

S.F. No. 658 – Procedure provision to resolve disputes between public utilities and customers (1st engrossment)

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Overview

S.F. 658 establishes the complaint, investigative, and administrative and judicial review requirements for certain complaints against public utilities. Such complaints may be brought based on unreasonable, insufficient, unjustly discriminatory, and inadequate service, in connection with the production, transmission, delivery, or furnishing of natural gas or electricity or any service in connection therewith.

Summary

Section 1 [Minn. Stat. § 216B.17] Complaint investigation and hearing.

Subd. 1. Investigation. Current state law provides that a political subdivision, another public utility, the department, any 50 consumers of a utility, or the utility itself may make a motion or complaint against any public utility that a rate, toll, tariff, charge, or other practices of a utility are unreasonable, insufficient, are unjustly discriminatory, or that any service is inadequate or cannot be obtained. In such instances, the commission may make such investigation as the commission deems necessary. This subdivision authorizes the Public Utilities Commission and a complainant under section 216B.172 to also make similar motions or complaints adverse to a public utility.

The effective date of this section is the day following final enactment and applies to any complaint filed with the commission on or after that date.

Section 2 [Minn. Stat. § 216B.172] Consumer disputes.

Subd. 1. Definitions. Defines “appeal,” “complainant,” “complaint,” “consumer affairs office,” “informal proceeding,” “public assistance,” and “public utility.”

Subd. 2. Complaint resolution procedure. Requires a complainant to file a complaint with the PUC's consumer affairs office before filing an appeal with the commission requesting a final decision. The consumer affairs office must: (1) notify the complainant of the complaint's resolution, and (2) provide written notice of (i) the complainant's right to appeal the resolution to the commission, and (ii) the steps required for such an appeal.

Subd. 3. Appeal; final commission decision. Authorizes a complainant to appeal a resolution of a complaint from the consumer affairs office to the commission for a final decision on the complaint. The commission may dismiss the complaint (because there is no reasonable basis on which to proceed), resolve the complaint through an informal commission proceeding, or refer it to the Office of Administrative Hearings for a contested case proceeding under chapter 14. This subdivision further provides that the commission's dismissal of an appeal request or a decision rendered after conducting an informal proceeding is a final decision constituting an order or determination of the commission.

Subd. 4. Judicial review. Allows a complainant to seek judicial review in district court of an adverse final decision under subdivision 3, paragraph (b), clause (1) (relating to dismissal based on no reasonable basis on which to proceed) or (2) (relating to resolution through an informal commission proceeding). This subdivision further provides that judicial review of the commission's decision in a contested case referred to the Office of Administrative Hearings under subdivision 3, paragraph (b), clause (3), is governed by chapter 14.

Subd. 5. Right to service during pendency of dispute. Requires a public utility to continue or promptly restore service to a complainant while a complaint progresses through the administrative or judicial processes under this section, provided that the complainant agrees to enter a payment agreement, places the full disputed payment in escrow, or provides evidence of low-income status.

Subd. 6. Rulemaking authority. Authorizes the commission to adopt rules to implement this section.

The effective date of this section is the day following final enactment and applies to any complaint filed with the commission on or after that date.