

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

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In the Matter of a Proposal to
Adopt New Rules of Practice
and Procedure

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STATEMENT OF NEED AND
REASONABLENESS

I. INTRODUCTION

The Minnesota Public Utilities Commission proposes to replace its Rules of Practice and Procedure, Minn. Rules Chapter 7830, with new procedural rules. New rules are necessary because the law, the regulatory environment, and Commission responsibilities have changed significantly since the current rules were adopted.

Commission legal staff drafted the proposed rules, assisted by an Advisory Panel composed of representatives of the regulated industries, other regulatory agencies, consumer organizations, and low income advocacy groups. The new rules are intended to streamline Commission procedure and to provide more effective guidance for persons who do not regularly appear before the Commission.

II. STATUTORY AUTHORITY FOR PROPOSED RULES

The Commission is authorized and required to adopt procedural rules under Minn. Stat. §§ 14.06, 216A.05, subds. 1 and 5, and 237.10 (1990).

III. STATEMENT OF NEED

The Administrative Procedure Act 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 (1990). The Commission submits that new procedural rules are necessary because the existing rules no longer meet the needs of the Commission or the public. Specific examples of inadequacy are set forth below.

The current rules were enacted at a time when the Commission regulated motor carriers, a function now performed by the Transportation Regulation Board. References to motor carriers remain in the rules, however, and are unnecessary and confusing.

When the current rules were adopted, the Commission presided over hearings in contested cases. Since then the Legislature has directed that contested case proceedings be conducted before Administrative Law Judges in the Office of Administrative Hearings. This has made the rules' detailed provisions regarding the conduct of contested case proceedings superfluous.

Finally, in 1987 the Legislature enacted new telephone legislation providing for reduced regulation of competitive services and expedited treatment of certain filings relating to noncompetitive services, such as rate reduction filings. The current rules offer no guidance for dealing with filings under the new legislation.

The Commission found that the existing procedural rules required substantial revision and concluded it would be more efficient to draft new rules than to amend the current ones. The need for individual rules is discussed in section V.

IV. STATEMENT OF REASONABLENESS

The Administrative Procedure Act also requires the Commission to establish that the proposed rules are a reasonable solution to the problem 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 bears a rational relation to the approach the Commission chose to adopt. Minn. Stat. § 14.23 (1990); Minn. Rules, part 2010.0700.

The proposed rules are a reasonable means of establishing uniform procedures for the transaction of Commission business. They provide clear time frames for processing different types of filings. They establish workable notice procedures to apprise potentially interested persons as soon as filings are made. They provide meaningful opportunity for comment prior to Commission action. They provide for adequate notice to all parties of meetings at which the Commission will act upon matters in which they have an interest.

The proposed rules are procedural, not substantive, and therefore factual evidence played a smaller role in their development than policy considerations. The Commission did request comments from the public before undertaking revision of the rules. Outside Opinion Sought Regarding Amendments to the Minnesota Public Utilities Commission's Rules of General Practice and Procedure, 10 S.R. 2039. Nine parties filed comments: the Suburban Rate

Authority, the Minnesota Independent Coalition, Northern States Power Company, Leonard, Street & Deinard, Otter Tail Power Company, Minnesota Power & Light Company, the Department of Public Service, the Residential Utilities Division of the Office of the Attorney General, and Stanley E. Bourassa. With the exception of Mr. Bourassa, all these parties appear before the Commission regularly.

All commenting parties agreed that the procedural rules required revision. They also cited many common concerns: the elimination of anachronisms from the rules, earlier notice of filings to potentially interested parties, clearer time frames for Commission action, separate processes for disputed and undisputed matters, separate processes for resolving factual and policy issues, greater clarity on how the Commission's procedural rules relate to the procedural rules of the Office of Administrative Hearings.

The Commission considered concerns of the parties and the Advisory Panel and believes their concerns are adequately addressed and reasonably accommodated in the proposed rules. The reasonableness of each individual rule is discussed below.

V. ANALYSIS OF INDIVIDUAL RULES

7829.0100 DEFINITIONS

Subp. 1. Scope.

This subpart establishes that the terms used in this chapter are assigned the meanings given them in part 7830.0100. This is reasonable to establish a frame of reference for the rule.

Subp. 2. Classification petition.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota telephone regulation. The proposed definition is reasonable because it clearly and adequately describes what constitutes such a petition and is consistent with the applicable statute, Minn. Stat. § 237.59.

Subp. 3. Commission.

The proposed definition is necessary and reasonable because it will help avoid needless repetition of the full title of the Minnesota Public Utilities Commission.

Subp. 4. Complainant.

This term requires definition because it appears throughout the

rules and has a specific meaning not commonly understood outside the legal and administrative contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term and provides a useful means of identifying parties who have alleged violations of the statutes, rules, tariffs, or orders the Commission is charged with enforcing.

Subp. 5. Cost increase filing.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota telephone regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term and is consistent with the applicable statute, Minn. Stat. § 237.63.

Subp. 6. Department.

The proposed definition is necessary and reasonable because it will help avoid needless repetition of the full title of the Minnesota Department of Public Service.

Subp. 7. Expedited proceeding.

It is important to include this definition in the rules because the concept it represents is unusual and will be unfamiliar to many people. Normally, the Administrative Procedure Act requires contested case proceedings when agencies encounter disputed material facts. The 1987 telecommunications legislation, however, carved out certain exceptions, when the Commission may use "expedited proceedings" instead. Minn. Stat. § 237.61. (These exceptions include incentive plan proceedings, Minn. Stat. § 237.625, subd. 2, and classification petition proceedings, Minn. Stat. § 237.59, subd. 3.)

The proposed definition is reasonable because it clearly and adequately describes what is meant by the term and is consistent with applicable statutes.

Subp. 8. Informal proceeding.

A major purpose of the new rules is to establish different procedural "tracks" to meet the Commission's need for procedural flexibility. Different filings require different levels of formality, depending upon the complexity of the facts, the law, and the policy choices at issue. "Informal proceedings" are intended for filings which do not require formal contested case proceedings, but do require established comment procedures to clarify the issues. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 9. Intervenor.

The term "intervenor" requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside legal and administrative hearing contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 10. Language change filing.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota telephone regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 11. Miscellaneous tariff filing.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of utility regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 12. Municipality.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the legal and administrative contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 13. Participant.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota utility regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 14. Party.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the legal and administrative contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 15. Person.

The proposed definition is intended to encompass all legal entities with a right to appear before the Commission. It is

therefore purposely broad. It is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 16. Petitioner.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside legal and administrative contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term and is a useful means of identifying persons who initiate Commission action.

Subp. 17. Price list filing.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota telephone regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 18. Proceeding.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside legal and administrative hearing contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 19. Proof of service.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside legal and administrative hearing contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 20. Rate reduction filing.

The term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of Minnesota telephone regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 21. Respondent.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside legal and administrative contexts. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term and is a useful means of identifying persons against whom Commission action is sought.

Subp. 22. Suspend.

This term requires definition because it appears throughout the rules and has a specific meaning not commonly understood outside the context of utility regulation. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

Subp. 23. Utility.

This term requires definition because it appears throughout the rules and has a specific definition not commonly understood, i.e., it is limited to utilities the Commission regulates. The proposed definition is reasonable because it clearly and adequately describes what is meant by the term.

7829.0200 SCOPE AND CONSTRUCTION

This section emphasizes that the rules exist to ensure orderly procedure and just results and are to be interpreted in that light. One of the goals of this rulemaking was to make Commission procedure as accessible as possible to persons who do not regularly appear before the Commission. The liberal construction provision was added to strengthen this emphasis.

The section also makes it clear that procedural provisions in specific statutes or substantive rules supersede this rule whenever they conflict with it.

7829.0300 COMPUTATION OF TIME

This rule explains how to compute time periods prescribed by the rules. It adopts the same approach as the Rules of Civil Procedure, excluding the first day and adding a day if the last day of the period is a Saturday, Sunday, or legal holiday. This is a reasonable, widely-used, and practical way of computing time periods.

7829.0400 SERVICE AND FILING REQUIREMENTS

Subp. 1. Filing.

This section adopts traditional filing requirements. Documents are deemed filed when received in the Commission's offices during regular business hours. The Executive Secretary may allow specific documents to be filed by facsimile transmission (FAX) or to be deemed filed when mailed.

The Commission decided it would not be practical to accept FAX

filings on a routine basis, as some members of the advisory panel suggested. In fiscal year 1990 the Commission opened 1,078 dockets, most of them involving more than one round of filings. Copies of all filings are distributed to the five Commissioners, the Executive Secretary, designated members of the professional staff, and Attorney General staff. The Commission believes it is more efficient to require parties to file an adequate number of copies than to employ additional support staff to photocopy FAX filings.

At the same time, the Commission considers it important for the rules to allow alternative filing procedures when necessary. The proposed rules therefore allow the Executive Secretary to accept FAX filings or to deem filing complete upon mailing in specific cases. This is a reasonable approach that meets the needs of the Commission and all parties.

Subp. 2. Number of copies.

This section requires parties to file 15 copies of all documents, the number needed for internal distribution at the Commission. Requiring the number of copies actually needed is reasonable and consistent with the prevailing practice of judicial bodies.

Subp. 3. Proof of service.

This section requires parties filing documents to file proof that they served copies on all other parties. This requirement serves as a practical reminder to serve other parties and avoids service disputes. The subpart is reasonable and consistent with standard administrative and judicial practice.

Subp. 4. Format.

This subpart addresses practical matters, such as standard paper size, headings, and captions. Such requirements are necessary to allow immediate identification of each filing and the proceeding to which it relates. The subpart is reasonable because it will promote administrative efficiency without burdening the parties.

Subp. 5. Service.

This subpart adopts traditional service requirements: service on all parties is required for all documents filed with the Commission; service may be in person or by mail; service by mail is complete upon mailing; and service on a party's attorney is service on the party. The subpart also allows service by facsimile transmission, followed by first class mail. The Executive Secretary may require personal service in lieu of service by mail for specific documents. These are standard service requirements in judicial and quasi-judicial proceedings. They are reasonable because due process requires that all parties

receive notice of other parties' claims and receive adequate opportunity to respond to them.

It is reasonable and necessary to authorize the Executive Secretary to require personal service in individual cases, since in some matters statutory deadlines place the Commission under time constraints which make service by mail impractical. See, for example, the 10-month deadline for rate cases and the 45-day deadline for service area disputes, Minn. Stat. §§ 216B.16, subd. 2; 237.075, subd. 2; 216B.43.

Subp. 6. Proceedings before an Administrative Law Judge.

This subpart clarifies that the rules of the Office of Administrative Hearings and the Orders of the presiding Administrative Law Judge control service and filing requirements while a matter is before an Administrative Law Judge. This is a helpful and reasonable clarification.

7829.0500 TRADE SECRET AND PROPRIETARY INFORMATION

Subp. 1. Confidentiality protected.

This subpart makes it clear that the rules are intended to deal only with the procedural aspects of handling trade secret and proprietary information, not with substantive issues. This is reasonable, since they are procedural, not substantive, rules.

Subp. 2. Procedure for excision.

This subpart allows parties filing documents containing privileged information to excise it from all but the original and six copies. The six copies are intended for the Commissioners and the staff person with primary responsibility for the filing.

The advisory panel favored making unexcised copies available to all the Commissioners and the primary staff person in the belief that this would expedite Commission review. They were concerned that requiring Commissioners to share copies of privileged materials might delay action on matters involving such materials. This is a reasonable judgment.

Subp. 3. Identification of excised material.

This subpart requires parties who have excised significant amounts of privileged information to describe it in general terms. This is reasonable because it allows members of the public with a general interest in the filing to understand it. It also allows parties who do not have access to the excised information to decide whether they need access. Parties can normally obtain access to protected information by signing a

protective agreement or by successfully challenging the protected status claimed by the filing party.

Subp. 4. Documents containing protected information.

This subpart requires that documents and pages containing protected information, as well as the protected material itself, be clearly marked. This is a reasonable precaution against inadvertent disclosure and a reasonable courtesy to persons using documents containing protected information.

7829.0600 GENERAL SERVICE LIST

Subp. 1. Establishing list.

This subpart requires utilities to establish lists of potential intervenors who have sent them written requests to receive notice of particular types of filings. Each list is also to contain the names of all intervenors in the utility's last general rate case and all persons on the official service list for its last similar proceeding. Later portions of the rule require utilities to serve initial filings on persons on these general service lists.

The advisory panel recommended maintaining general service lists as something the utilities could do to give interested people the earliest possible notice of filings. They considered early notice important for two reasons: 1. it is good public policy for the Commission to act promptly on matters before it, and parties do not want to be forced to advocate delay to allow them to participate in Commission proceedings; and 2. many Commission proceedings have statutory deadlines which make early notice essential for effective participation. (For example, most proposed changes in gas, telephone, and electric rates become effective 60 days after filing unless the Commission suspends the proposed rate. Minn. Stat. §§ 216B.16, subd. 2; 237.075, subd. 2.)

The subpart is reasonable because it promotes early, informed participation in Commission proceedings by interested parties and prompt decisionmaking by the Commission.

Subp. 2. Annual updating.

Under this subpart utilities are allowed to remove from general service lists persons who fail to respond to annual mailings asking whether they wish to continue being on the list. This subpart is reasonable because it provides an easy and effective means of keeping general service lists current.

Subp. 3. Periodic addition.

This subpart clarifies that persons who fail to respond to annual mailings will again be placed on general service lists upon their written request. This subpart is reasonable because it eliminates any doubts about the effect of failing to respond to an annual mailing.

Subp. 4. Jurisdiction unaffected.

This subpart makes it clear that general service lists are required for practical reasons and that failure to comply with general service list requirements does not affect Commission jurisdiction. It is reasonable to include this clarification in the rules to avoid potential confusion.

Subp. 5. Party or participant status unaffected.

This subpart makes it clear that inclusion on a general service list does not make a person a party or a participant in a proceeding. Persons wishing to become parties or participants must follow the rules' requirements to do so. It is reasonable to include this clarification in the rules to avoid potential confusion.

7829.0700 OFFICIAL SERVICE LIST

Subp. 1. Content.

This subpart provides that the official service list for each proceeding will be made up of the names of all parties and any "participants" who have filed written requests for inclusion. (Participants are persons who express their views in a proceeding without becoming parties. Often, they are members of the public with an interest in one issue in a multi-issue proceeding.) It is reasonable to include on the official service list only those participants who wish to be included, since many participants have no need and no desire for copies of all documents filed in the proceeding. Serving all filings on these participants would involve unreasonable expense.

Subp. 2. Establishment and updating.

This subpart requires the Commission to establish the official service list at the end of the initial comment period, to serve the list on all parties and on participants who ask to be included, and to serve an updated copy of the list when it is expanded or reduced. The list is to include persons whose petitions to intervene have not yet been acted upon.

This subpart provides a reasonable means of establishing and maintaining official service lists. Except for a filing utility, the Commission is the only entity that would know the names of

all persons who have commented or intervened in a proceeding. It is reasonable, then, for the Commission to prepare and maintain the official service list. Similarly, there is no workable alternative to having the Commission supply the official service list for all parties and qualifying participants.

It is reasonable to include on the list persons seeking to intervene, since there is little harm in non-parties receiving copies of filings, and there is substantial benefit in allowing persons who ultimately become parties to receive all filings at the earliest possible date. It is also reasonable not to mail the official service list in cases involving only the Department and one other party, since both of them will know of the other's involvement.

Subp. 3. Limiting Service List.

This subpart allows the Commission to limit the service list to parties only, if requiring service on participants will unduly burden the parties. This is reasonable, since copying and postage costs can be substantial in complex matters and not all parties have substantial resources. Non-profit organizations such as senior citizens' advocacy groups, for example, often intervene in general rate cases.

Subp. 4. Name and address change.

This subpart requires written notice to the Commission and all parties when a person on the official service list changes the name or address of the person receiving service on his or her behalf. This subpart is intended to serve as a reminder of the need to update service names and addresses and to make it clear that written notice, not telephone notice, is required. It is reasonable to require written notice to ensure accuracy.

Subp. 5. Proceeding before an Administrative Law Judge.

This subpart provides that all names on any service list compiled by an Administrative Law Judge will remain on the official service list throughout the proceeding. This is reasonable because it allows the Commission to use the service list compiled by the Office of Administrative Hearings, avoids any potential conflict between the rules of the two agencies, and allows the Commission to add names to the service list as appropriate.

7829.0800 PETITION TO INTERVENE

Subp. 1. Filing and service.

This subpart directs persons wishing to intervene in a proceeding to file petitions within applicable time frames and to serve

copies on known parties. This is reasonable because it allows parties to challenge intervention requests.

The rule also requires would-be intervenors to serve copies of their petitions on any applicable general service list. This is reasonable and helpful, since sometimes decisions on whether to intervene are influenced by whether others with similar or opposing interests are intervening. It may also help intervenors with similar interests avoid duplicating one another's efforts.

Subp. 2. Grounds for intervention.

This subpart lists the grounds for granting petitions for intervention: a statutory entitlement to intervene, a statutorily recognized interest that will be affected by the outcome of a proceeding, or an interest in a proceeding not shared by the public or other ratepayers in general. These are reasonable criteria. They keep the number of potential intervenors manageable, while allowing everyone with distinct interests in a proceeding to intervene.

Subp. 3. Intervention as of right.

This subpart provides that the Department and the Residential Utilities Division of the Office of the Attorney General become parties upon filing comments in a proceeding, without filing petitions for intervention, unless the rules of the Office of Administrative Hearings provide otherwise. This is reasonable, since both agencies were created by statute for the purpose of protecting the public interest in utility regulation matters. Minn. Stat. § 216A.07, subd. 3;

Subp. 4. Objection to intervention.

This subpart sets a 10-day deadline for objecting to petitions to intervene. This is reasonable, since intervention petitions must be acted upon promptly, and since the Commission is usually acting under relatively short statutory time frames.

Subp. 5. Disposition of petition.

This subpart provides that intervention petitions not acted upon or suspended within 15 days of filing shall be deemed granted. This is reasonable and necessary because, given the time frames within which Commission decisionmaking occurs, persons intending to intervene must prepare their cases shortly after filing intervention petitions. They need to know promptly whether they will be allowed to intervene.

The one exception to the 15-day rule is when the matter is referred for contested case proceedings before the 15-day period expires. Then the rules of the Office of Administrative Hearings

control intervention proceedings.

Subp. 6. Proceeding before an Administrative Law Judge.

This subpart clarifies that the rules of the Office of Administrative Hearings and the Orders of the presiding Administrative Law Judge control service and filing requirements while a matter is before an Administrative Law Judge. This is a helpful and reasonable clarification.

7829.0900 PARTICIPANT

This section explains that any person may file comments in any proceeding without becoming a party, and may make oral comments. This is consistent with longstanding Commission practice.

The practice of accepting comments from persons who are interested enough to comment, but not interested enough to seek full party status, is reasonable, because it allows and encourages public input in the regulatory process. The "participant" status allows persons to share their perspective on an issue without undertaking the expense and inconvenience of attending evidentiary hearings and filing briefs.

7829.1000 REFERRAL FOR CONTESTED CASE PROCEEDING

This section establishes the circumstances under which the Commission refers matters to the Office of Administrative Hearings for contested case proceedings. Under the rule, the Commission refers matters involving contested material facts or matters in which the Commission believes evidentiary hearings would be helpful. The rule allows the Commission to dispense with contested case proceedings if all parties waive their right to them or if different procedural treatment is required by statute.

The section is reasonable. It grants contested case proceedings when due process requires them or when a full evidentiary record and Administrative Law Judge's report are necessary for informed decisionmaking. The second situation occurs most frequently when the Commission faces complex policy issues whose resolution turns on a comprehensive understanding of the facts and the legal and policy implications of competing factual scenarios. The contested case process is better suited to comprehensive factual development than informal Commission proceedings.

7829.1100 PUBLIC HEARING

This section, which was suggested by the advisory panel, states

that public hearings shall precede evidentiary hearings whenever possible. This is reasonable, because it allows the parties to identify and address in evidentiary hearings issues which are of concern to members of the public.

7829.1200 INFORMAL OR EXPEDITED PROCEEDING

This section explains when informal or expedited proceedings will be used, briefly describes how they will operate, and provides notice requirements for matters decided under such proceedings.

Subp. 1. When appropriate.

This subpart recites, for purposes of clarity, when informal or expedited proceedings will be used instead of contested case proceedings. It is reasonable to restate the standard established in part 7830.1000 to avoid confusion.

Subp. 2. Presentation of facts.

This subpart provides that factual allegations should normally be made in writing, states that the Commission will require oath or affirmation when facts appear to be in dispute, and requires that factual allegations in expedited proceedings be made on oath or affirmation.

It is reasonable to require that factual allegations normally be in writing, since this reduces confusion and provides a more reliable record. Since the Commission acts on over 1,000 filings a year, some of which are routine or uncontested, it is also reasonable to allow facts to be presented orally when that can be done without compromising the rights of any person or the integrity of the proceeding.

It is reasonable to allow some unsworn factual presentations for similar reasons. It is not unusual for the Commission to request clarification of an undisputed technical or factual issue during a Commission meeting. In these situations it would be awkward and unnecessary to place a Department analyst or utility representative providing such clarification under oath.

It is reasonable to require that factual allegations in expedited proceedings be made under oath or by affirmation, and that pleadings be verified, because the statute requires it. Minn. Stat. § 237.61.

Subp. 3. Notice.

This subpart requires 10 days' notice to persons on the official service list before meetings at which the Commission may act on the basis of informal or expedited proceedings. Shorter notice

is allowed under exigent circumstances.

This is reasonable; it meets due process requirements and allows prompt action on matters before the Commission. The "exigent circumstances" exception is necessary and reasonable, because on rare occasions there is a need for Commission action on less than 10 days' notice, e.g., when a consumer involved in a billing dispute is facing imminent disconnection of service.

7829.1300 MISCELLANEOUS TARIFF FILINGS AND PRICE LIST FILINGS

Subp. 1. Summary.

This subpart requires that all miscellaneous tariff and price list filings include a one-paragraph summary on a separate page. This is necessary and reasonable for two reasons. First, a summary will help regulatory personnel categorize the filing properly, assign an appropriate docket number, determine applicable time frames, and identify any need for emergency action. Second, the rules give utilities the option of serving the summary, instead of the entire filing, on some persons on the general service list, when the filing is not subject to a 60-day or shorter deadline. In such cases, interested persons have enough time to secure a copy of the full filing before deciding the extent of their participation in the case.

Subp. 2. Service.

This subpart requires filing utilities to serve copies or summaries of miscellaneous tariff and price list filings on general service lists, the Department, and the Residential Utilities Division of the Office of the Attorney General. Utilities must also serve copies of applicable general service lists with the filing or summary.

This subpart is designed to provide prompt, adequate notice of all filings to potentially interested persons. The requirement to serve copies of general service lists is designed to allow potentially interested persons to coordinate their efforts if they wish. These requirements are necessary and reasonable, because they will give parties the earliest and most accurate possible notice of matters before the Commission. This should eliminate delays due to late entering parties and give the Commission the benefit of fully informed advocacy from the start of a proceeding.

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

This subpart sets forth general content requirements for filings subject to other, more specific filing rules. It ensures that

all filings will include the name, address, and telephone number of the utility; the name, address, and telephone number of any attorney responsible for the filing; the date of the filing and its proposed effective date; the statute the utility believes controls time frames for processing the filing; and the signature and title of the utility employee responsible for the filing.

This is basic information the Commission and potentially interested persons need to begin work on the filing. Since different statutory time frames apply to different filings, and since it is not always clear which statute controls specific filings, the rule requires utilities to state at the outset which statute they believe applies. This allows the Department and the Commission to take any immediate action that may be necessary and discloses at the outset any conflict which may exist over applicable statutory time frames. The signature requirement is necessary to identify at the outset the utility official who will take responsibility for and answer questions about the filing.

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

The first five requirements of this subpart are identical to the requirements of subpart 3. Since this subpart applies to filings which are not subject to other specific filing rules, however, it requires more detail, i.e., 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.

Most filings will be subject to specific filing rules. Those few which are not, however, should contain the additional information specified above to make sure the Commission can make an informed decision. Since the subpart deals with a catch-all category, filings not subject to specific filing rules, the information required is general. The goal, however, which is reasonable and necessary, is to require the kind of information which will allow regulatory personnel and other parties to determine what further, more specific information may be necessary.

Subp. 5. Rejection of filing.

This subpart provides that the Commission shall reject any miscellaneous tariff or price list filing which fails to comply substantially with the filing requirements above or with filing requirements imposed by statute. If the Commission does not reject a filing within 20 days it is deemed accepted as to form.

This subpart is necessary and reasonable, because it is a misuse of Commission and intervenor resources to attempt to analyze and comment on filings which do not contain essential information. Incomplete filings cause unnecessary work for other parties. They create confusion about time frames and procedures. They

result in disjointed and protracted proceedings. The Commission needs to be able to reject such filings.

At the same time, it is reasonable and necessary for utilities to be able to assume, at some point, that their filings will be considered on the merits and not summarily rejected for failure to meet filing requirements. The subpart's 20-day period for rejecting filings is a reasonable balance of utility and regulatory interests.

Subp. 6. Initial comments.

This subpart establishes deadlines for filing initial comments on miscellaneous tariff and price list filings. The general deadline is 30 days. The deadline for telephone filings subject to expedited treatment by statute is 20 days. The deadline for new telephone service filings is 10 days.

The 30 day deadline for miscellaneous tariff and price list filings is necessary and reasonable. It is necessary because most rate change filings are allowed to go into effect 60 days from the date of filing. Minn. Stat. §§ 216B.16, subd. 2; 237.075, subd. 2. The initial comment period could hardly be longer, then, and still allow time for thoughtful decisionmaking. It could hardly be shorter, either, without jeopardizing the informed advocacy upon which the Commission relies.

The 10 and 20 day time periods for commenting on specific telephone filings are reasonable for similar reasons. The Commission again had to balance the need for informed advocacy against the need for prompt action. Since the filings at issue become effective very quickly (from one to 30 days after filing), there is no workable way to establish comment and decision periods which expire before they become effective. The accelerated comment periods established for these filings, though, will allow the Commission to take any corrective action which may be necessary quickly.

The rule requires commenting parties to serve initial comments on all persons on the applicable general service list and on the utility. This will benefit potentially interested persons and the regulatory process by quickly and effectively informing potentially interested parties of what the issues in the matter are likely to be. It will promote early intervention, cooperation between like-minded intervenors, and full development of all significant issues in every case.

Subp. 7. Petition to Intervene.

This subpart provides that persons wishing to intervene may combine their intervention petitions and their comments. This is reasonable because it simplifies the intervention/comment

process.

The subpart also establishes an intervention deadline of the end of the reply comment period. This is reasonable because it allows potentially interested persons to decide whether or not to intervene after they have seen the initial comments. At that point they will have a clearer idea of what is at issue, who the other parties will be, and the extent to which their viewpoint will be represented by other parties. This is desirable from the standpoint of sound resource allocation.

7829.1400 COMMENTS ON MISCELLANEOUS TARIFF OR PRICE LIST FILING

Subp. 1. Comments to include procedural recommendation.

This subpart requires commenting parties to include a recommendation on the appropriate procedural treatment of the filing. This is reasonable and necessary because it will help the Commission make a preliminary determination on appropriate procedural treatment. It will also provide clear notice when a party believes contested case proceedings are necessary, allowing other parties and the Commission to examine the merits of that claim before inadvertently taking action inconsistent with it.

Subp. 2. Reply comments.

This subpart establishes a reply comment deadline of 10 days from the expiration of the initial comment period. This is reasonable, since it gives parties enough time to prepare comments while giving the Commission enough time for thoughtful decisionmaking. The subpart also limits reply comments to matters raised in the initial comments, a reasonable means of defining and limiting the issues in a proceeding. Finally, reply comments need not be served on the entire general service list, but only on persons who filed initial comments. It is appropriate at this point to end the paper flow to persons who have apparently decided not to intervene in the proceeding.

Subp. 3. Additional comments.

This subpart gives the Commission the option of requiring comments beyond the initial and reply comments allowed in the rules. Clearly, the Commission needs the ability to require additional comments or comments on specific issues as a case develops.

Subp. 4. Comments on supplemental or corrected filings.

This subpart provides that the Commission will allow comments on supplemental or corrected filings when those filings raise new issues. This is reasonable and necessary to ensure fundamental

fairness.

Subp. 5. Comment periods varied.

This subpart allows the Commission to vary any comment period not set by statute and allows the Commission to delegate authority to vary comment periods to the Executive Secretary. Occasionally, a matter will need to be resolved before normal comment periods have expired, or parties will need additional time to submit comments. This subpart grants the Commission the flexibility to deal with such situations.

Delegating the authority to vary comment periods to the Executive Secretary is reasonable resource allocation because it eliminates the need for the full Commission to vote on every request for a time extension. It is also necessary to allow the Commission to respond appropriately to contingencies, since some requests for time extensions or accelerated comment periods are urgent and should not be deferred to a regularly scheduled Commission meeting. This provision was suggested by Advisory Panel members and was supported by everyone on the Advisory Panel.

Subp. 6. Comment periods extended at Department's request.

This subpart grants the Department one 30-day extension as of right per comment period, unless the comment period is set by statute or unless the Commission must act on the matter within 60 days to prevent a proposed rate change from going into effect. The Department is charged with representing the broad public interest in public utility matters and intervenes in all Commission proceedings. Its unique position in the regulatory process and heavy workload make it reasonable and necessary for the Department to be able to extend comment periods when necessary to enable it to perform its duties.

7829.1500 INFORMAL COMPLAINT

This section codifies the Commission's longstanding practice of handling disputes between consumers and utilities through the Commission's Consumer Affairs Division. The section is designed to allow that Division to handle disputes informally whenever possible. Complaints may be made by letter, by telephone, or in person. Consumer Affairs staff assume responsibility for reducing the complaints to writing. These provisions are necessary and reasonable in that they maximize public access to Commission assistance in resolving disputes with utilities.

Informal complaints are submitted infrequently by persons other than consumers. The section continues to allow such complaints, although the informal dispute resolution mechanisms of the informal complaint process are less well suited to non-consumer

complaints.

7829.1600 TREATMENT OF INFORMAL COMPLAINT

This section provides that Commission staff will attempt to resolve informal complaints by informal means without Commission action. As a practical matter, most informal complaints involve billing or payment disputes between consumers and utilities and are resolved by telephone conference. Often facts are clarified and a mutually agreeable payment plan is negotiated.

If informal resolution is impossible, and the complainant desires further action, the complainant must file a formal complaint.

7829.1700 FORMAL COMPLAINT

Subp. 1. Content.

This subpart requires that the complaint set forth enough basic information for the Commission to determine the gist of the complaint. Complainants are to state their own names and addresses, names and addresses of respondents, names and addresses of any legal counsel involved, the factual and legal basis for each claim, and the relief sought. These requirements are necessary and reasonable. They will promote early identification of issues and parties and allow prompt, orderly disposition of complaints.

Subp. 2. Service and filing.

This subpart requires complainants to serve copies of formal complaints on respondents. This is necessary and reasonable. It is intended to encourage early resolution of formal complaints which can be resolved without Commission action and prompt, orderly consideration of those which require Commission action.

The subpart also requires service on the Department and the Residential Utilities Division of the Office of the Attorney General. These two government agencies regularly appear before the Commission and have a statutory mandate to represent the public interest in Commission proceedings. It is reasonable and necessary to give them prompt notice of formal complaint proceedings, in which they may have an interest.

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT

Subp. 1. Initial Commission review.

This subpart requires the Commission to review formal complaints

and make initial determinations on whether the Commission has jurisdiction over their subject matter and on whether there is a reasonable basis to investigate the matters alleged. Minn. Stat. § 216.14 requires such an initial determination. The subpart is necessary and reasonable because it is required by statute. It is also reasonable because it provides an early opportunity to dismiss frivolous complaints or complaints over which the Commission lacks jurisdiction.

Subp. 2. Answer.

This subpart requires the Commission to serve formal complaints found to warrant investigation on the respondent, together with an order requiring respondent to file and serve an answer within 20 days or to grant the relief complainant requests. The statute requires this procedure. Minn. Stat. § 216.14-.15.

The subpart is necessary to conform with statutory requirements. It is reasonable because it gives respondents an opportunity to end the matter by granting the relief requested and helps clarify the issues in matters which require further proceedings.

The subpart also requires respondent to serve the answer on complainant, the Department, and the Residential Utilities Division of the Office of the Attorney General. Service on the complainant is required by due process considerations and basic fairness. Requiring service on the two regulatory agencies is reasonable, to allow them to make informed decisions on the extent of their participation in the matter.

Subp. 3. Reply.

This subpart requires complainant to file a reply within 20 days if the answer alleges that the relief requested has been granted. Failure to file a reply in such a case results in dismissal of the complaint. These requirements, too, are established by statute. Minn. Stat. § 216.15. They are necessary and reasonable, to avoid proceedings from coming to a standstill when respondent claims relief has been granted.

The subpart also requires service of the reply on respondent, the Department, and the Residential Utilities Division of the Office of the Attorney General. Service on the respondent is required by due process considerations. Service on the two regulatory agencies is reasonable and proper for the reasons set forth in the discussion of subpart 2.

Subp. 4. Failure to answer.

This subpart provides that if respondent fails to answer a formal complaint, the Commission shall deem the complaint's allegations denied. Since the Commission's charge is to protect the public

interest, not to settle disputes between private litigants, it would be unreasonable to provide for relief by default in formal complaint proceedings. Instead, consistent with its statutory mandate, the Commission should determine the merits of the complaint.

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT

Subp. 1. Nature of proceedings.

This subpart provides that the Commission may use contested case proceedings, informal proceedings, or expedited proceedings to adjudicate formal complaints. This procedural flexibility is reasonable and necessary. Some formal complaints will be factually complex, requiring contested case proceedings, while others will involve legal or policy issues more effectively addressed through informal or expedited proceedings.

Subp. 2. Initial comments.

This subpart requires persons commenting on formal complaints to do so within 30 days of the date of any Commission Order requiring an answer to the complaint. The 30-day comment period is reasonable; by allowing people time to review the answer before filing comments, it will result in informed and helpful comments.

This subpart, too, requires service on the Department and the Residential Utilities Division of the Office of the Attorney General. Again, it is reasonable to require service on these two regulatory agencies, so they can make informed decisions on the extent of their participation in the matter.

Subp. 3. Reply comments.

This subpart establishes a reply comment deadline of 10 days from the expiration of the initial comment period. This is reasonable, since it gives parties enough time to prepare comments without jeopardizing the goal of prompt action on formal complaints. The subpart also limits reply comments to matters raised in the initial comments, a reasonable means of defining and limiting the issues in a proceeding. Finally, service requirements are the same as for initial comments and are reasonable for the reasons stated in the preceding section.

Subp. 4. Petition to Intervene.

This subpart provides that persons wishing to intervene may combine their intervention petitions and their comments. This is reasonable because it simplifies the intervention/comment process.

The subpart also establishes an intervention deadline of the end of the reply comment period. This is reasonable because it allows potentially interested persons to decide whether or not to intervene after they have seen the initial comments. At that point they will have a clearer idea of what is at issue, who the other parties will be, and the extent to which their viewpoint will be represented by other parties. This is desirable from the standpoint of sound resource allocation.

Subp. 5. Comments to include procedural recommendation.

This subpart requires commenting parties to include a recommendation on the appropriate procedural treatment of the filing. This is reasonable and necessary because it will help the Commission make a preliminary determination on appropriate procedural treatment. It will also provide clear notice when a party believes contested case proceedings are necessary, allowing other parties and the Commission to examine the merits of that claim before inadvertently taking action inconsistent with it.

Subp. 6. Additional comments.

This subpart gives the Commission the option of requiring or allowing comments beyond the initial and reply comments allowed in the rules. Clearly, the Commission needs the ability to require additional comments or comments on specific issues as a case develops.

Subp. 7. Comments on supplemental or corrected filings.

This subpart provides that the Commission will allow comments on supplemental or corrected filings when these filings raise new issues. This is reasonable and necessary to ensure fundamental fairness.

Subp. 8. Comment periods varied.

This subpart allows the Commission to vary any comment period not set by statute and allows the Commission to delegate authority to vary comment periods to the Executive Secretary. Occasionally, a matter will need to be resolved before normal comment periods have expired, or parties will need additional time to submit comments. This subpart grants the Commission the flexibility to deal with such situations.

Delegating the authority to vary comment periods to the Executive Secretary is reasonable resource allocation because it eliminates the need for the full Commission to vote on every request for a time extension. It is also necessary to allow the Commission to respond appropriately to contingencies, since some requests for time extensions or accelerated comment periods are urgent and should not be deferred to a regularly scheduled Commission

meeting. This provision was suggested by Advisory Panel members and was strongly supported by all members of the Advisory Panel.

Subp. 9. Comment periods extended at Department's request.

This subpart grants the Department one 30-day extension as of right per comment period, unless the comment period is set by statute. The Department is charged with representing the broad public interest in public utility matters and intervenes in all Commission proceedings. Its unique position in the regulatory process and heavy workload make it reasonable and necessary for the Department to be able to extend comment periods when necessary to enable it to perform its duties.

7829.2000 ELECTRIC SERVICE AREA COMPLAINT

Subp. 1. Content.

This subpart requires that complaints alleging violations of an electric utility's assigned service area include a copy of the official service area map(s), with the area of the alleged violation clearly marked. It is necessary and reasonable to require this level of detail because the statute governing service area complaints requires final Commission action within 45 days of filing. Minn. Stat. § 216B.43. It is therefore very important to clarify and narrow the issues in these cases as soon as possible.

Subp. 2. Service and filing.

This subpart requires that service area complaints be served upon the respondent. Requiring service on the respondent is necessary and reasonable. Given the 45-day time line for Commission action, it is crucial to use the fastest, most direct way to inform respondents of service area disputes.

The subpart also requires service on the Department and the Residential Utilities Division of the Office of the Attorney General. These two government agencies regularly appear before the Commission and have a statutory mandate to represent the public interest in Commission proceedings. It is reasonable and necessary to give them prompt notice of service area complaints, in which they may have an interest.

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT

Subp. 1. Answer.

This subpart requires respondent to file an answer to a service area complaint within 10 days of service. This is a relatively

short time period, but it is necessary and reasonable due to the 45-day statutory deadline for final action on service area complaints. Minn. Stat. § 216B.43.

The subpart also requires respondent to serve the answer on complainant, the Department, and the Residential Utilities Division of the Office of the Attorney General. Service on the complainant is necessary and reasonable for purposes of basic fairness and due process. Service on the two regulatory agencies is necessary and reasonable to allow them to make an informed decision on whether their responsibilities require them to intervene.

Subp. 2. Initial comments.

This subpart requires persons commenting on service area complaints to do so within 10 days of the date they were served. The relatively short time period is reasonable and necessary due to the 45-day statutory deadline for final action on service area complaints. Minn. Stat. § 216B.43.

The subpart requires service of initial comments on complainant, respondent, the Department, the Residential Utilities Division of the Office of the Attorney General, and any other known parties. Service on complainant, respondent, and other known parties is reasonable and necessary; it is required by fairness and due process. Service on the two regulatory agencies is reasonable and necessary to allow them to fulfill their statutory mandates to represent the public interest in public utility matters.

Subp. 3. Petition to Intervene.

This subpart provides that persons wishing to intervene may combine their intervention petitions and their comments. This is reasonable because it simplifies the intervention/comment process.

The subpart also establishes an intervention deadline of the expiration of the 10-day initial comment period. This is reasonable and necessary in light of the 45-day statutory time line for final Commission action. Minn. Stat. § 216B.43. Finally, the service requirements are identical to those for initial comments, and are necessary and reasonable for the same reasons.

Subp. 4. Additional comments.

This subpart gives the Commission the option of requiring comments beyond the initial comments allowed in the rules. Clearly, the Commission needs the ability to require additional comments or comments on specific issues as a case develops.

Subp. 5. Comments on supplemental or corrected filing.

This subpart provides that the Commission will allow comments on supplemental or corrected filings when those filings raise new issues. This is reasonable and necessary to ensure fundamental fairness.

Subp. 6. Time for disposition.

This subpart requires that service area complaints come before the Commission within 15 days of filing and that the Commission issue its Order within 30 days thereafter. These deadlines are established by statute, Minn. Stat. § 216B.43, and are included in the rule for purposes of clarity.

7829.2200 TELEPHONE INCENTIVE PLAN FILING.

Subp. 1. Summary.

This subpart requires a telephone utility filing an incentive plan under Minn. Stat. § 237.65 to include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content. This is necessary and reasonable for two reasons. First, the summary lets regulatory personnel know from the start the nature of the filing, so they can promptly assign an appropriate docket number, determine applicable time frames, and identify any need for emergency action. The second reason for the summary is that the rules allow the utility to serve the summary in place of the filing on most parties on the general service list. Serving the summary instead of the filing saves paper, copying, postage, and labor expense, while still informing potentially interested persons that an incentive plan has been filed.

Subp. 2. Service.

This subpart requires service of the entire filing on the Department and the Residential Utilities Division of the Office of the Attorney General. This is necessary and reasonable, given the unique positions of these two agencies in the Minnesota regulatory process. See earlier discussions of such service requirements.

The subpart also requires service of the filing, or the summary described in subp. 1, on all persons on the general service list and all persons who intervened in the utility's last general rate case or incentive plan proceeding. These requirements are necessary and reasonable. They are intended to alert persons likely to be interested in the filing that the filing has been made.

Subp. 3. Challenge to form and completeness.

This subpart provides that parties wishing to challenge the form or completeness of an incentive plan filing must do so within 10 days and that companies must respond to such challenges within five days. These short time frames are reasonable and necessary in light of the six month statutory time frame for acting on incentive plan filings. Minn. Stat. § 237.625, subd. 2.

The subpart requires service of challenges and responses on all persons on whom the company served the filing or the summary. This is reasonable and necessary because it helps apprise potentially interested persons of who the other parties in the case are likely to be and the extent to which their viewpoint is likely to be represented by other parties. This should help potential intervenors make sound resource allocation decisions, while still assuring maximum public input.

Subp. 4. Rejection of filing.

This subpart provides that the Commission shall reject any incentive plan filing which fails to comply substantially with filing requirements imposed by rule or statute. It also provides that any filing not rejected within 45 days is deemed accepted as in substantial compliance with applicable filing requirements.

This provision establishes a necessary and reasonable balance between the Commission's need to reject filings which are too incomplete to support proceedings on the merits and a utility's need to assume at some point that a filing will not be rejected for failure to meet basic filing requirements. The 45-day period is reasonable, since incentive plan filings are extremely complex, and even determining completeness requires substantial analysis.

Subp. 5. Procedural comments.

This subpart requires that parties wishing to comment on incentive plan filings file procedural comments within 20 days of filing. The comments are to include a proposed procedural framework and time frames for substantive comments and Commission action.

This requirement is necessary and reasonable. The incentive plan statute requires the Commission to use expedited proceedings to examine the filing, to hold public meetings on the filing, and to issue a final Order within six months. Minn. Stat. § 237.625, subd. 2. Since the Commission cannot use contested case proceedings and is subject to a six month deadline, it is important to develop a workable procedural framework as soon as possible. It is also important to have input from the parties on

procedure, both to benefit from their insights and to avoid claims of procedural prejudice once the proceeding is underway.

The subpart's service requirements are the same as those for challenges and replies on form and completeness, since there is no way to know at this point how many of those people have decided not to participate in the case.

Subp. 6. Petition to Intervene.

This subpart provides that persons wishing to intervene may combine their intervention petitions and their procedural comments. This is reasonable because it simplifies the intervention/comment process.

The subpart also establishes an intervention deadline of the end of the procedural comment period. This relatively short deadline is necessary and reasonable because of the six-month deadline for acting on incentive plan filings. That deadline requires expedited treatment of all phases of incentive plan proceedings, including intervention periods.

The service requirements for intervention petitions are identical to those for procedural comments, for the same reasons.

Subp. 7. Notice to public and ratepayers.

This subpart requires that companies filing incentive plans notify their ratepayers and publish notice in all newspapers of general circulation in all county seats in their service areas.

This is reasonable and necessary, since the statute anticipates public comment on proposed plans by requiring public meetings. Minn. Stat. § 237.625, subd. 2. Meaningful public input requires meaningful notice.

Subp. 8. Notice of public meeting.

This subpart requires companies filing incentive plans to notify ratepayers of any public meetings on the plans, and to publish notice of such meetings in all newspapers of general circulation in the county seats in their service areas.

The statute requires that these companies notify ratepayers of any public meetings scheduled by the Commission. The rule specifies that such notice must include the published notice described above. Newspaper notice is a reasonable and necessary method of ensuring the meaningful public notice anticipated by the statute.

Subp. 9. Nature of proceeding.

This subpart codifies the statutory requirement that the Commission use expedited proceedings to deal with incentive plan filings. It also provides that the Commission will issue an order establishing time frames for submission of testimony and comments following review of the procedural comments.

The subpart is necessary and reasonable. It alerts parties that expedited proceedings will be used, gives them input on procedural details, and provides prompt notice of what the actual procedural framework and time lines in the case will be.

Subp. 10. Time frame for disposition.

This subpart codifies statutory provisions that the Commission must act on incentive plan filings within six months and that proposed incentive plans are deemed withdrawn if the Commission does not act within that period. Minn. Stat. § 237.625, subd. 2. It is necessary and reasonable to include these provisions for purposes of clarity.

7829.2300 CLASSIFICATION PETITION

Subp. 1. Summary.

This subpart requires a telephone utility filing a classification petition under Minn. Stat. § 237.59 to include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content. This is necessary and reasonable for two reasons. First, a summary will help regulatory personnel categorize the filing properly, assign an appropriate docket number, determine applicable time frames, and identify any need for emergency action. Second, the rules give the utilities the option of serving the summary, in lieu of the entire filing, on some parties on the general service list. Serving the summary instead of the filing saves paper, copying, postage, and labor expense, while still informing potentially interested persons of the filing.

Subp. 2. Service.

This subpart requires service of the entire filing on the Department and the Residential Utilities Division of the Office of the Attorney General. This is necessary and reasonable, given the unique positions of these two agencies in the Minnesota regulatory process. See earlier discussions of such service requirements.

The subpart also requires service of the filing, or the summary described in subp. 1, on all persons on the general service list and all persons who intervened in the utility's last general rate

case or incentive plan proceeding. These requirements are necessary and reasonable. They are intended to alert persons likely to be interested in the filing that the filing has been made.

Subp. 3. Challenges to form and completeness.

This subpart provides that parties wishing to challenge the form or completeness of a classification petition filing must do so within 10 days and that companies must respond to such challenges within five days. These short time frames are reasonable and necessary in light of the short statutory time frames for acting on classification petitions. (Those time frames are 60 days or eight months, depending upon whether contested case proceedings are used. Minn. Stat. § 237.59, subds. 3 and 4.)

The subpart requires service of challenges and responses on all persons on whom the company served the filing or the summary. This is reasonable and necessary because it helps apprise potentially interested persons of who the other parties in the case are likely to be and the extent to which their viewpoint is likely to be represented by other parties. This should help potential intervenors make sound resource allocation decisions, while still assuring maximum public input.

Subp. 4. Rejection of filings.

This subpart provides that the Commission shall reject any classification petition filing which fails to comply substantially with filing requirements imposed by rule or statute. It also provides that any filing not rejected within 45 days is deemed accepted as in substantial compliance with applicable filing requirements.

This provision establishes a necessary and reasonable balance between the Commission's need to reject filings which are too incomplete to support proceedings on the merits and a utility's need to assume at some point that a filing will not be rejected for failure to meet basic filing requirements. The 45-day period is reasonable, since classification petition filings can be extremely complex, and even determining completeness can require substantial analysis.

Subp. 5. Initial comments.

This subpart requires persons commenting on classification petitions to do so within 20 days of the filing. The relatively short time period is reasonable and necessary due to the statutory deadline for final action.

The subpart also requires commenting parties to include a recommendation on the appropriate procedural treatment of the

filing. This is reasonable and necessary because it will help the Commission make a preliminary determination on appropriate procedural treatment. It will also provide clear notice when a party believes contested case proceedings are necessary, allowing other parties and the Commission to examine the merits of that claim before inadvertently taking action inconsistent with it.

The subpart requires service of initial comments on the utility, the Department, the Residential Utilities Division of the Office of the Attorney General, the general service list for the filing, and any other known parties. Service on the utility and other known parties is reasonable and necessary; it is required by fairness and due process. Service on the two regulatory agencies is reasonable and necessary to allow them to fulfill their statutory mandates to represent the public interest in public utility matters.

Service on the general service list is reasonable and necessary because it helps apprise potentially interested persons of who the other parties in the case are likely to be and the extent to which their viewpoint is likely to be represented by other parties. This should help potential intervenors make sound resource allocation decisions, while still assuring maximum public input.

Subp. 6. Petition to Intervene.

This subpart provides that persons wishing to intervene may combine their intervention petitions and their comments. This is reasonable because it simplifies the intervention/comment process.

The subpart also establishes an intervention deadline of the end of the reply comment period. This is reasonable because it allows potentially interested persons to decide whether or not to intervene after they have seen the initial comments. At that point they will have a clearer idea of what is at issue, who the other parties will be, and the extent to which their viewpoint will be represented by other parties. This is desirable from the standpoint of sound resource allocation.

Subp. 7. Reply comments.

This subpart establishes a reply comment deadline of 10 days from the expiration of the initial comment period. This is reasonable, since it gives parties enough time to prepare comments while giving the Commission enough time to determine whether expedited or contested case proceedings are appropriate, and to issue an order within the 60-day statutory deadline if expedited proceedings are determined to be appropriate.

The subpart also limits reply comments to matters raised in the

initial comments, a reasonable means of defining and limiting the issues in a proceeding.

Finally, reply comments need not be served on the entire general service list, but only on persons who filed initial comments. It is appropriate at this point to end the paper flow to persons who have apparently decided not to intervene in the proceeding.

Subp. 8. Additional comments.

This subpart gives the Commission the option of requiring or allowing comments beyond the comments allowed in the rules. Clearly, the Commission needs the ability to require additional comments or comments on specific issues as a case develops.

Subp. 9. Comments on supplemental or corrected filings.

This subpart provides that the Commission will allow comments on supplemental or corrected filings when those filings raise new issues. This is reasonable and necessary to ensure fundamental fairness.

Subp. 10. Nature of proceeding.

This subpart provides that the Commission shall deal with classification petitions through expedited proceedings or contested case proceedings. The statute limits the Commission to these two procedural tracks. It is reasonable and necessary to include this information in the rule for purposes of clarity.

Subp. 11. Time frame for disposition; expedited proceeding.

This subpart codifies the statutory deadlines for final Commission action when the filing utility requests an expedited proceeding. It is reasonable and necessary to include this information in the rule for purposes of clarity.

Subp. 12. Time frame for disposition; contested case proceeding.

This subpart codifies the statutory deadlines for final Commission action when the Commission refers the case for contested case proceedings. It is reasonable and necessary to include this information in the rule for purposes of clarity.

Subp. 13. Extending disposition period.

This section codifies the statutory provisions on circumstances under which the Commission may extend the time frame for disposition of classification petitions. It is reasonable and necessary to include this information in the rule for purposes of

clarity.

7829.2400 FILINGS REQUIRING DETERMINATION OF GROSS REVENUE REQUIREMENT

Subp. 1. Summary.

This subpart requires a utility filing a general rate case or other filing requiring determination of its gross revenue requirement to include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content. This is necessary and reasonable, since the following subpart allows the utility to serve the summary in place of the filing on most parties on the general service list. Serving the summary instead of the filing saves paper, copying, postage, and labor expense, while still informing potentially interested persons of the filing.

Subp. 2. Service.

This subpart requires service of the entire filing on the Department and the Residential Utilities Division of the Office of the Attorney General. This is necessary and reasonable, given the unique positions of these two agencies in the Minnesota regulatory process. See earlier discussions of such service requirements.

The subpart also requires service of the filing, or the summary described in subp. 1, on all persons on the general service list and all persons who intervened in the utility's last general rate case or incentive plan proceeding. These requirements are necessary and reasonable. They are intended to alert persons likely to be interested in the filing that the filing has been made.

Subp. 3. Notice to public and governing bodies.

This subpart requires that utilities seeking general rate changes inform municipal and county governments in their service areas, notify ratepayers, and publish notice in newspapers of general circulation in each county seat in their service areas. These requirements are designed to provide meaningful notice of proposed rate changes to all persons who would be affected by them.

Broad notice requirements for general rate cases are reasonable and necessary to secure public input in the ratemaking process, to promote public awareness of the regulatory process, and to give customers early notice of potential changes, especially increases, in the cost of basic services.

Subp. 4. Challenge to form and completeness.

This subpart provides that parties wishing to challenge the form or completeness of a general rate case filing must do so within 10 days and that companies must respond to such challenges within five days. These short time frames are reasonable and necessary in light of the 10 month statutory time frames for acting on general rate case. Minn. Stat. §§ 216B.16, subd. 2; 237.075, subd. 2.

The subpart requires service of challenges and responses on all persons on whom the company served the filing or the summary. This is reasonable and necessary because it helps apprise potentially interested persons of who the other parties in the case are likely to be and the extent to which their viewpoint is likely to be represented by other parties. This should help potential intervenors make sound resource allocation decisions, while still assuring maximum public input.

Subp. 5. Rejection of filing.

This subpart provides that the Commission may reject any general rate case filing which fails to comply substantially with filing requirements imposed by rule, statute, or previous Commission order. It also provides that any filing not rejected within 60 days is deemed accepted as in substantial compliance with applicable filing requirements.

This provision establishes a necessary and reasonable balance between the Commission's need to reject filings which are too incomplete to support proceedings on the merits and a utility's need to assume at some point that a filing will not be rejected for failure to meet basic filing requirements. The 60-day period is reasonable, since general rate case filings are extremely long and complex, and even determining completeness can require substantial analysis.

Subp. 6. Petition to Intervene.

This subpart provides that the Commission will entertain intervention petitions until the matter is referred for contested case proceedings or until the Commission notifies existing parties of its intention to decide the matter on the basis of informal or expedited proceedings. When rate cases are referred for contested case proceedings, the rules of the Office of Administrative Hearings are to control intervention rights.

The intervention time frames in this subpart are reasonable and necessary. Given the complexity of general rate cases and the expense intervention requires, it makes sense to allow potential intervenors time to analyze the filing and determine whether their interests justify intervention. At the same time, however,

the intervention period established in the subpart is not so long as to jeopardize parties' ability to present their cases fully, or the Commission's ability to make a sound decision.

Subp. 7. Notice of hearing.

This subpart requires utilities in general rate cases to notify ratepayers of any hearings held in the case as directed by the Commission. Such notice is to include published notice in newspapers of general circulation in the county seats of all counties in filing utilities' service areas.

This necessary and reasonable. It is intended to promote public awareness of the regulatory process, to secure public input in the ratemaking process, and to give utility customers early notice of potential changes, especially increases, in the cost of these basic services.

7829.2500 CERTIFICATE OF NEED FILING

Subp. 1. Compliance.

For purposes of clarity, this subpart cites the statutes and rules that govern certificate of need proceedings. This is reasonable and necessary, because certificate of need proceedings often involve intervenors who are unfamiliar with Commission procedure. Since the certificate of need statute requires the Commission to encourage public participation in the hearing process, it makes sense to provide this assistance. Minn. Stat. § 216B.243, subd. 4.

Subp. 2. Summary.

This subpart requires a certificate of need applicant to include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content. This is necessary and reasonable, since the following subpart allows the utility to serve the summary in place of the filing on most persons who may be interested in the filing. Serving the summary instead of the filing saves paper, copying, postage, and labor expense, while still informing potentially interested persons that a certificate of need application has been filed.

Subp. 3. Service.

This subpart requires service of the entire filing on the Department and the Residential Utilities Division of the Office of the Attorney General. This is necessary and reasonable, given the unique positions of these two agencies in the Minnesota regulatory process. See earlier discussions of such service

requirements.

The subpart also requires service of the filing, or the summary described in subp. 2, on all persons on any applicable general service list and on all persons who intervened in the utility's last general rate case, if applicable. These requirements are necessary and reasonable. They are intended to alert persons likely to be interested in the filing that the filing has been made.

Subp. 4. Publication in State Register.

This subpart requires the Commission to publish notice of the certificate of need application in the State Register and to solicit public comment on the application. Use of the State Register is necessary and reasonable, since public agencies likely to have an interest in certificate of need applications are accustomed to depending on the State Register for information.

Subp. 5. Publication in newspapers.

This subpart requires certificate of need applicants to publish notice of their applications in newspapers of general circulation throughout the state. This is reasonable and necessary.

The certificate of need statute clearly requires serious Commission efforts to involve the public in the certificate of need process. It requires the Commission to appoint a staff member "to facilitate citizen participation in the hearing process," and it requires that the Commission hold at least one public meeting "to obtain public opinion on the necessity of granting a certificate of need." Minn. Stat. § 216B.243, subd. 4. The first step in facilitating public participation in a proceeding is to notify the public, and newspaper notice is a reasonable way to accomplish this.

Subp. 6. Solicitation of comments on filing compliance.

This subpart provides that the Commission may request comments on an application's compliance with the specific filing requirements set forth in the certificate of need statutes and rules, and that the Commission may delegate the authority to request such comments to the Executive Secretary.

The reason the Commission does not establish a set period for challenging the form and adequacy of certificate of need filings is that the statutory deadline for acting on certificate of need filings, six months, is too short to make such challenges a standard part of the process. At the same time, however, there are cases in which the Commission can benefit significantly from other parties' analyses of a filing's compliance with the

detailed requirements of the certificate of need statute and rules. The rule therefore gives the Commission the option of requesting comments on the filing's compliance with applicable filing requirements.

The subpart also allows the Commission to delegate to the Executive Secretary the authority to request comments. This is necessary because of the short time frame, six months, for processing certificate of need applications. Since evidentiary hearings are usually necessary for these applications, time constraints are present from the start.

Subp. 7. Rejection of filing.

This subpart provides that the Commission may reject any certificate of need application which fails to comply substantially with filing requirements imposed by rule or statute. It also provides that any filing not rejected within 15 days is deemed accepted as in substantial compliance with applicable filing requirements.

This provision establishes a necessary and reasonable balance between the Commission's need to reject filings which are too incomplete to support proceedings on the merits and an applicant's need to assume at some point that a filing will not be rejected for failure to meet basic filing requirements. The 15-day period is reasonable, given the six month statutory deadline for action on certificate of need filings.

Subp. 8. Petition to intervene.

This subpart provides that the Commission will entertain intervention petitions until the matter is referred for contested case proceedings or until the Commission notifies existing parties of its intention to decide the matter on the basis of informal or expedited proceedings. When cases are referred for contested case proceedings, the rules of the Office of Administrative Hearings are to control intervention rights.

The intervention time frames in this subpart are reasonable and necessary. Given the complexity of certificate of need cases and the expense intervention requires, it makes sense to allow potential intervenors time to analyze the filing and determine whether their interests justify intervention. At the same time, however, the intervention period established in the subpart is not so long as to jeopardize parties' ability to present their cases fully, or the Commission's ability to make a sound decision.

Subp. 9. Public hearing.

This subpart clarifies that, whether the Commission uses

contested case or informal proceedings to decide a certificate of need application, the Commission must hold at least one public meeting on the application. This is reasonable and necessary because it is required by statute (Minn. Stat. § 216B.243, subd. 4) and carries out the statutory intent of encouraging public participation in certificate of need proceedings.

7829.2600 STAFF COMMENTS

This subpart provides that any written comments prepared by Commission staff shall be made available to all parties at the same time they become available to the Commission. It also provides for oral argument at the request of any party if staff recommend action not advocated by any party.

Making staff comments available to the parties at the same time they become available to the Commission is reasonable and necessary. The comments are public data under the Minnesota Government Data Practices Act and must be made available during meetings under the Minnesota Open Meeting Law. Minn. Stat. §§ 13.01 et seq.; Minn. Stat. § 471.705, subd. 1b. No purpose would be served by limiting access to the legal minimum. Providing access as soon as comments are available, on the other hand, benefits the parties and underscores the public nature of the regulatory process.

Allowing oral argument when staff recommend action not advocated by any party is reasonable and necessary for similar reasons. It ensures fundamental fairness, promotes informed decisionmaking, and reinforces parties' confidence in the regulatory process.

7829.2700 PROCEDURE FOLLOWING REPORT OF ADMINISTRATIVE LAW JUDGE

Subp. 1. Exceptions to Administrative Law Judge's report.

This subpart provides that parties shall file and serve exceptions to an Administrative Law Judge's report within 20 days of its filing, except in general rate cases, when they are due in 15 days. This relatively short time period is reasonable and necessary because the Commission is usually working under a statutory deadline in contested case proceedings. Although the Commission, all parties, and the Administrative Law Judge work together at trying to leave time at the end of the process for careful decisionmaking, as a practical matter the Commission is usually pressed for time by the time the Administrative Law Judge files his or her report. It is better in these cases to accelerate the filing of exceptions, replies, and oral argument, than to rush the Commission's decisionmaking.

Subp. 2. Replies to exceptions.

This subpart requires parties to file replies to exceptions within ten days, except in general rate cases, when replies are not permitted. This relatively short time period is necessary and reasonable for the same reasons set forth in explaining subpart 1.

Subp. 3. Oral argument.

This subpart makes it clear that parties will be offered an opportunity for oral argument after the Administrative Law Judge's report is filed. It is reasonable and necessary to include this provision, which is required under the Administrative Procedure Act and is important for informed decisionmaking.

7829.2800 GENERAL NOTICE REQUIREMENT

This subpart provides that matters will come before the Commission on ten days notice to all persons on the official service list. The Executive Secretary is to reduce the notice period under exigent circumstances.

The notice provisions are reasonable and necessary. Ten days is long enough for parties to prepare final comments on a matter, and short enough to accommodate the statutory time constraints under which the Commission operates. It is also necessary and reasonable to allow the Executive Secretary to bring matters before the Commission on less than ten days notice under exigent circumstances. Despite everyone's best efforts, Commission action is sometimes necessary on less than ten days notice. The exigent circumstances exception was suggested by members of the Advisory Panel and strongly supported by all members of the panel.

7829.2900 DECISION AND ORDER

This subpart requires the Executive Secretary to serve decisions and orders on all parties and participants in a proceeding. The subpart is necessary and reasonable for purposes of clarity.

7829.3000 PETITION FOR REHEARING, AMENDMENT, VACATION, RECONSIDERATION, REARGUMENT

Subp. 1. Time for request.

This subpart provides that petitions for post-hearing relief must be filed within 20 days of the date the order or decision is served by the Executive Secretary. It is necessary to have a deadline for petitions for post-hearing relief, and 20 days is a

reasonable deadline. It allows parties enough time to analyze the decision and its implications, without unreasonably prolonging the period of uncertainty between the decision and the expiration of time for seeking post-hearing relief.

Subp. 2. Content of request.

This subpart requires specificity in petitions for post-hearing relief. It requires that the grounds for the petition and any errors claimed be specifically set forth, and that any amendments requested be set forth clearly. Requiring specificity is necessary and reasonable to ensure reasoned analysis of the petition, meaningful responses, and informed decisionmaking.

Subp. 3. Service.

This subpart requires that documents filed in regard to petitions for post-hearing relief be served on all parties and participants in the proceeding. This is reasonable and necessary for purposes of due process.

Subp. 4. Answers.

This subpart establishes a 10 day deadline for responding to petitions for post-hearing relief. The 10 day deadline is reasonable and necessary because it keeps the proceeding moving, while allowing adequate time to prepare responses to such petitions.

Subp. 5. Replies.

This subpart provides that replies to answers will not be permitted except upon specific authorization by the Commission. This is reasonable and necessary. It avoids prolonging any proceeding unnecessarily, while giving the Commission the flexibility to allow replies when they would be helpful.

Subp. 6. Commission action.

This subpart allows the Commission to decide petitions for post-hearing relief with or without oral argument and allows the Commission to stay or vacate orders pending disposition of such petitions.

The oral argument provision is necessary and reasonable, since it is sometimes preferable to decide petitions for post-hearing relief without oral argument. An example would be a case in which a petition seeks reconsideration of an issue on grounds already briefed and argued and analyzed in detail in the order. In such a case the Commission might decide to forgo oral argument to spare the parties the expense of another appearance, especially if there are out-of-state parties involved.

The subpart also provides that the Commission may stay or vacate an order pending resolution of a petition for post-hearing relief. This is not discretionary in energy matters. Under the gas and electric statute, orders on which petitions for rehearing are pending are stayed as a matter of law, and petitions for rehearing are deemed denied if not granted within 20 days of filing. Minn. Stat. § 216B.27. There are no similar provisions in the telephone statute, however. To avoid confusion, the rule deals with the stay issue generically. This is reasonable, since the rules do make it clear that statutory provisions control if they conflict with provisions in the rules, and since it can be assumed that the Commission will exercise its discretion in compliance with statutory requirements.

7829.3100 TIME PERIODS VARIED

This subpart allows the Commission to vary any of the time periods established in the rules for good cause shown and allows the Commission to delegate the authority to vary time periods to the Executive Secretary. This kind of flexibility is reasonable and necessary, since, obviously, not all of the approximately 1,078 filings received each year can be handled under the rules' time frames. Allowing the Commission to delegate authority to vary time periods to the Executive Secretary is also reasonable and necessary, since it would avoid the need for a vote by the full Commission each time a party requests an extension of time.

7829.3200 OTHER VARIANCES

Subp. 1. When granted.

This subpart provides for the Commission to vary any of its rules upon a finding that (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. Under Minn. Stat. § 14.05, subd. 4, agencies may grant variances to rules, as long as they have adopted standards to apply to variance requests and set forth reasons in writing whenever they act on them.

It is reasonable and necessary for the Commission to establish a procedure to vary its rules. The number and diversity of the companies it regulates require that it apply rules flexibly from time to time. (The Commission regulates six electric utilities, eight gas utilities, 99 local exchange telephone companies, three facilities-based long distance companies, 65 long distance resellers, plus municipal and co-operative utilities by complaint and under special circumstances.)

The variance criteria established in the rule are reasonable and necessary. They provide for variances when they would benefit the applicant, would not harm the public interest, and would not conflict with any governing legal principles.

Subp. 2. Conditions.

This subpart provides that the Commission may condition a variance upon the applicant's compliance with specified conditions. This is reasonable and necessary. The Commission may grant a small company a variance from certain filing requirements, for example, as long as the company complies with less burdensome filing requirements specified in the variance order.

Subp. 3. Duration.

This subpart provides that, unless the Commission orders otherwise, variances automatically expire in one year. They may also be revoked earlier due to changes in circumstances or for failure to comply with conditions imposed in the variance order.

The general one-year time limit is reasonable and necessary. It reinforces the principle that variances should be the exception, not the rule, and ensures that no company will operate out of compliance with Commission rules inadvertently. The one-year limit will also help alert the Commission when its substantive rules should be changed. If variances to a particular rule are requested year after year, it will be clear that changing the rule should be considered.

It is also reasonable and necessary to provide that variances can be revoked due to changes in circumstances or due to failure to comply with conditions imposed in the variance order. Fundamental fairness and the integrity of the regulatory process require that variances end if the circumstances necessitating them end, or if conditions the Commission considers essential to a variance are not met.

VI. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1990) requires the Commission, when proposing rules which may affect small business, to consider the following methods for reducing the impact on small businesses:

- (a) the establishment of less stringent compliance or reporting requirements for small businesses;
- (b) the establishment of less stringent schedules or

deadlines for compliance or reporting requirements for small businesses;

- (c) the consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) the exemption of small businesses from any or all requirements of the rule.

Minn. Stat. § 14.115, subd. 1 (1990) defines small business as follows:

For purposes of this section, "small business" means a business entity, including farming and other agricultural operations and its affiliates that (a) is independently owned and operated; (b) is not dominant in its field; and (c) employs fewer than 50 full-time employees or has gross annual sales of less than \$4,000,000. For purposes of a specific rule, an agency may define small business to include more employees if necessary to adapt the rule to the needs and problems of small businesses.

The proposed rules will affect small businesses as defined in Minn. Stat. § 14.115 (1990). They will affect small electric and gas utilities, small local telephone companies, and small long distance resellers. They will also affect small business that choose to intervene in Commission proceedings or file formal complaints. The Commission has therefore considered the above-listed methods for reducing the impact of the rules on small businesses.

Methods (a), (b), and (c) address compliance and reporting requirements. The proposed rules do not contain compliance and reporting requirements.

Method (d) does not apply to the proposed rules because the rules do not contain design or operational standards.

Method (e) addresses the exemption of small businesses from any or all rule requirements. Since these rules establish the procedural framework for Commission proceedings, there is no way to exempt some parties from their requirements and still maintain a fair and workable process. Furthermore, none of the rules are unduly burdensome, making an exemption unnecessary in any case.

VII. LIST OF WITNESSES AND EXHIBITS

A. Witnesses

In the event that an administrative rulemaking hearing is necessary, this Statement of Need and Reasonableness contains the Commission's verbatim affirmative presentation of the need for and reasonableness of the proposed rules.

The following members of the Commission staff and the Office of the Attorney General will be available at the hearing to answer questions about the proposed rules or to briefly summarize all or a portion of this Statement of Need and Reasonableness if requested by the Administrative Law Judge.

1. Richard Lancaster
Executive Secretary
2. Carol Casebolt
Staff Attorney
3. Rosellen Condon
Special Assistant Attorney General
Public Utilities Commission Division


B. Exhibits

In support of the need and reasonableness of the proposed rules, the following documents will be entered into the hearing record by the Commission:

<u>Exhibit No.</u>	<u>Document</u>
1.	Notice of Intent to Solicit Outside Information (10 S.R. 2039, March 31, 1986).
2.	Comments in Response to Notice of Intent to Solicit Outside Information, submitted by the Suburban Rate Authority, the Minnesota Independent Coalition, Northern States Power Company, Leonard, Street & Deinard, Otter Tail Power Company, Minnesota Power & Light Company, the Department of Public Service, the Residential Utilities Division of the Office of the Attorney General, and Stanley E. Bourassa.

VII. CONCLUSION

The proposed Rules of Practice and Procedure are necessary and reasonable for the reasons set forth above.



Richard R. Lancaster
Executive Secretary