such limits;
- authorizing public utilities to limit capacity to 120% of demand for wind customers and to 120% of energy consumption for solar photovoltaic customers; and
- changing requirements governing the uniform statewide contract to incorporate the new net-metering threshold.

This rulemaking proceeding will update the rules to incorporate the recent statutory changes and to make housekeeping changes as necessary.

Minnesota Statutes, section 14.116, states:

“14.116 NOTICE TO LEGISLATURE.

When an agency mails notice of intent to adopt rules under section 14.14 or 14.22, the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and to the Legislative Coordinating Commission.

In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house and senate authors of the bill granting the

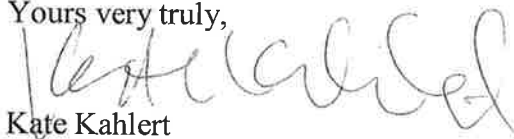
rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill.”

We plan to publish a Notice of Intent to Adopt Rules in the December 29, 2014 State Register and are now mailing the Notice under section 14.14 or 14.22.

As required by section 14.116, the Commission is sending you a copy of the notice and the Statement of Need and Reasonableness. For your information, we are also enclosing a copy of the proposed rules.

If you have any questions about these rules, please contact me at 651-201-2239.

Yours very truly,



Kate Kahlert
Commission Attorney

Enclosures: Notice of Intent to Adopt Rules
Statement of Need and Reasonableness
Proposed Rules

CC: Legislative Coordinating Commission

Minnesota Public Utilities Commission

CERTIFICATE OF CONSULTING WITH COMMISSIONER OF MANAGEMENT AND BUDGET IN COMPLIANCE WITH MINNESOTA STATUTES, SECTION 14.131

Proposed Rules Governing Cogeneration and Small Power Production, Minnesota Rules, Chapter 7835

I certify that on December 2, 2014, at St. Paul, Ramsey County, Minnesota, I:

- consulted with the Commissioner of Minnesota Management and Budget in compliance with Minnesota Statutes, section 14.131, by mailing a letter with these enclosures:
 1. The Governor's Office Proposed Rule and SONAR Form.
 2. The Revisor's draft of the proposed rule.
 3. The December 2, 2014 draft of the SONAR.
- Copies of both the letter sent to the Minnesota Office of Management and Budget and the response received from the Office are attached to this Certificate.



Kate Kahlert
Commission Attorney



STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

December 2, 2014

Elisabeth Hammer
Executive Budget Officer
Minnesota Management and Budget
658 Cedar St., Suite 400
St. Paul, MN 55155

Re: In The Matter of the Proposed Rules of the Public Utilities Commission Relating to
Cogeneration and Small Power Production; Governor's Tracking R-04214

Dear Ms. Hammer:

Minnesota Statutes, section 14.131, requires that an agency engaged in rulemaking consult with the Commissioner of Minnesota Management & Budget, "to help evaluate the fiscal impact and fiscal benefits of the proposed rule on units of local government."

Enclosed for your review are copies of the following documents on proposed rules governing cogeneration and small power production.

1. The Governor's Office Proposed Rule and SONAR Form.
2. The Revisor's draft of the proposed rule.
3. The December 2, 2014, draft of the SONAR.

I am also delivering copies of these documents to the Governor's Office today.

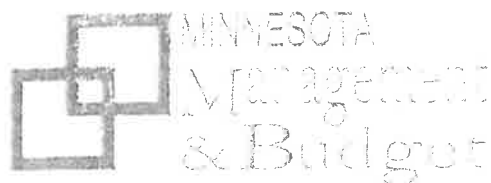
If you or any other representative of Minnesota Management & Budget has questions about the proposed rule, please call me at 651-201-2239. Please send any correspondence about this matter to me at the following address: Kate Kahlert, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101; or email at: kate.kahlert@state.mn.us.

Yours very truly,


Kate Kahlert
Commission Attorney

www.puc.state.mn.us

PHONE (651) 296-7124 • FAX (651) 297-7073 TDD (651) 297-1200 121 7th PLACE EAST • SUITE 350 • SAINT PAUL, MINNESOTA 55101-2147



Office Memorandum

Date: December 16, 2014

To: Kate Kahlert
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101

From: Betsy Hammer, Executive Budget Officer
Minnesota Management & Budget

Phone: 651-201-8022

Subject: Review of Proposed Amendments of the Rules Relating to Cogeneration and Small Power Production; Revisor's ID Number R-04214

BACKGROUND

The Public Utilities Commission currently has rules governing interconnections between utilities and qualifying facilities, cogeneration, and small power production facilities. Qualifying facilities are cogeneration or small power production facilities that meet certain federal standards. During the 2013 legislative session, statutory changes were made that primarily affect interconnections between qualifying facilities and public utilities.

The proposed rule amendments update rules to incorporate the recent statutory changes and to make housekeeping changes. The rule amendments primarily affect public utilities, and would have a limited impact on municipal or cooperative utilities. Without these updates, rules would be inconsistent with statutes governing cogeneration and small power production.

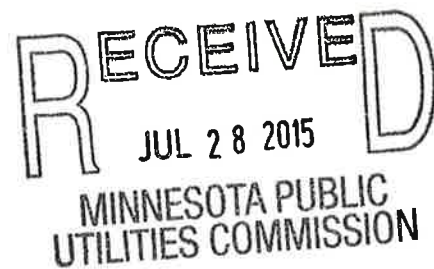
EVALUATION

On behalf of the Commissioner of Management & Budget, I have reviewed the proposed rule and related SONAR. Based upon the information provided to me by the Public Utilities Commission, there does not appear to be a significant cost to local units of government.

The impact to local units of government is primarily related to their status as utility customers and ratepayers. To the extent that local units of government choose to become customers offsetting their energy usage by producing energy, their utility bills may change. However, the cost advantage or offset would depend on other investments made (such as purchasing and installing solar panels). The proposed rule amendments may also have some impacts on ratepayers. To the extent that local units of government or state agencies are ratepayers, they may experience some changes. How ratepayers are ultimately affected will vary by utility, and rate changes are subject to contested case proceedings and review by the PUC.

The proposed rule amendments make other minor changes that may have some impact on municipally-owned or co-operative utilities. For example, a change is made to filing options that could have a limited impact resulting in fewer tariff filing updates required.

cc: Angela Vogt, Budget Division Team Leader



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

July 27, 2015

Katherine M. Kahlert
Commission Attorney
Minnesota Public Utilities Commission
350 Metro Square Building
121 Seventh Pl E
Saint Paul, MN 55101

**Re: In the Matter of the Proposed Rules of the Public Utilities
Commission Governing Cogeneration and Small Power Production
OAH 5-2500-32078; Revisor R-4214**

Dear Ms. Kahlert:

Enclosed herewith and served upon you is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.26** in the above-entitled matter. The Administrative Law Judge has determined there are no negative findings in these rules.

The Office of Administrative Hearings has closed this file and is returning the rule record so that the Minnesota Public Utilities Commission can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. Please ensure that the agency's signed order adopting the rules is filed with our office. The Office of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. Our office will then file four copies of the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the agency for its rulemaking record. The Commission will then receive from the Revisor's office three copies of the Notice of Adoption of the rules.

The Commission's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the State Register for publication. A permanent rule without a hearing does not become effective until five working days after a Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

Katherine M. Kahlert
July 27, 2015
Page 2

If you have any questions regarding this matter, please contact Denise Collins at (651) 361-7875 or denise.collins@state.mn.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mortenson" followed by a stylized flourish or slash.

Jim Mortenson
Administrative Law Judge

Enclosure

cc: Office of the Governor
Office of the Attorney General
Legislative Coordinating Commission (lcc@lcc.leg.mn)
Revisor of Statutes (paul.marinac@revisor.mn.gov)

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules of the
Public Utilities Commission Governing
Cogeneration and Small Power Production

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

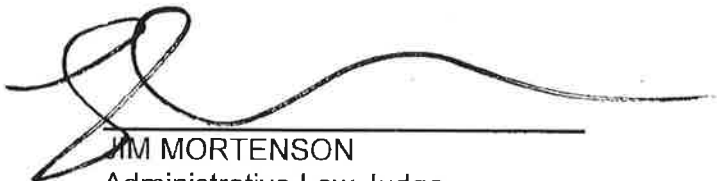
The Minnesota Public Utilities Commission (Commission) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26 (2014). On July 17, 2015, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Commission under Minn. Stat. § 14.26 and Minn. R. 1400.2310 (2013). Based upon a review of the written submissions and filings, Minnesota Statutes, Minnesota Rules,

IT IS HEREBY ORDERED:

1. The Commission has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400 (2014).
3. The record demonstrates the rules are needed and reasonable.
4. The rules are **APPROVED**.

Dated:

7/24/2015



JIM MORTENSON
Administrative Law Judge

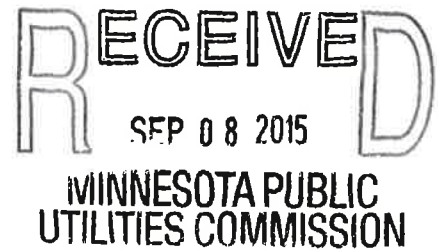
STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
ADMINISTRATIVE LAW SECTION
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Proposed Rules of the Public Utilities Commission Governing Cogeneration and Small Power Production	OAH Docket No. 5-2500-32078 Revisor R-4214
---	---

Rachel Youness certifies that on July 27, 2015, she served a true and correct copy of the attached **Order on Review of Rules**; by placing it in the United States mail or by courier service with postage prepaid, addressed to the following individuals:

Katherine M. Kahlert Commission Attorney Minnesota Public Utilities Commission 350 Metro Square Building 121 Seventh Pl E Saint Paul, MN 55101	Elizabeth Dressel Policy Coordinator Office of Governor Mark Dayton 20 W Twelfth St Ste 116 St Paul, MN 55155
Legislative Coordinating Commission (lcc@lcc.leg.mn)	The Honorable Lori Swanson Minnesota Attorney General 102 Capitol Building 75 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155
Paul Marinac Office of the Revisor of Statutes paul.marinac@revisor.mn.gov	



MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

August 28, 2015

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 539-0300

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299

Re: *In the Matter of the Proposed Rules of the Public Utilities Commission Governing Cogeneration and Small Power Production*
OAH 5-2500-32078; Revisor AR-4214

Dear Ms. Breems:

Pursuant to Minn. Stat. § 14.26, and Minn. R. 1400.2300, subp. 8, the Office of Administrative Hearings is filing with the Secretary of State four copies of the above-entitled adopted rules. The rules were approved for legality by the Office of Administrative Hearings on August 28, 2015.

Please send the agency copy of the rules to:

Katherine M. Kahlert
Commission Attorney
Minnesota Public Utilities Commission
121 Seventh Pl E Ste 350
Saint Paul, MN 55101

If you have any questions regarding this matter, please contact Denise Collins at 651-361-7875 or denise.collins@state.mn.us.

Sincerely,

Kendra McCausland
Legal Assistant

Enclosures

cc: Katherine M. Kahlert (via email)

Adopted Rules

A rule becomes effective after the requirements of *Minnesota Statutes* §§ 14.05-14.28 have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule. If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed. If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Public Utilities Commission

Adopted Permanent Rules Relating to Cogeneration and Small Power Production

The rules proposed and published at State Register, Volume 39, Number 26, pages 959-968, December 29, 2014 (39 SR 959), are adopted with the following modifications:

7835.0100 DEFINITIONS.

Subp. 5. **Capacity costs.** "Capacity costs" means the costs associated with providing the capability to deliver energy. The utility capital costs consist of the costs of facilities used to generate, transmit, and distribute electricity and the fixed operating and maintenance costs of these facilities.

Subp. 17a. **Point of common coupling.** "Point of common coupling" means the point where the qualifying facility's generation system, including the point of generator output, is connected to the utility's electric power grid.

Subp. ~~17a~~ 17b. **Public utility.** "Public utility" has the meaning given in Minnesota Statutes, section 216B.02, subdivision 4.

Subp. 20a. **Standby charge.** "Standby charge" means the rate or fee a utility charges for the recovery of costs for the provision of standby service or standby power.

Subp. 20b. **Standby service.** "Standby service" means:

A. for public utilities, service or power that includes backup, ~~or maintenance, and related services necessary to make electricity service available to the facility,~~ as described in the public utility's commission-approved standby tariff, necessary to make electricity service available to the distributed generation facility; and

[For text of subps 21 to ~~24~~ 23, see M.R.]

Subp. 24. **Utility.** "Utility" means:

[For text of item A, see M.R.]

B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400, 7835.4600 to 7835.6100, ~~and~~ 7835.9910, ~~and~~ 7835.9920, any public utility, including municipally owned electric utilities and cooperative electric associations, that sells electricity at retail in Minnesota, except those municipally owned electric utilities that have adopted and have in effect rules consistent with this chapter.

7835.0800 SCHEDULE E.

Schedule E must contain the utility's safety standards, required operating procedures for interconnected operations, and the functions to be performed by any control and protective apparatus. These standards and procedures must not be more restrictive than the standards contained in the electrical code under part 7835.2100 or the interconnection standards distributed to customers under part 7835.4750. The utility may include in schedule E suggested types of equipment to perform the specified functions. No standard or procedure may be established to discourage cogeneration or small power production.

7835.1400 ~~NET AVERAGE RETAIL UTILITY~~ ENERGY BILLED QUALIFYING FACILITIES.

For qualifying facilities under net average retail utility energy billing, the utility must provide the commission with the following information:

Adopted Rules

[For text of item A, see M.R.]

B. for each qualifying facility type, the total kilowatt-hours delivered per month to the utility by all net average retail utility energy billed rate qualifying facilities;

C. for each qualifying facility type, the total kilowatt-hours delivered per month by the utility to all net average retail utility energy billed rate qualifying facilities; and

D. for each qualifying facility type, the total net energy delivered per month to the utility by net average retail utility energy billed rate qualifying facilities.

7835.1500 OTHER QUALIFYING FACILITIES.

For all qualifying facilities not under net average retail utility energy billing, the utility must provide the commission with the following information:

[For text of items A and B, see M.R.]

7835.2100 ELECTRICAL CODE COMPLIANCE.

Subpart 1. **Compliance; standards.** The interconnection between the qualifying facility and the utility must comply with the requirements in the most recently published edition of the National Electrical Safety Code issued by the Institute of Electrical and Electronics Engineers. The interconnection is subject to subparts 2 and 3.

Subp. 2. **Interconnection.** The ~~interconnection customer~~ qualifying facility is responsible for complying with all applicable local, state, and federal codes, including building codes, the National ~~Electric~~ Electrical Code (NEC), the National ~~Electric~~ Electrical Safety Code (NESC), and noise and emissions standards. The ~~Area Electric Power System will~~ utility must require proof of complying that the qualifying facility is in compliance with the NEC before the interconnection is made. The ~~interconnection customer~~ qualifying facility must obtain installation approval from an electrical inspector recognized by the Minnesota State Board of Electricity.

Subp. 3. **Generation system.** The ~~interconnection customer's~~ qualifying facility's generation system and installation must comply with the American National Standards Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards applicable to the installation.

7835.3300 NET AVERAGE RETAIL UTILITY ENERGY BILLING RATE.

Subpart 1. **Applicability.** The net average retail utility energy billing rate is available only to qualifying facilities with capacity of less than 40 kilowatts which choose not to offer electric power for sale on either a time-of-day basis or a simultaneous purchase and sale basis.

[For text of subps 2 and 3, see M.R.]

7835.4012 COMPENSATION.

Subpart 1. **Facilities with less than 40 kilowatt capacity.** A qualifying facility with less than 40 kilowatt capacity has the option to be compensated at the net average retail utility energy billing rate, the simultaneous purchase and sale billing rate, or the time-of-day billing rate.

7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR MORE.

A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate a contract with the public utility to set the applicable rates for payments to the customer of avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity under its avoided cost rates.

7835.4750 INTERCONNECTION STANDARDS.

~~Prior to signing~~ Before a customer signs the uniform statewide contract, a utility must distribute to each that customer a copy of, or electronic link to, the commission's order establishing interconnection standards dated September 28, 2004, in docket number E-999/CI-01-1023, or to currently effective interconnection standards established by subsequent commission order. ~~The utility must provide each customer a copy of, or electronic link to, subsequent changes made by the commission to any of those standards.~~

Adopted Rules

7835.5900 EXISTING CONTRACTS.

Any existing interconnection contract executed between a utility and a qualifying facility with capacity of less than 40 kilowatts remains in force until terminated by mutual agreement of the parties or as otherwise specified in the contract.

7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.

~~A qualifying facility owns~~ Generators own all renewable energy credits unless:

A. other ownership is expressly provided for in the by a contract between the qualifying facility a generator and a utility under part 7835.9910;

B. state law specifies a different outcome; or

C. specific commission orders or rules specify a different outcome.

7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.

The form for the uniform statewide contract must be applied to all new and existing interconnections between a utility and cogeneration and small power production facilities having less than 1,000 kilowatts of capacity, except as described in part 7835.5900.

UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER PRODUCTION FACILITIES

THIS CONTRACT is entered into _____, _____, by _____ (hereafter called "Utility") and _____ (hereafter called "QF").

RECITALS

The QF has installed electric generating facilities, consisting of _____ (Description of facilities), rated at _____ kilowatts of electricity, on property located at _____.

The QF is prepared to generate electricity in parallel with the Utility.

The QF's electric generating facilities meet the requirements of the Minnesota Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and Small Power Production and any technical standards for interconnection the Utility has established that are authorized by those rules.

The Utility is obligated under federal and Minnesota law to interconnect with the QF and to purchase electricity offered for sale by the QF.

A contract between the QF and the Utility is required by the Commission's rules.

AGREEMENTS

The QF and the Utility agree:

1. The Utility will sell electricity to the QF under the rate schedule in force for the class of customer to which the QF belongs.
2. The Cooperative Electric Association or Municipally Owned Electric Utility will buy electricity from the QF under the current rate schedule filed with the Commission. The QF elects the rate schedule category hereinafter indicated:

____ a. Net Average retail utility energy billing rate under part 7835.3300.

____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

____ c. Time-of-day purchase rates under part 7835.3500.

A copy of the presently filed rate schedule is attached to this contract.

3. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF has less

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than 40 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:

- ☐ a. Net Average retail utility energy billing rate under part 7835.4013.
- ☐ b. Simultaneous purchase and sale billing rate under part 7835.4014.
- ☐ c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

4. The Public Utility will buy electricity from the QF under the current rate schedule filed with the Commission. If the QF is not a net metered facility and has at least 40 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule category hereinafter indicated:

- ☐ a. Simultaneous purchase and sale billing rate under part 7835.4014.
- ☐ b. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

5. The Public Utility will buy electricity from a net metered facility under the current rate schedule filed with the Commission or will compensate the facility in the form of a kilowatt-hour credit on the facility's energy bill. If the net metered facility has at least 40 kilowatts capacity but less than 1,000 kilowatts capacity, the QF elects the rate schedule category hereinafter indicated:

- ☐ a. Kilowatt-hour energy credit on the customer's energy bill, carried forward and applied to subsequent energy bills, with an annual true-up under part 7835.4017.
- ☐ b. Simultaneous purchase and sale billing rate under part 7835.4014.
- ☐ c. Time-of-day purchase rates under part 7835.4015.

A copy of the presently filed rate schedule is attached to this contract.

5.6. The rates for sales and purchases of electricity may change over the time this contract is in force, due to actions of the Utility or of the Commission, and the QF and the Utility agree that sales and purchases will be made under the rates in effect each month during the time this contract is in force.

6.7. The Public Utility, Cooperative Electric Association, or Municipally Owned Electric Utility will compute the charges and payments for purchases and sales for each billing period. Any net credit to the QF, other than kilowatt-hour credits under clause 5, will be made under one of the following options as chosen by the QF:

- ☐ 1.a. Credit to the QF's account with the Utility.
- ☐ 2.b. Paid by check to the QF within 15 days of the billing date.

7.8. Renewable energy credits associated with generation from the facility are owned by:

8.9. The QF must operate its electric generating facilities within any rules, regulations, and policies adopted by the Utility not prohibited by the Commission's rules on Cogeneration and Small Power Production which provide reasonable technical connection and operating specifications for the QF. This agreement does not waive the QF's right to bring a dispute before the Commission as authorized by Minnesota Rules, part 7835.4500, and any other provision of the Commission's rules on Cogeneration and Small Power Production authorizing Commission resolution of a dispute.

9.10. The Utility's rules, regulations, and policies must conform to the Commission's rules on Cogeneration and Small Power Production.

10.11. The QF will operate its electric generating facilities so that they conform to the national, state, and local electric and safety codes, and will be responsible for the costs of conformance.

11.12. The QF is responsible for the actual, reasonable costs of interconnection which are estimated to be \$_____. The QF will pay the Utility in this way: _____.

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±2 13. The QF will give the Utility reasonable access to its property and electric generating facilities if the configuration of those facilities does not permit disconnection or testing from the Utility's side of the interconnection. If the Utility enters the QF's property, the Utility will remain responsible for its personnel.

±3 14. The Utility may stop providing electricity to the QF during a system emergency. The Utility will not discriminate against the QF when it stops providing electricity or when it resumes providing electricity.

±4 15. The Utility may stop purchasing electricity from the QF when necessary for the Utility to construct, install, maintain, repair, replace, remove, investigate, or inspect any equipment or facilities within its electric system. The Utility will notify the QF before it stops purchasing electricity in this way: _____.

±5 16. The QF will keep in force liability insurance against personal or property damage due to the installation, interconnection, and operation of its electric generating facilities. The amount of insurance coverage will be \$_____ (The amount must be consistent with the Commission's interconnection standards under Minnesota Rules, part 7835.4750).

±6 17. This contract becomes effective as soon as it is signed by the QF and the Utility. This contract will remain in force until either the QF or the Utility gives written notice to the other that the contract is canceled. This contract will be canceled 30 days after notice is given.

±7 18. This contract contains all the agreements made between the QF and the Utility except that this contract shall at all times be subject to all rules and orders issued by the Public Utilities Commission or other government agency having jurisdiction over the subject matter of this contract. The QF and the Utility are not responsible for any agreements other than those stated in this contract.

THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT THE BEGINNING OF THIS CONTRACT.

QF By: _____

UTILITY By: _____ (Title)

Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Minnesota Comprehensive Health Association Notice of Enrollee Appeal Hearing

Notice is hereby given that a meeting of the Minnesota Comprehensive Health Association's (MCHA) Enrollee Appeal will be held at 2 p.m. on Tuesday, Sept. 21, 2015.

The meeting will be initiated at the MCHA Executive Office, 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN; it should be noted that some attendees will participate telephonically.

If anyone wishes to attend or participate in this meeting please contact MCHA's Executive Office, 952-593-9609, for additional information.

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Cogeneration and Small Power Production

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7835



RULE APPROVED
OFFICE OF ADMINISTRATIVE HEARINGS

8/28/2015

DATE

ADMINISTRATIVE LAW JUDGE.

The attached rules are approved for
filing with the Secretary of State

A blue ink signature of Ryan S. Inman, written over a horizontal line.

Ryan S. Inman
Assistant Deputy Revisor

160762

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Relating to Cogeneration and Small Power Production**

1.3 **7835.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 3, see M.R.]

1.5 Subp. 4. **Capacity.** "Capacity" means the capability to produce, transmit, or deliver
1.6 electric energy, and is measured by the number of megawatts alternating current at the
1.7 point of common coupling between a qualifying facility and a utility's electric system.

1.8 Subp. 5. **Capacity costs.** "Capacity costs" means the costs associated with
1.9 providing the capability to deliver energy. The utility capital costs consist of the costs
1.10 of facilities used to generate, transmit, and distribute electricity and the fixed operating
1.11 and maintenance costs of these facilities.

1.12 [For text of subp 6, see M.R.]

1.13 Subp. 6a. **Customer.** "Customer" means the person named on the utility electric
1.14 bill for the premises.

1.15 [For text of subps 7 to 15, see M.R.]

1.16 Subp. 15a. **Net metered facility.** "Net metered facility" means an electric generation
1.17 facility constructed for the purpose of offsetting energy use through the use of renewable
1.18 energy or high-efficiency distributed generation sources.

1.19 [For text of subps 16 and 17, see M.R.]

1.20 Subp. 17a. **Point of common coupling.** "Point of common coupling" means the
1.21 point where the qualifying facility's generation system, including the point of generator
1.22 output, is connected to the utility's electric power grid.

1.23 Subp. ~~17a~~ 17b. **Public utility.** "Public utility" has the meaning given in Minnesota
1.24 Statutes, section 216B.02, subdivision 4.

2.1 [For text of subp 18, see M.R.]

2.2 Subp. 19. **Qualifying facility.** "Qualifying facility" means a cogeneration or small
2.3 power production facility which satisfies the conditions established in Code of Federal
2.4 Regulations, title 18, part 292. The initial operation date or initial installation date of a
2.5 cogeneration or small power production facility must not prevent the facility from being
2.6 considered a qualifying facility for the purposes of this chapter if it otherwise satisfies
2.7 all stated conditions.

2.8 [For text of subp 20, see M.R.]

2.9 Subp. 20a. **Standby charge.** "Standby charge" means the rate or fee a utility charges
2.10 for the recovery of costs for the provision of standby service or standby power.

2.11 Subp. 20b. **Standby service.** "Standby service" means:

2.12 A. for public utilities, service or power that includes backup, or maintenance,
2.13 ~~and related services necessary to make electricity service available to the facility,~~ as
2.14 described in the public utility's commission-approved standby tariff, necessary to make
2.15 electricity service available to the distributed generation facility; and

2.16 B. for a utility not subject to the commission's rate authority, the service
2.17 associated with the applicable tariff in effect under Minnesota Statutes, section 216B.1611,
2.18 subdivision 3, clause (2).

2.19 [For text of subps 21 to ~~24~~ 23, see M.R.]

2.20 Subp. 24. **Utility.** "Utility" means:

2.21 [For text of item A, see M.R.]

2.22 B. for the purposes of parts 7835.0200 to 7835.1200, 7835.1900 to 7835.4400,
2.23 7835.4600 to 7835.6100, ~~and~~ 7835.9910, and 7835.9920, any public utility, including
2.24 municipally owned electric utilities and cooperative electric associations, that sells

3.1 electricity at retail in Minnesota, except those municipally owned electric utilities that
3.2 have adopted and have in effect rules consistent with this chapter.

3.3 **7835.0200 SCOPE AND PURPOSE.**

3.4 The purpose of this chapter is to implement certain provisions of Minnesota Statutes,
3.5 section 216B.164; the Public Utility Regulatory Policies Act of 1978, United States Code,
3.6 title 16, section 824a-3; and the Federal Energy Regulatory Commission regulations,
3.7 Code of Federal Regulations, title 18, part 292. Nothing in this chapter excuses any utility
3.8 from carrying out its responsibilities under these provisions of state and federal law. This
3.9 chapter must at all times be applied in accordance with its intent to give the maximum
3.10 possible encouragement to cogeneration and small power production consistent with
3.11 protection of the ratepayers and the public.

3.12 **7835.0400 FILING OPTION.**

3.13 If, after the January 1, 2015, filing, schedule C is the only change in the cogeneration
3.14 and small power production tariff to be filed in a subsequent year, the utility may notify
3.15 the commission in writing, by the date the tariff is due, that there is no other change in the
3.16 tariff. This notification and new schedule C will serve as a substitute for the refiling of
3.17 the complete tariff in that year.

3.18 **7835.0800 SCHEDULE E.**

3.19 Schedule E must contain the utility's safety standards, required operating procedures
3.20 for interconnected operations, and the functions to be performed by any control and
3.21 protective apparatus. These standards and procedures must not be more restrictive than
3.22 the standards contained in the electrical code under part 7835.2100 or the interconnection
3.23 standards distributed to customers under part 7835.4750. The utility may include in
3.24 schedule E suggested types of equipment to perform the specified functions. No standard
3.25 or procedure may be established to discourage cogeneration or small power production.

4.1 **7835.1200 AVAILABILITY OF FILINGS.**

4.2 All filings required by parts 7835.0300 to 7835.1100 must be filed in the commission's
4.3 electronic filing system and be maintained at the utility's general office and any other
4.4 offices of the utility where rate case filings are kept. These filings must be available for
4.5 public inspection at the commission and at the utility offices during normal business hours.

4.6 **7835.1300 GENERAL REPORTING REQUIREMENTS.**

4.7 Each utility interconnected with a qualifying facility must provide the commission
4.8 with the information in parts 7835.1400 to 7835.1800 annually on or before March 1, and
4.9 in such form as the commission may require.

4.10 **7835.1400 NET AVERAGE RETAIL UTILITY ENERGY BILLED QUALIFYING**
4.11 **FACILITIES.**

4.12 For qualifying facilities under net average retail utility energy billing, the utility must
4.13 provide the commission with the following information:

4.14 [For text of item A, see M.R.]

4.15 B. for each qualifying facility type, the total kilowatt-hours delivered per month
4.16 to the utility by all net average retail utility energy ~~billed~~ rate qualifying facilities;

4.17 C. for each qualifying facility type, the total kilowatt-hours delivered per month
4.18 by the utility to all net average retail utility energy ~~billed~~ rate qualifying facilities; and

4.19 D. for each qualifying facility type, the total net energy delivered per month to
4.20 the utility by net average retail utility energy ~~billed~~ rate qualifying facilities.

4.21 **7835.1500 OTHER QUALIFYING FACILITIES.**

4.22 For all qualifying facilities not under net average retail utility energy billing, the
4.23 utility must provide the commission with the following information:

4.24 [For text of items A and B, see M.R.]

5.1 **7835.2100 ELECTRICAL CODE COMPLIANCE.**

5.2 Subpart 1. **Compliance; standards.** The interconnection between the qualifying
5.3 facility and the utility must comply with the requirements in the most recently published
5.4 edition of the National Electrical Safety Code issued by the Institute of Electrical and
5.5 Electronics Engineers. The interconnection is subject to subparts 2 and 3.

5.6 Subp. 2. **Interconnection.** The ~~interconnection customer~~ qualifying facility is
5.7 responsible for complying with all applicable local, state, and federal codes, including
5.8 building codes, the National ~~Electric~~ Electrical Code (NEC), the National ~~Electric~~
5.9 Electrical Safety Code (NESC), and noise and emissions standards. The ~~Area Electric~~
5.10 ~~Power System will~~ utility must require proof ~~of complying~~ that the qualifying facility is
5.11 in compliance with the NEC before the interconnection is made. The ~~interconnection~~
5.12 ~~customer~~ qualifying facility must obtain installation approval from an electrical inspector
5.13 recognized by the Minnesota State Board of Electricity.

5.14 Subp. 3. **Generation system.** The ~~interconnection customer's~~ qualifying facility's
5.15 generation system and installation must comply with the American National Standards
5.16 Institute/Institute of Electrical and Electronics Engineers (ANSI/IEEE) standards
5.17 applicable to the installation.

5.18 **7835.2600 TYPES OF POWER TO BE OFFERED; STANDBY SERVICE.**

5.19 Subpart 1. **Service to be offered.** The utility must offer maintenance, interruptible,
5.20 supplementary, and backup power to the qualifying facility upon request.

5.21 Subp. 2. **Standby service; public utility.** A public utility may not impose a standby
5.22 charge for standby service on a qualifying facility having 100 kilowatt capacity or less. A
5.23 utility imposing rates on a qualifying facility having more than 100 kilowatt capacity must
5.24 comply with an order of the commission establishing allowable costs.

6.1 Subp. 3. **Standby service; cooperative or municipality.** A cooperative electric
6.2 association or municipal utility must offer a qualifying facility standby power or service
6.3 consistent with its applicable tariff for such service adopted under Minnesota Statutes,
6.4 section 216B.1611, subdivision 3, clause (2).

6.5 **7835.3000 RATES FOR UTILITY SALES TO A QUALIFYING FACILITY TO**
6.6 **BE GOVERNED BY TARIFF.**

6.7 Except as otherwise provided in part 7835.3100, rates for sales to a qualifying facility
6.8 must be governed by the applicable tariff for the class of electric utility customers to
6.9 which the qualifying facility belongs or would belong were it not a qualifying facility.

6.10 **7835.3150 INTERCONNECTION WITH COOPERATIVE ELECTRIC**
6.11 **ASSOCIATION OR MUNICIPAL UTILITY.**

6.12 Parts 7835.3200 to 7835.4000 apply to interconnections between a qualifying facility
6.13 and a cooperative electric association or municipal utility.

6.14 **7835.3200 STANDARD RATES FOR PURCHASES BY COOPERATIVE**
6.15 **ELECTRIC ASSOCIATIONS AND MUNICIPAL UTILITIES FROM**
6.16 **QUALIFYING FACILITIES.**

6.17 Subpart 1. **Qualifying facilities with 100 kilowatt capacity or less.** For qualifying
6.18 facilities with capacity of 100 kilowatts or less, standard purchase rates apply. The utility
6.19 must make available three types of standard rates, described in parts 7835.3300, 7835.3400,
6.20 and 7835.3500. The qualifying facility with a capacity of 100 kilowatts or less must
6.21 choose interconnection under one of these rates, and must specify its choice in the written
6.22 contract required in part 7835.2000. Any net credit to the qualifying facility must, at its
6.23 option, be credited to its account with the utility or returned by check within 15 days of the
6.24 billing date. The option chosen must be specified in the written contract required in part
6.25 7835.2000. Qualifying facilities remain responsible for any monthly service charges and
6.26 demand charges specified in the tariff under which they consume electricity from the utility.

7.1 Subp. 2. **Qualifying facilities over 100 kilowatt capacity.** A qualifying facility with
7.2 more than 100 kilowatt capacity has the option to negotiate a contract with a utility or, if it
7.3 commits to provide firm power, be compensated under standard rates.

7.4 **7835.3300 ~~NET AVERAGE RETAIL UTILITY ENERGY BILLING RATE.~~**

7.5 Subpart 1. **Applicability.** The net average retail utility energy billing rate is available
7.6 only to qualifying facilities with capacity of less than 40 kilowatts which choose not to
7.7 offer electric power for sale on either a time-of-day basis or a simultaneous purchase
7.8 and sale basis.

7.9 [For text of subps 2 and 3, see M.R.]

7.10 **7835.4010 INTERCONNECTION WITH PUBLIC UTILITY.**

7.11 Parts 7835.4011 to 7835.4023 apply to interconnections between a qualifying facility
7.12 and a public utility.

7.13 **7835.4011 STANDARD RATES FOR PURCHASES BY PUBLIC UTILITIES**
7.14 **FROM QUALIFYING FACILITIES.**

7.15 Subpart 1. **Standard rates.** For qualifying facilities with less than 1,000 kilowatt
7.16 capacity, standard rates apply. The utility must make available the types of standard rates
7.17 described in parts 7835.4012 to 7835.4015. Qualifying facilities remain responsible for
7.18 any monthly service charges and demand charges specified in the tariff under which
7.19 they consume electricity from the utility.

7.20 Subp. 2. **Negotiated rates.** A qualifying facility with 1,000 kilowatt capacity or
7.21 more has the option to negotiate a contract with a utility or, if it commits to provide firm
7.22 power, be compensated under standard rates.

7.23 **7835.4012 COMPENSATION.**

7.24 Subpart 1. **Facilities with less than 40 kilowatt capacity.** A qualifying facility
7.25 with less than 40 kilowatt capacity has the option to be compensated at the net average

8.1 retail utility energy ~~billing~~ rate, the simultaneous purchase and sale billing rate, or the
8.2 time-of-day billing rate.

8.3 Subp. 2. **Facilities with at least 40 kilowatt capacity but less than 1,000 kilowatt**
8.4 **capacity.** A qualifying facility with at least 40 kilowatt capacity but less than 1,000
8.5 kilowatt capacity has the option to be billed at the simultaneous purchase and sale billing
8.6 rate, or at the time-of-day billing rate.

8.7 **7835.4013 AVERAGE RETAIL ENERGY RATE.**

8.8 Subpart 1. **Method of billing.** The utility must bill the qualifying facility for the
8.9 energy supplied by the utility that exceeds the amount of energy supplied by the qualifying
8.10 facility during each billing period according to the utility's applicable retail rate schedule.

8.11 Subp. 2. **Additional calculations for billing.** When the energy generated by the
8.12 qualifying facility exceeds that supplied by the utility during a billing period, the utility
8.13 must compensate the qualifying facility for the excess energy at the average retail utility
8.14 energy rate.

8.15 **7835.4014 SIMULTANEOUS PURCHASE AND SALE BILLING RATE.**

8.16 Subpart 1. **Method of billing.** The qualifying facility must be billed for all energy
8.17 and capacity it consumes during a billing period according to the utility's applicable retail
8.18 rate schedule.

8.19 Subp. 2. **Compensation to qualifying facility.** The utility must purchase all energy
8.20 and capacity which is made available to it by the qualifying facility. At the option of the
8.21 qualifying facility, its entire generation must be deemed to be made available to the utility.
8.22 Compensation to the qualifying facility must be the sum of items A and B.

8.23 A. The energy component must be the appropriate system average incremental
8.24 energy costs shown on schedule A; or if the generating utility has not filed schedule A,
8.25 the energy component must be the energy rate of the retail rate schedule applicable to the

9.1 qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
9.2 not filed schedule A, the energy component must be the energy rate shown on schedule H.

9.3 B. If the qualifying facility provides firm power to the utility, the capacity
9.4 component must be the utility's net annual avoided capacity cost per kilowatt-hour
9.5 averaged over all hours shown on schedule B; or if the generating utility has not filed
9.6 schedule B, the capacity component must be the demand charge per kilowatt, if any, of the
9.7 retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B,
9.8 divided by the number of hours in the billing period; or if the nongenerating utility has not
9.9 filed schedule B, the capacity component must be the capacity cost per kilowatt shown on
9.10 schedule H, divided by the number of hours in the billing period. If the qualifying facility
9.11 does not provide firm power to the utility, no capacity component may be included in the
9.12 compensation paid to the qualifying facility.

9.13 **7835.4015 TIME-OF-DAY PURCHASE RATES.**

9.14 Subpart 1. **Method of billing.** The qualifying facility must be billed for all
9.15 energy and capacity it consumes during each billing period according to the utility's
9.16 applicable retail rate schedule. Any utility rate-regulated by the commission may propose
9.17 time-of-day retail rate tariffs which require qualifying facilities that choose to sell power
9.18 on a time-of-day basis to also purchase power on a time-of-day basis.

9.19 Subp. 2. **Compensation to qualifying facility.** The utility must purchase all energy
9.20 and capacity which is made available to it by the qualifying facility. Compensation to the
9.21 qualifying facility must be the sum of items A and B.

9.22 A. The energy component must be the appropriate on-peak and off-peak system
9.23 incremental costs shown on schedule A; or if the generating utility has not filed schedule
9.24 A, the energy component must be the energy rate of the retail rate schedule applicable to
9.25 the qualifying facility, filed in lieu of schedules A and B; or if the nongenerating utility has
9.26 not filed schedule A, the energy component must be the energy rate shown on schedule H.

B. If the qualifying facility provides firm power to the utility, the capacity component must be the utility's net annual avoided capacity cost per kilowatt-hour averaged over the on-peak hours as shown on schedule B; or if the generating utility has not filed schedule B, the capacity component must be the demand charge per kilowatt, if any, of the retail rate schedule applicable to the qualifying facility, filed in lieu of schedules A and B, divided by the number of on-peak hours in the billing period; or if the nongenerating utility has not filed schedule B, the capacity component must be the capacity cost per kilowatt shown on schedule H, divided by the number of on-peak hours in the billing period. The capacity component applies only to deliveries during on-peak hours. If the qualifying facility does not provide firm power to the utility, no capacity component may be included in the compensation paid to the qualifying facility.

7835.4016 INDIVIDUAL SYSTEM CAPACITY LIMITS.

Subpart 1. **Applicability.** Individual system capacity limits are subject to the requirements in Minnesota Statutes, section 216B.164, subdivision 4c.

Subp. 2. **Usage history.** A facility subject to capacity limits with less than 12 calendar months of actual electric usage or no demand metering available is subject to limits based on data for similarly situated customers combined with any actual data for the facility.

7835.4017 NET METERED FACILITY; BILL CREDITS.

Subpart 1. **Kilowatt-hour credit.** A customer with a net metered facility can elect to be compensated for net input into the utility's system in the form of a kilowatt-hour credit on the customer's bill, subject to Minnesota Statutes, section 216B.164, subdivision 3a, and the following conditions:

A. the customer is not receiving a value of solar rate under Minnesota Statutes, section 216B.164, subdivision 10;

B. the customer is interconnected with a public utility; and

11.1 C. the net metered facility has a capacity of at least 40 kilowatt capacity but
11.2 less than 1,000 kilowatt capacity.

11.3 Subp. 2. **Notification to customer.** A public utility must notify the customer of the
11.4 option to be compensated for net input in the form of a kilowatt-hour credit under subpart
11.5 1. The public utility must inform the customer that if the customer does not elect to be
11.6 compensated for net input in the form of a kilowatt-hour credit on the bill, the customer
11.7 will be compensated for the net input at the utility's avoided cost rate, as described in
11.8 the utility's tariff for that customer class.

11.9 Subp. 3. **End-of-year net input.** A public utility must compensate the customer, in
11.10 the form of a payment, for any net input remaining at the end of the calendar year at the
11.11 utility's avoided cost rate, as described in the utility's tariff for that class of customer.

11.12 **7835.4018 AGGREGATION OF METERS.**

11.13 A public utility must aggregate meters at the request of a customer as described in
11.14 Minnesota Statutes, section 216B.164, subdivision 4a.

11.15 **7835.4019 QUALIFYING FACILITIES OF 1,000 KILOWATT CAPACITY OR**
11.16 **MORE.**

11.17 A qualifying facility with capacity of 1,000 kilowatt capacity or more must negotiate
11.18 a contract with the public utility to set the applicable rates for payments to the customer of
11.19 avoided capacity and energy costs. Nothing in parts 7835.4010 to 7835.4015 prevents
11.20 a utility from connecting qualifying facilities of greater than 1,000 kilowatt capacity
11.21 under its avoided cost rates.

11.22 **7835.4020 AMOUNT OF CAPACITY PAYMENTS; CONSIDERATIONS.**

11.23 The qualifying facility which negotiates a contract under part 7835.4019 must be
11.24 entitled to the full avoided capacity costs of the utility. The amount of capacity payments
11.25 must be determined through consideration of:

11.26 A. the capacity factor of the qualifying facility;

- 12.1 B. the cost of the utility's avoidable capacity;
- 12.2 C. the length of the contract term;
- 12.3 D. reasonable scheduling of maintenance;
- 12.4 E. the willingness and ability of the qualifying facility to provide firm power
- 12.5 during system emergencies;
- 12.6 F. the willingness and ability of the qualifying facility to allow the utility to
- 12.7 dispatch its generated energy;
- 12.8 G. the willingness and ability of the qualifying facility to provide firm capacity
- 12.9 during system peaks;
- 12.10 H. the sanctions for noncompliance with any contract term; and
- 12.11 I. the smaller capacity increments and the shorter lead times available when
- 12.12 capacity is added from qualifying facilities.

12.13 **7835.4021 UTILITY TREATMENT OF COSTS.**

12.14 All purchases from qualifying facilities with capacity of less than 40 kilowatts and

12.15 purchases of energy from qualifying facilities with capacity of 40 kilowatts or more must

12.16 be considered an energy cost in calculating a utility's fuel adjustment clause.

12.17 **7835.4022 LIMITING CUMULATIVE GENERATION.**

12.18 A public utility requesting that the commission limit cumulative generation of net

12.19 metered facilities under Minnesota Statutes, section 216B.164, subdivision 4b, must file

12.20 its request with the commission under chapter 7829.

12.21 **7835.4023 ALTERNATIVE TARIFF FOR VALUE OF SOLAR.**

12.22 If a public utility has received commission approval of an alternative tariff for the

12.23 value of solar under Minnesota Statutes, section 216B.164, subdivision 10, the tariff

12.24 applies to new solar photovoltaic interconnections effective after the tariff approval date.

13.1 **7835.4750 INTERCONNECTION STANDARDS.**

13.2 ~~Prior to signing~~ Before a customer signs the uniform statewide contract, a utility
13.3 must distribute to ~~each~~ that customer a copy of, or electronic link to, the commission's
13.4 order establishing interconnection standards dated September 28, 2004, in docket number
13.5 E-999/CI-01-1023, or to currently effective interconnection standards established by
13.6 subsequent commission order. ~~The utility must provide each customer a copy of, or~~
13.7 ~~electronic link to, subsequent changes made by the commission to any of those standards.~~

13.8 **7835.5900 EXISTING CONTRACTS.**

13.9 Any existing interconnection contract executed between a utility and a qualifying
13.10 facility with capacity of less than 40 kilowatts remains in force until terminated by mutual
13.11 agreement of the parties or as otherwise specified in the contract.

13.12 **7835.5950 RENEWABLE ENERGY CREDIT; OWNERSHIP.**

13.13 ~~A qualifying facility owns~~ Generators own all renewable energy credits unless:

13.14 A. other ownership is expressly provided for ~~in the~~ by a contract between the
13.15 ~~qualifying facility~~ a generator and a utility ~~under part 7835.9910.~~

13.16 B. state law specifies a different outcome; or

13.17 C. specific commission orders or rules specify a different outcome.

13.18 **7835.9910 UNIFORM STATEWIDE CONTRACT; FORM.**

13.19 The form for the uniform statewide contract must be applied to all new and existing
13.20 interconnections between a utility and cogeneration and small power production facilities
13.21 having less than 1,000 kilowatts of capacity, except as described in part 7835.5900.

13.22 **UNIFORM STATEWIDE CONTRACT FOR COGENERATION AND SMALL POWER**
13.23 **PRODUCTION FACILITIES**

13.24 THIS CONTRACT is entered into _____, _____, by
13.25 _____ (hereafter called "Utility") and

14.1

14.2 (hereafter called "QF").

14.3

RECITALS

14.4

The QF has installed electric generating facilities, consisting

14.5

of _____

14.6

14.7

_____ (Description of facilities),

14.8

rated at _____ kilowatts of electricity, on property located at

14.9

14.10

14.11

The QF is prepared to generate electricity in parallel with the Utility.

14.12

The QF's electric generating facilities meet the requirements of the Minnesota

14.13

Public Utilities Commission (hereafter called "Commission") rules on Cogeneration and

14.14

Small Power Production and any technical standards for interconnection the Utility has

14.15

established that are authorized by those rules.

14.16

The Utility is obligated under federal and Minnesota law to interconnect with the QF

14.17

and to purchase electricity offered for sale by the QF.

14.18

A contract between the QF and the Utility is required by the Commission's rules.

14.19

AGREEMENTS

14.20

The QF and the Utility agree:

14.21

1. The Utility will sell electricity to the QF under the rate schedule in force for the

14.22

class of customer to which the QF belongs.

14.23

2. The Cooperative Electric Association or Municipally Owned Electric Utility will

14.24

buy electricity from the QF under the current rate schedule filed with the Commission.

14.25

The QF elects the rate schedule category hereinafter indicated:

14.26

_____ a. Net Average retail utility energy ~~billing~~ rate under part 7835.3300.

14.27

_____ b. Simultaneous purchase and sale billing rate under part 7835.3400.

15.1 _____ c. Time-of-day purchase rates under part 7835.3500.

15.2 A copy of the presently filed rate schedule is attached to this contract.

15.3 3. The Public Utility will buy electricity from the QF under the current rate schedule
15.4 filed with the Commission. If the QF has less than 40 kilowatts capacity, the QF elects the
15.5 rate schedule category hereinafter indicated:

15.6 _____ a. Net Average retail utility energy ~~billing~~ rate under part 7835.4013.

15.7 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

15.8 _____ c. Time-of-day purchase rates under part 7835.4015.

15.9 A copy of the presently filed rate schedule is attached to this contract.

15.10 4. The Public Utility will buy electricity from the QF under the current rate schedule
15.11 filed with the Commission. If the QF is not a net metered facility and has at least 40
15.12 kilowatts capacity but less than 1,000 kilowatt capacity, the QF elects the rate schedule
15.13 category hereinafter indicated:

15.14 _____ a. Simultaneous purchase and sale billing rate under part 7835.4014.

15.15 _____ b. Time-of-day purchase rates under part 7835.4015.

15.16 A copy of the presently filed rate schedule is attached to this contract.

15.17 5. The Public Utility will buy electricity from a net metered facility under the current
15.18 rate schedule filed with the Commission or will compensate the facility in the form of a
15.19 kilowatt-hour credit on the facility's energy bill. If the net metered facility has at least 40
15.20 kilowatts capacity but less than 1,000 kilowatts capacity, the QF elects the rate schedule
15.21 category hereinafter indicated:

15.22 _____ a. Kilowatt-hour energy credit on the customer's energy bill, carried forward
15.23 and applied to subsequent energy bills, with an annual true-up under part 7835.4017.

15.24 _____ b. Simultaneous purchase and sale billing rate under part 7835.4014.

15.25 _____ c. Time-of-day purchase rates under part 7835.4015.

15.26 A copy of the presently filed rate schedule is attached to this contract.

16.1 ~~5~~ 6. The rates for sales and purchases of electricity may change over the time this
16.2 contract is in force, due to actions of the Utility or of the Commission, and the QF and the
16.3 Utility agree that sales and purchases will be made under the rates in effect each month
16.4 during the time this contract is in force.

16.5 ~~6~~ 7. The Public Utility, Cooperative Electric Association, or Municipally Owned
16.6 Electric Utility will compute the charges and payments for purchases and sales for each
16.7 billing period. Any net credit to the QF, other than kilowatt-hour credits under clause 5,
16.8 will be made under one of the following options as chosen by the QF:

16.9 ___ ~~1~~ a. Credit to the QF's account with the Utility.

16.10 ___ ~~2~~ b. Paid by check to the QF within 15 days of the billing date.

16.11 ~~7~~ 8. Renewable energy credits associated with generation from the facility are
16.12 owned by:

16.13

16.14 ~~8~~ 9. The QF must operate its electric generating facilities within any rules,
16.15 regulations, and policies adopted by the Utility not prohibited by the Commission's
16.16 rules on Cogeneration and Small Power Production which provide reasonable technical
16.17 connection and operating specifications for the QF. This agreement does not waive the
16.18 QF's right to bring a dispute before the Commission as authorized by Minnesota Rules,
16.19 part 7835.4500, and any other provision of the Commission's rules on Cogeneration and
16.20 Small Power Production authorizing Commission resolution of a dispute.

16.21 ~~9~~ 10. The Utility's rules, regulations, and policies must conform to the Commission's
16.22 rules on Cogeneration and Small Power Production.

16.23 ~~10~~ 11. The QF will operate its electric generating facilities so that they conform to
16.24 the national, state, and local electric and safety codes, and will be responsible for the
16.25 costs of conformance.

16.26 ~~11~~ 12. The QF is responsible for the actual, reasonable costs of interconnection
16.27 which are estimated to be \$ _____. The QF will pay the Utility in this

17.1 way: _____

17.2 _____

17.3 ~~12~~ 13. The QF will give the Utility reasonable access to its property and electric
17.4 generating facilities if the configuration of those facilities does not permit disconnection
17.5 or testing from the Utility's side of the interconnection. If the Utility enters the QF's
17.6 property, the Utility will remain responsible for its personnel.

17.7 ~~13~~ 14. The Utility may stop providing electricity to the QF during a system
17.8 emergency. The Utility will not discriminate against the QF when it stops providing
17.9 electricity or when it resumes providing electricity.

17.10 ~~14~~ 15. The Utility may stop purchasing electricity from the QF when
17.11 necessary for the Utility to construct, install, maintain, repair, replace, remove,
17.12 investigate, or inspect any equipment or facilities within its electric system.
17.13 The Utility will notify the QF before it stops purchasing electricity in this
17.14 way: _____

17.15 _____

17.16 ~~15~~ 16. The QF will keep in force liability insurance against personal or property
17.17 damage due to the installation, interconnection, and operation of its electric generating
17.18 facilities. The amount of insurance coverage will be \$ _____ (The amount
17.19 must be consistent with the Commission's interconnection standards under Minnesota
17.20 Rules, part 7835.4750).

17.21 ~~16~~ 17. This contract becomes effective as soon as it is signed by the QF and the
17.22 Utility. This contract will remain in force until either the QF or the Utility gives written
17.23 notice to the other that the contract is canceled. This contract will be canceled 30 days
17.24 after notice is given.

17.25 ~~17~~ 18. This contract contains all the agreements made between the QF and the Utility
17.26 except that this contract shall at all times be subject to all rules and orders issued by
17.27 the Public Utilities Commission or other government agency having jurisdiction over

18.1 the subject matter of this contract. The QF and the Utility are not responsible for any
18.2 agreements other than those stated in this contract.

18.3 THE QF AND THE UTILITY HAVE READ THIS CONTRACT AND AGREE
18.4 TO BE BOUND BY ITS TERMS. AS EVIDENCE OF THEIR AGREEMENT, THEY
18.5 HAVE EACH SIGNED THIS CONTRACT BELOW ON THE DATE WRITTEN AT
18.6 THE BEGINNING OF THIS CONTRACT.

18.7 _____

18.8 QF

18.9 By: _____

18.10 _____

18.11 _____

18.12 UTILITY

18.13 By: _____

18.14 _____

18.15 (Title)

18.16 **7835.9920 NONSTANDARD PROVISIONS.**

18.17 A utility intending to implement provisions other than those included in the uniform
18.18 statewide form of contract must file a request for authorization with the commission. The
18.19 filing must conform with chapter 7829 and must identify all provisions the utility intends
18.20 to use in the contract with a qualifying facility.

18.21 **REPEALER.** Minnesota Rules, parts 7835.2300; 7835.2500; 7835.2700; 7835.2900;
18.22 7835.4800; 7835.4900; 7835.5000; 7835.5100; 7835.5200; 7835.5300; 7835.5400;
18.23 7835.5500; 7835.5600; 7835.5700; and 7835.5800, are repealed.