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S.F. No. 2460 – Provisions Modifications Providing for a Participant's Compensation in Certain Public Utilities Commission Proceedings (As Amended by the A-3 Amendment)

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Section 1 [Compensation for Certain Participants for Costs of Appearing Before the Public Utilities Commission] creates a new statutory section in chapter 216B that would provide compensation for to certain participants in proceedings before the Public Utilities Commission (PUC).

Subd. 1 [Definitions] defines various terms used in the bill.

Subd. 2 [Participant Eligibility] provides that Minnesota-based nonprofit corporations that would suffer financial hardship if not compensated for their participation in a proceeding before the PUC, tribal governments, or individual residents are eligible for compensation under this section.

Subd. 3 [Compensation Conditions] requires the PUC to order a public utility to compensate an eligible participant for some or all of the costs the participant incurred to participate in a proceeding before the commission if the commission finds that the participant materially assisted the commission's deliberation and, if the participant is a nonprofit, the commission finds that the participant would suffer financial hardship without compensation.

In order to find that a participant materially assisted the commission in the proceeding, the commission must make certain findings, including that the participant made a unique contribution and represented an interest that would not otherwise have been adequately represented and that the proceeding resulted in a commission order that adopted some or all of a position advocated for by the participant.

Subd. 4 [Compensation Amount] limits compensation to no more than \$50,000 for a single participant per year in any proceeding except that compensation of up to \$75,000 may be awarded in an integrated resource plan proceeding under section 216B.2422 or in a proceeding that has been referred to the Office of Administrative Hearings for a contested case proceeding. This subdivision also prohibits a single participant from receiving more than \$200,000 per year.

This subdivision also caps the amount that a public utility can be ordered to pay under this section in a single year based on the utility's annual gross operating revenue in Minnesota. The maximum ranges from \$100,000 for a public utility with up to \$300,000,000 annual gross operating revenue in Minnesota to \$1,250,000 for a public utility with \$2,000,000,000 or more in annual gross operating revenue in Minnesota.

Subd. 5. [Compensation Process] sets forth the process and timeline that a participant must follow in order to seek compensation under this section as well as the process for a party to object to the request.

Subd. 6 [Compensation Orders] requires a public utility to pay a participant the ordered compensation within 30 days of either the expiration of the period within which a petition for reconsideration of the commission's compensation decision must be filed or the date the commission issues an order following reconsideration.

Subd. 7 [Report] requires the PUC to file a report by July 1, 2026, with the chairs and ranking minority members of the appropriate legislative committees on the operation of this section.

[Effective Date] this section is effective the day following final enactment and applies to any proceeding that is not final as of that date.

Section 2 [Repealer] repeals MS section 216B.16, which is the current statute intervenor compensation statute.