


# Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1218 05-0009-0739

# RULE REVIEW CHECKLIST

DATE RULE RECEIVED 10-25-85 Adopted w/a hearing _____
DATE FOR REVIEW 10-4 Adopted w/o hearing ✓
DATE DUE 11-8 Temporary rule _____

Approved 11-8-85 SMM Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 10/28/85
disapproved _____

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✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 10.25.85 Date combined w/ FF.

N/A Notice of Intent to Solicit Outside Opinion

_____ Order for rulemaking
_____ date of Hearing not submitted

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency minimal small biz statement

✓ Affidavit of Mailing Notice or rulemaking
8.16.85 At least 30 days prior to ~~hearing~~/adoption

✓ Affidavit of Permissive Mailing
✓ Mailing list Certificate - combined with Affidavit of Mailing

✓ Publication in State Register
8 19 85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact combined with order adopting

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness includes statement of non-applicability to small biz

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

# Office Memorandum

TO: CYNTHIA A. KITLINSKI, Chair
Minnesota Public Utilities Commission

DATE: 11/12/85

ATTN: LISA ROTENBERG
Special Assistant Attorney General

FROM: J. MICHAEL MILES JMM
Assistant Attorney General

PHONE: 296-6555

SUBJECT: In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs

The above-referenced rule has been approved as to its legality by the Attorney General on November 8, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

JMM:pmf

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

MINNESOTA public UTILITIES COMMISSION

October 25, 1985

Ms. Martha Casserly
The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Dear Ms. Casserly:

Enclosed are copies of the adopted rules of the Public Utilities Commission governing the conservation improvement and utility renewable resource pilot programs as well as the order adopting the rule and the other documents necessary for review of rules adopted without a public hearing.

If you have any questions regarding this matter, please feel free to contact our staff attorney, Richard Levine at 296-2357.

Sincerely,

Mary Ellen Hennen
Executive Secretary

MEH:sj
Enc.

AMERICAN CENTER BUILDING • KELLOGG AND ROBERT STS • SAINT PAUL, MN 55101

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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|---|---|
| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

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| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | DOCKET NO. G,E-999/R-85-506<br><br>FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES ADOPTED WITHOUT PUBLIC HEARING |

## PROCEDURAL HISTORY

Notice of the Minnesota Public Utilities Commission's (the Commission) proposed adoption of the above-entitled rule was published in the State Register on August 19, 1985. The notice was sent by United States mail to all persons on the list maintained by the agency, pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a) and 14.22, and to other persons the Commission believed would be interested in this matter on August 16, 1985.

All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. Fewer than 25 written requests for hearing were received within the 30-day comment period.

These rules are designed to implement Minnesota Statutes § 216B.241 (1984) by establishing procedures to be followed by public utilities in submitting and by the Public Utilities Commission in analyzing and selecting proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement programs and renewable resource pilot programs.

Based on the comments and evidence in the record, the Commission makes the following Findings, Conclusions and Order.

## FINDINGS AND CONCLUSIONS

### I. PROCEDURAL REQUIREMENTS OF LAW.

The Commission's Statement of Need and Reasonableness addressed the effects these proposed rules will have on small businesses within the meaning of Minn. Stat. § 14.115 (1984) and the effects these proposed rules will have on local public bodies and agricultural land in the State within the meaning of Minn. Stat. § 14.11 (1984). The Commission finds that it has fully complied with the requirements of these statutes.

Further, the Commission finds that it has complied with the procedural requirements of the Minnesota Administrative Procedure Act relating to the adoption of noncontroversial administrative rules, Minn. Stat. §§ 14.22 -14.28 (1984) and concludes that it may now act to adopt the proposed rules.

II. STATUTORY AUTHORITY.

The Commission finds that it has statutory authority to adopt the proposed rules governing the conservation improvement and renewable resource programs pursuant to Minn. Stat. § 216B.08 (1984).

III. ADOPTED RULES.

7840.0200 PURPOSE.

7840.0300 SCOPE.

In the Statement of Need and Reasonableness (the Statement), the Commission discussed the need for and reasonableness of these sections as follows:

> These introductory sections of the rule are intended to set forth the general purpose, intent, and overall effect of the rule for persons who could be affected by them. It is reasonable and necessary that the rule should provide such information at its beginning so that persons do not have to search through it to find out whether the rule concerns them.

The Commission received no comments concerning these sections of the proposed rule.

The Commission concludes that the need for and reasonableness of these sections have been adequately demonstrated by the Statement.

7840.0400 PROJECTS IN EFFECT.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> Under this section, conservation projects that are in effect on the effective date of these rules will be allowed and are required to be continued for 60 days or until their expiration date, whichever occurs later. Minn. Stat. § 216B.241 (1984) requires utilities to operate conservation improvement programs which make significant investments in and expenditures for energy conservation improvements. All covered utilities have Commission-approved conservation programs which are in various stages of implementation. Virtually all these projects were authorized for a one year period. These one year periods are staggered because the Commission approved utility proposed CIPs between October, 1984 and February, 1985. This rule will bridge the gap between the expiration dates of the projects, the effective

date of these rules, and Commission action on new CIPs. The Commission will have sufficient time to examine, analyze, and take action on currently existing projects without utilities incurring the administrative difficulties of restarting or modifying an expired project. These conservation projects, or others like them, must be kept in operation in order for the utilities to meet their statutory obligations to offer significant and cost-effective conservation programs to their customers. If a conservation project were to lapse while the Commission was in the process of reviewing, analyzing and evaluating the conservation projects, inefficient and ineffective program administration would result. Marketing efforts, customer relations, and reputations of participating community-based organizations could be harmed if a conservation program were interrupted while the Commission reviewed conservation programs. This section allows the Commission to meet its statutory obligation of ensuring that the covered utilities operate conservation programs during a reasonable interim period after the adoption of these rules during which the development and decision-making process is being carried out. Further, it appropriately extends the length of time and proportional amount of the budgets of conservation programs which the Commission has already found to be appropriate. The 60-day period is approximately the minimum time needed to allow for a filing to be prepared and submitted by a utility, comments submitted by interested parties and final Commission action.

Pickands Mather & Co. (PM) and M. A. Hanna Company (Hanna) opposed this section of the proposed rule because they are concerned that this section would have the effect of conferring approval on unlawful programs or on programs which have not been approved by the Commission.

These comments appear to reflect a misunderstanding of the proposed rule. The purpose of the rule, as set forth in the Statement, is to extend Commission-approved conservation improvement programs (CIPs) which are currently operating and would otherwise expire before the Commission had an adequate opportunity to review them and decide whether the programs should be extended, terminated, modified or replaced. Therefore, to insure that the rule is clearly understood, the Commission has made the following change to the proposed rules:

> <u>Approved</u> projects that are in effect on the effective date of parts 7840.0200 to 7840.1400 shall continue in effect for 60 days or until their expiration date, whichever occurs later.

The proposed change is needed and reasonable in order to clearly express the Commission's intent. The Commission concludes that the need for and reasonableness of this section of the rule have been adequately demonstrated by the Statement and by the discussion herein. Further, the Commission finds that these changes do not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and

14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

This section does not confer approval on any "unlawful" conservation programs as alleged by PM and Hanna because no affected conservation programs have been declared unlawful. The Minnesota Court of Appeals in In the Matter of the Implementation of Utility Energy Conservation Improvement Programs and the Establishment of a Utility Renewable Resources Pilot Program, C7-84-2241 (July 3, 1985), ordered the Commission to adopt procedural rules governing the conservation improvement program and utility renewable resource pilot program processes, thus nullifying the Commission's Peoples Natural Gas Company (Peoples) CIP Order. Therefore, while Peoples' CIP may be considered an unapproved program it certainly is not unlawful. Furthermore, because Minn. Stat. § 216B.241 (1984) requires Peoples and other utilities to operate programs which make significant investments in energy conservation improvements, Peoples' actions may be considered unlawful if it does not continue to offer its CIP even without Commission approval. More importantly, Peoples' CIP may no longer be considered an approved program and hence is not subject to this section of the rule.

7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

In the Statement, the Commission discussed the need for and reasonableness of the introductory paragraph of this section as follows:

> This part requires covered utilities to file conservation programs with the Commission by May 1 of each year. This section appropriately recognizes that it is the utility's responsibility to operate significant conservation programs and it is the Commission's responsibility to ensure that they do so. This requirement for filing is necessary in order for the Commission to be able to begin its process of evaluating, reviewing, and selecting appropriate conservation programs. An annual filing will provide the Commission with the information necessary to modify, terminate or extend existing programs and to further the development of new programs. With changing economic and technological conditions and as more information is gathered addressing the efficacy of various types of conservation programs, conservation projects may have to be modified, expanded or terminated in order to achieve workable and efficient projects. The requirement for an annual filing is reasonable because one year is long enough for a program to be implemented and for sufficient information to be gathered to allow for the program evaluation and review. A period significantly shorter than a year would make it difficult for the utilities and the Commission to meet the administrative requirements of developing and selecting programs. Also, a shorter period would not allow for the evaluation of approved programs before the time that new filings were required. A filing period significantly longer than 12 months would not allow the Commission an adequate opportunity to monitor the operation of conservation programs as required by Minn. Stat. § 216B.241 (1984). As a result, inefficient and

non-cost effective programs would not be discontinued as quickly as with an annual review.[1]

The Commission intends to review plans over the summer in order that the programs may be implemented for a full heating season and that it may have results from a full heating season during its review. It believes that most conservation programs for residential customers will be intended to have their greatest impact during the winter heating months in part because the greatest conservation effect should be in the utility service for space heating. Other programs are likely to be aimed at year around usage and thus will be indifferent to a May filing date. Thus, the May 1 filing date is also reasonable.

As fully explained below, filing requirements listed in items A through L are necessary to provide the Commission with enough information to evaluate the proposed programs. Each part is reasonable because it requires the information that is needed by and likely to be useful to the Commission as it makes the important judgments concerning the appropriateness of the programs.

Northern States Power Company (NSP) commented that the proposed May 1 date of filing may not be appropriate for conservation projects which are directed at summer usage although it agreed that May 1 appears to be reasonable for projects directed at winter energy consumption.

The Commission notes that part 7840.0500 requires a utility to file a conservation improvement program "no later than May 1 of each year ..." Thus, the rule would not stop a utility from filing before this date if an earlier filing would be more appropriate. Further, relatively few of the programs are designed to conserve energy in the summer.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 A.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

Item A requires a comprehensive description of the proposed program and each proposed project making up the program. Naturally, a filing must begin by describing the proposed program and its component projects. This informs the Commission of the important aspects of the proposal for which approval is sought. It allows the Commission to understand the nature of the project and gives the Commission the background information it will need to understand and evaluate the appropriateness of a proposed program which may result in the expenditure of a significant amount of money.

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[1] In the Statement of Need and Reasonableness this sentence contained a typographical error which has been corrected here.

The Commission received no comments concerning this filing requirement in the proposed rule. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 B.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> Item B requires utilities or other interested parties to provide the objectives of the proposed project and to estimate the expected cost-effectiveness of the project. The cost-effectiveness is to be estimated from the perspective of not only the utility but also the participating customers and the general body of customers. This should assist the Commission in evaluating the long term societal benefits as well as benefits to customers even when short term costs to the utility exceed its identified savings.
>
> It is necessary that a statement quantifying each project's objectives be filed because this information is vital to understanding the overall purpose and goals of the project. It also will provide a benchmark for measuring the success of the overall program which is necessary to determine the appropriateness of continuing the project into the future. It is necessary that an estimate of each project's cost effectiveness be provided because Minn. Stat. § 216B.241 (1984) specifies cost-effectiveness as a criterion for the selection of conservation projects. It is reasonable to require this information because it is information that can be expected to be available to any party making a serious proposal for a significant conservation project and is needed by the Commission to perform its evaluation.

Minnesota Power (MP) recommended various changes to the cost-effectiveness aspect of the proposed filing requirements, arguing that this part is redundant and unclear. MP recommended that the Commission adopt a specific definition of cost-effectiveness. Inter-City Gas Corp. (ICG) commented that the proposed rules lack a clear definition of cost-effectiveness.

The Commission finds there is no redundancy in the rules. MP's claim that item G of 7840.0500 requires the same information is incorrect. Item G requires no cost-effectiveness analysis. The Commission will not specify in the rules that a particular formula be used to perform a cost-effectiveness analysis. The proposed rules were designed to allow some flexibility to the utilities in performing and to the Commission in reviewing cost-effectiveness analyses. This flexibility is needed because the factors to be considered when analyzing each conservation program may be significantly different. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 C.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> Minn. Stat. § 216B.241 (1984) requires that special consideration be given to low-income families and individuals and to renters. The purpose of item C is to provide the Commission with information concerning the extent that the proposed program will be available to these and other groups. This information will permit the Commission to understand the purpose of the project and its potential impact on important segments of the utility's customer base. It presents a statistical analysis that lays the groundwork for an expanded explanation of the effects on conservation that will be filed pursuant to item H. Since it is likely to have been an important consideration in the development of the proposed project, the information should, therefore, be readily accessible. Requiring the information is reasonable because it is needed and should be readily available.

NSP commented that the term "residential" should not imply that conservation projects are limited to residential customers.

This comment indicates that there may be a fundamental misunderstanding of the intent of the proposed rule. The rule was not meant to imply in any sense that conservation programs are to be limited to the residential class. Rather, the intent of the rule is to state that for these programs which are designed for the residential class, information concerning the expected penetration level of the program to specified sub-groups within the residential class is requested. In order to clarify that this is the intention of the rule, the Commission finds that it is needed and reasonable that the proposed rule be modified as follows:

> C. <u>For each project targeted at residential consumers,</u> a statement of the anticipated percentage of use of each project among ~~targeted residential consumer groups.~~ <u>low income families and individuals, and renters.</u>

The Commission concludes that the need for and reasonableness of this section, as modified to clarify its original intent, have been demonstrated by the Statement and by the discussion herein. Further, the Commission finds that this change does not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.0500 D.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

Item D requires submission of the estimated expenditures in appropriate categories for each proposed project for the next year and the program as a whole for the next five years. This information is necessary for the Commission to make informed judgments on the appropriateness of the project and the proposed methods of operating the project. By affording the Commission data regarding several years' expenditures, it will also give the Commission insights into the complete costs of the project. This requirement fulfills a financial control function inasmuch as it encourages the proposing party to fully develop projects before requesting Commission approval of them. Five years appears to be a reasonable look into the future that will allow flexibility when a utility has alternative data that will further the purpose of the rule and lessen the burden on the utility. The utility must show that the alternative is acceptable.

The Commission received no comments concerning this filing requirement in the proposed rule. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 E.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

Item E seeks a description of the cost recovery method, including the ratemaking treatment, that the utility proposes for the conservation expenditures under review pursuant to these rules. Heretofore, the information which the Commission has received at the time it reviewed conservation programs has been at best minimal and often non-existent. Utilities have rather deferred the costs with and without the Commission's approval and have presented concrete recovery plans only several years later. For instance, Northern States Power Company only recently filed a ratemaking proposal for conservation expenditures ordered and made as early as 1981. It had deferred the dollars until almost $15 million had accumulated. While it first made a separate conservation rate increment filing to recover expenditures for its electric utility, these costs will now be reviewed in a recently filed general rate increase case. By this rule, the Commission seeks to encourage anticipatory planning for cost recovery by the utilities and to become informed of those plans.

The Commission recognizes that utilities are entitled under Minn. Stat. 216B.16, subd. 6a, to treat conservation expenses and investment in the same manner as other allowable ratemaking costs. However, this authority to include conservation costs in ratemaking does not address

the when or how these costs will be recovered through rates. It is possible that present rates are sufficient to recover the costs or that the utility will seek increased rates because it has increased costs. The rule requires utilities to explain the questions of when and how it will recover conservation costs. The Commission needs this information in order to evaluate conservation plans as well as to assure that the anticipated recovery plan is within the range of reasonable plans.

The Commission does not anticipate actually approving cost recovery plans as part of its review and approval of CIPs. The actual recovery of costs must be filed as a proposed change in rates with the necessary information to support a rate change filing. See Minn. Rule, part 7825.3200. Since the issues and the procedures for review of such rate change filings will be different than proposed here for conservation plans, it would not be appropriate for the Commission to pass upon the merits of a cost recovery plan. However, item E will give the Commission and other affected persons notice of the utility's intentions and allow appropriate planning for cost recovery as a component of the review of the conservation programs.

ICG commented that the proposed rules do not specify the mechanism by which utilities may recover the costs of conservation improvement programs, whether by immediate changes in the rates, deferred accounting, or some other mechanism.

PM recommended that the Commission clarify this part of the rules. PM stated that any CIP or URRPP costs should be allocated to the class or classes who receive the benefits of such programs.

Hanna argued that the ratemaking treatment of conservation program costs should be addressed in a rate case. If the ratemaking treatment is addressed in the rule, Hanna recommended that the rule should provide that those ratepayers directly benefiting from CIPs or URRPPs bear the cost of such programs.

Minnegasco recommended that the Commission expand this part of the rule by 1) stating that the Commission shall allow recovery of all conservation program costs that result from federal or state regulations or legislation, or from action by a federal or state agency and which the Commission has or will approve as a PUCIP, CIP or URRPP; and 2) stating that it will require the utility to use deferred debit accounting for all conservation costs. In addition, Minnegasco argued that the cost recovery method set forth in the CIP and URRPP filings be evaluated and approved by the Commission as part of the whole CIP or URRPP.

The Commission finds that no change to the proposed rule is appropriate. The Commission finds that it would not be appropriate to specify a particular cost recovery method at this time as recommended by ICG and Minnegasco. Rather, the responsibility for proposing a reasonable cost recovery plan should be the responsibility of the utility. Minn. Stat. §

216B.16, subd. 6a, requires that conservation costs be treated in the same manner as other allowable ratemaking costs. Therefore, these costs should not be singled out for specific treatment unless the utility can explain why special treatment is needed.

The Commission finds that it would not be appropriate to change the rule as requested by PM or Hanna. The proposed filing requirements were designed to encourage anticipatory planning for cost recovery by the utilities and for the Commission to become better informed of those plans. These objectives are reasonable and will be met by the requirements of the proposed rule.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 F.-G.

In the Statement, the Commission discussed the need for and reasonableness of these items as follows:

> Item F is necessary because it will provide the Commission with information that is needed to make reasoned judgments on the potential effectiveness of the proposed project. The marketing methods employed can be a key to the ultimate success of the conservation project and it is, therefore, a necessary part of a proposed conservation improvement program. This section is reasonable because it is fair to require the person proposing a project to submit information to the Commission that was necessary to the realistic planning and development of that project.
>
> Due to the increased costs of providing incremental or additional amounts of electricity or natural gas, energy conservation may be the least expensive method of meeting the demand for the services provided by these forms of energy. This may be true from the viewpoint of both the utility and the utility's consumers. Item G requires the person proposing a project to estimate the beneficial aspects of conservation to the utility. It is necessary that the benefits of the proposed conservation projects be estimated and provided to the Commission so that the overall benefits of the program can be compared to the total costs of the proposed program. This will give the Commission a benchmark to look at when considering the overall appropriateness of the proposed project. This requirement is reasonable because this information can reasonably be expected to be developed by a party making a serious proposal for a conservation project to the Commission.

The Commission received no comments concerning these filing requirements in the proposed rule. The Commission concludes that the need for and reasonableness of these sections have been adequately demonstrated by the Statement.

7840.0500 H.

In the Statement, the Commission discussed the need for and reasonableness of these items as follows:

> Minn. Stat. § 216B.241 (1984) requires that special consideration be granted to low income families and individuals and to renters. Item H is necessary so that the Commission will be informed of how the proposed project meets the statutory requirement. It is reasonable to require this information because it is needed to meet a statutory requirement.

The Commission finds that a minor clarification of this item of the rule is necessary because of the change to Part 7840.0500 C discussed above. Item C was clarified to explain that conservation projects may be designed for other customers in addition to residential customers and that the requested information need only be submitted concerning projects which are designed for targeted subgroups within the residential class. Similarly, it is necessary and reasonable that item H be clarified to explain that the requested information pertain only to projects which are designed for the residential class. The adopted rule is as follows:

> H. An explanation of how the proposed <u>residential</u> projects provide special consideration for renters and low income customers.

The Commission concludes that the need for and reasonableness of this section, as modified to clarify its original intent, have been demonstrated by the Statement and by the discussion herein. Further, the Commission finds that this change does not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.0500 I.-J.

In the Statement, the Commission discussed the need for and reasonableness of these items as follows:

> In item I it is necessary and reasonable that the rules provide for the disclosure of any involvement of community energy organizations because this information will give the Commission a complete understanding of the scope and the involvement of others than the utility in the proposed project. This item imposes no additional responsibilities on proposing parties, other than a simple reporting of how any community energy organization participation will occur.
>
> Item J addresses the concern that the efficiency of all conservation projects must be evaluated so that decisions can be made whether to continue them. It is important that the person developing a proposed project consider, at least in a general way, the methods to be used to evaluate the project at the time the project is developed to ensure that

all necessary information is collected as the program is being operated. To ensure that the evaluation plan is considered in the developmental stage, it is necessary that an outline of the proposed plan for evaluating the effectiveness of the proposed project be submitted. Item J is reasonable because it will provide the framework for the Commission to analyze the proposed project.

The Commission received no comments concerning these filing requirements in the proposed rule. The Commission concludes that the need for and reasonableness of these sections have been adequately demonstrated by the Statement.

7840.0500 K.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> Item K requires an historical report of the participation in and expenditures for existing conservation projects. This requirement is necessary and reasonable because it provides for the submission of information that is both relevant and important in determining the effectiveness of existing conservation programs and for the comparison of existing conservation programs with each other and with new proposed conservation programs.
>
> These status reports will provide the Commission with current data on each project. These reports will facilitate the Commission's evaluation of the benefits and effectiveness of each project by providing a synopsis of the relevant facts and effects of each project. It is reasonble to require annual status reports because they will aid the Commission in fulfilling its responsibility to monitor the projects and can be prepared more quickly and easily than a formal evaluation which requires time-consuming analysis and interpretation.

MP and other utilities are currently required to submit evaluations of their CIPs twelve months from the date of their approval. MP recommended that the Commission add a provision to the rule which would eliminate the necessity of filing any evaluation reports other than the annual May 1 status report.

The Commission finds that no change to the proposed rule is appropriate. The Commission will need the evaluation reports, which MP would have the Commission eliminate, to determine whether the various projects should be extended for the remainder of the heating season or whether some other course of action would be more appropriate.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0500 L.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> Item L is intended to afford the Commission the opportunity to require additional information in subsequent filings by a utility. It is necessary that the Commission be able to require additional information on an as-needed basis because the limitations in general requirements applied all utilities will not always answer questions regarding a particular utility or a particular conservation program.
>
> Utilities are allowed to and even encouraged to adopt individual conservation projects uniquely suited to their service area or customers. However, in reviewing these projects, particularly on renewal filings, the Commission may have specific concerns or the need for specific information that is not covered by the general requirements adopted above. This rule will allow the Commission through an order entered after review of a filing or evaluation to require the utlity to submit the needed information with its next annual filing. The utility is protected from an exercise of unfettered discretion by the existence of a record that must support the requirement to file additional information.
>
> Minnesota Statutes 216A.05, subd. 3(2), authorizes the Commission to obtain information that it deems necessary or useful from utilities appearing before it. Since the Commission can obtain additional information needed to review conservation projects through requests directed to the utility, it likewise should be able to require that information be filed with the regular filing of a utility. Further, the Minnesota courts have recognized that an agency may require particular information from a utility on a case by case basis when supported by a rule authorizing such a filing. Re Northwestern Bell Telephone Company, No. C4-84-1872 (May 14, 1985), at 18. This rule makes clear the Commission's intention to use its authority to obtain specific information from utilities in this way.

The Commission received no comments concerning this filing requirement in the proposed rule. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

The National Solid Wastes Management Association (NSWMA) proposed an additional filing requirement to require the utility to report on other public or private activities that duplicate the proposed activity and an evaluation of the competitive factors that affect the utility with regard to the other entities.

The Commission finds that the additional filing requirement proposed by NSWMA is unwarranted because it is unlikely that most conservation programs would have a significant impact on competitively provided services. In the event that the NSWMA or any person believes such an impact would result from the implementation of a conservation program the rules provide for the affected party to comment to the Commission stating their concerns.

7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING A.-F.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part describes the standards and requirements for filing renewable resource pilot program proposals. In accordance with Minn. Stat. § 216B.241 (1984), the Commission is required to order at least one public utility to establish a renewable resource pilot program. As stated in the rule, a utility will be required to file a renewable resource program under the following two standards: (1) the Commission determines additional programs are needed to expand Minnesota's options for renewable energy; and, (2) at least one year has elapsed since the utility's renewable resource pilot program has been authorized. The Commission has been granted the authority to make a determination of standard (1) by Minn. Stat. § 216B.241 (1984). Under the statute, it is necessary and reasonable that the Commission evaluate additional programs when the Commission determines that additional programs are needed to expand Minnesota's options for renewable energy. The second standard is designed to inform utilities regarding the frequency with which renewable resource plans must be filed. Such information is necessary to assist both utilities and the Commission in the development of these plans. The second standard is reasonable, because the time spent in the development, approval and implementation of these pilot programs is generally greater than one year. The period of at least one year between authorizing and filing of a pilot project will allow the Commission and the utilities an appropriate period to evaluate these projects.
>
> The filing requirements listed in Minn. Rules, part 7840.0600, items A through F are necessary in order to provide the Commission with sufficient information with which to evaluate proposed programs. The information required is not unreasonable or unduly burdensome. The filing information is readily available and relevant to internal utility decision making.
>
> Item A requires that the filing include a comprehensive description of the proposed renewable resource program and projects, providing the Commission with background information and a general understanding of the overall purpose and goals of the project. In addition, a program description allows the Commission to determine if the

proposed research is duplicative. A description of individual projects within the program allows the Commission to understand how all projects fit together within a program. Program descriptions also assist the Commission in determining the overall impact on the development of renewable resources in the State of Minnesota. Consequently, this filing requirement is necessary and reasonable.

Item B requires that the filing include an estimate of the net energy to be produced by each pilot project. Information of this sort is essential in determining cost-effectiveness. Minn. Stat. § 216B.241 (1984) requires that the Commission evaluate renewable resource pilot programs on the basis of cost-effectiveness. In addition, an estimate of the net energy produced by the project allows the Commission to consider the potential for replacement of traditional fuels. This information also allows the Commission to consider the potential net economic effect of the project on the State's economy. Minn. Stat. § 216B.241 (1984) also requires that the Commission evaluate programs on the basis of the reliability of the technologies employed. Item B also requires that the filing include an estimate of the projected reliability of the technology. The Commission requires evidence that the utility will make investments in and expenditures for a reliable technology that is at an appropriate stage of development. These filing requirements are both necessary and reasonable.

Item C requires that the filing include a detailed budget for each year of the project. Such information allows the Commission to compare the projected costs of the project with the benefits and to make a general determination of significant investment. Budget information provides the Commission with an estimate of the potential rate impact of the project. Budgets can also be used by the Commission in comparing and choosing between similar projects. Submission of a budget also requires that a project's finances be fully developed prior to filing. For these reasons, the Commission believes the filing of such information is necessary and reasonable.

Item D requires that the filing include an estimate of the potential cost-effectiveness of each project. As stated previously, this information is necessary and reasonable because Minn. Stat. § 216B.241 (1984) specifies that the Commission evaluate projects on the basis of cost-effectiveness. Renewable resource projects can be evaluated only by comparing the price of the output to the price of traditional fuels. Thus, the analysis of all costs and benefits both direct and indirect is essential to the evaluation of any pilot program. In some cases, the Commission recognizes that pilot programs may generate a

negative revenue impact until these projects are put into commercial operation.

Item E requires that the filing include a description of proposed ratemaking treatment and the proposed cost recovery method. Minn. Stat. § 216B.241 (1984) provides that all investments and expenditures made pursuant to a Commission Order be treated like other investments and expenditures prescribed in Minn. Stat. § 216B.16, subd. 6b (1984). Thus, investments and expenditures for renewable resource pilot projects that have been ordered by the Commission, and were prudently incurred, would be appropriate for cost recovery. However, the method by which such costs are to be recovered is not specified in Minn. Stat. § 216B.16, subd. 6b (1984). The Commission, therefore, has discretion in determining the method of cost recovery. For this reason, it is necessary and reasonable that parties file a description of the proposed ratemaking treatment and the proposed method of cost recovery.

Item F requires that the filing include an outline of the proposed plan for evaluating the effectiveness of the project. The simultaneous filing of a project and an evaluation plan insures that the evaluation process is well integrated with the project. The evaluation of projects provides two benefits: (1) the development of program objectives; and, (2) a test for cost-effectiveness. The filing of evaluation plans encourages consistency in the evaluation procedure across utilities and across projects. In addition, the filing of an evaluation plan allows all parties to be aware from the outset how programs are to be evaluated. For these reasons, the Commission believes it is necessary and reasonable to require the filing of an evaluation plan.

In this section the Commission only received comments on item E. PM recommended that the Commission clarify item E. As it did with respect to 7840.0500 E, PM stated that any CIP or utility renewable resource pilot program (URRPP) costs should be allocated to the class or classes who receive the benefits of such programs. Hanna argued that the ratemaking treatment of renewable resource program costs should be addressed in a rate case. Hanna recommended that if the ratemaking treatment is addressed in the rule, the rule should provide that those ratepayers directly benefiting from CIPs or URRPPs bear the cost of such programs.

The Commission finds that a modification of item E, as requested by PM and Hanna, would not be appropriate. The proposed filing requirements were designed to encourage anticipatory planning for cost recovery by the utilities and to better inform the Commission of those plans. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0700 EXISTING PROGRAMS; FILING.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> The interest of this part is to insure the continuation of high quality programs. In order to insure the continuation of quality programs, existing programs are required to have the same filing requirements as newly proposed programs. It is reasonable that filing requirements for existing programs be neither more nor less rigorous than those for newly proposed programs. Standardized filing requirements for both new and existing programs will insure high standards for existing programs are maintained rather than assumed. Moreover, it is necessary that the Commission have before it a full-informational filing in order to evaluate existing programs. However, this section avoids the unncessary filing of duplicate program proposals. The intent is to reduce the burden on those filing proposed programs. This section simplifies the filing requirements for existing programs without jeopardizing the integrity of the filing. For these reasons, the Commission believes this section is both necessary and reasonable.

The Commission received no comments concerning this section in the proposed rule. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.0800 NOTICE.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part requires that the covered utilities provide notice of the availability of its filing to interested persons at the time that it files its conservation improvement program or utility renewable resource pilot program with the Commission. It is necessary to make copies of the proposed programs available for public inspection and available to interested persons upon request to allow for a significant degree of public awareness and participation in the development and analysis of conservation improvement programs and utility renewable resource pilot programs. All persons who can reasonably be expected to have an interest in the matter and who can easily be identified will be provided notice. Persons who participated in a utility's CIP or URRPP process during the preceding two years can be reasonably viewed as having an interest in conservation programs. Persons who participated in a utility's last general rate case can reasonably be viewed as interested in the policies and workings of the utility. Therefore, the requirements of this part are reasonable.

Minnesota Power recommended that the rule require the Commission to maintain and update the mailing list of persons to be notified.

The Commission finds that the proposed change is needed to insure that all interested persons receive the appropriate notice. The proposed change is reasonable because the Commission has the ability to maintain official mailing lists, thus easing the burden on the utilities. The adopted rule, with the modification discussed above, is as follows:

> At the time it files its conservation improvement or utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. <u>The Commission will maintain, and provide upon request, a current mailing list including these persons.</u> The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement and by the discussion herein. Further, the Commission finds that this change does not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.0900 COMMENT; ALTERNATIVE PROPOSALS.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part allows interested persons to comment on the proposals of utilities or to submit alternative proposals of their own. This is necessary to ensure that all interested persons have a reasonable opportunity to make meaningful contributions to the development of conservation improvement programs or renewable resource pilot programs. This is also necessary to encourage the development and presentation of the best possible CIPs or URRPPs. When a nonutility proposes an alternative program, it is reasonable to require it to meet the same filing requirements a utility must meet in order that the Commission can have all information needed to compare fairly the potentially competing projects. It is reasonable to require that copies of all filings required herein be filed with the Department of Public Service and Department of Energy and Economic Development as well as

with the utility to which they are addressed because the Commission expects these organizations to fully participate in this matter.

Inter-City Gas commented that the rule is deficient procedurally because it does not provide for a time within which the utility can respond to the alternative proposals. Further, ICG questioned the appropriateness of considering or imposing the programs suggested by interested persons upon a utility.

In its comments, MP also noted that no clear guidelines are established in the proposed rules for submission of comments by utilities regarding alternative proposals. It proposed that the rule establish a 30-day period for interested persons to respond to alternative project proposals.

Upon consideration of the comments, the Commission finds that certain modifications to the proposed rule are needed and reasonable. The adopted rule is as follows:

> The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. The Commission shall allow 15 days from the filing of the comments and alternative projects for written responses. These comments ~~and~~, alternative projects, and responses must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Energy and Economic Development and the utility to which they are addressed. The persons submitting the comments, alternative projects, or responses must provide them to any person, upon request.

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The first change is needed and reasonable because it provides utilities and other interested persons an opportunity to respond to proposals and comments which could have a direct effect on them. The 15 day response period is appropriate because this will allow enough time for the thorough analysis of all such proposals and comments. The 30 day period suggested by MP is unreasonably long because it would needlessly extend the time schedule for the consideration of CIPs. It is important that the Commission's deliberations be completed in time for program implementation before the fall heating season begins. The words "and responses" were added to make the rule consistent with the changes just discussed.

The second change is needed and reasonable to insure that all interested persons have an opportunity to review and respond to comments and alternative proposals and to review the responses. In order for a person to respond to comments or alternative projects copies of them must be available. This addition makes it clear that it is the commenter's responsibility to provide a copy of their comments or alternative project to any person making this request.

The Commission concludes that the need for and reasonableness of this section of the rule have been adequately demonstrated by the Statement and by the discussion herein. Further, the Commission finds that these changes do not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.1000 REQUEST FOR CONTESTED CASE HEARINGS.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part establishes the procedure by which a utility or interested person may request a contested case hearing.
>
> The Commission is not required to conduct a contested case hearing in all instances when reviewing conservation improvement programs, but rather need set the matter for hearing only in the limited instances when "the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing." Minn. Stat. § 14.02, subd. 3 (1984). The statute authorizing conservation plans, Minn. Stat. § 216B.241, requires only that the Commission periodically review the plans and does not require a hearing. Thus, the legislature has contemplated informal proceedings rather than formal contested case hearings for conservation plan reviews. See Re Implementation of Utility Conservation Improvement Programs, No. C7-84-2241 (May 28, 1985), slip op. at 8. Any rights to a contested case hearing must be found in general principles of statutory or constitutional law.
>
> These general principles are summarized in the due process clause of the state and federal constitutions. See, i.e., U. S. Const. Amend. 14. The rule sets forth standards under which a motion for a contested case hearing would be granted. These standards follow the fundamental principles of due process, as has been recognized by the following authorities on administrative law:
>
> > "[A] party is entitled to a hearing as a matter of constitutional due process where: (1) the agency action is based upon disputed material, adjudicative facts; and (2) the action has or will adversely affect a substantial 'liberty' or 'property' interest." W. Keppel & D. Gilbert, Minnesota Administrative Practice and procedure, § 403 (1982).
> >
> > "[O]ne who has a sufficiently protected interest is normally entitled to a

trial-type hearing on issues of adjudicative fact..." K.C. Davis, Administrative Law Treatises, § 10.1 (2d ed. 1979).

By setting forth these principles as express standards, the Commission not only has informed persons of the showing that they must make to obtain a formal hearing but also has followed the accepted law on the matter.

The time frames established by the rule are necessary and reasonable in that they allow sufficient time for a thorough analysis of a program by utilities and interested persons and also do not unduly delay the entire process. The rule also incorporates a notice requirement to insure that all those who have indicated an interest in a particular CIP or URRPP receive notice of the motion requesting a contested case hearing. Thus, they would be able to participate in the Commission's decision-making process regarding granting a contested case.

The rule states that the motion for a contested case hearing must set forth with specificity the grounds for a hearing. This is reasonable and necessary to allow other persons the opportunity to make a meaningful reply if they wish and to afford the Commission a basis upon which to evaluate and rule upon the motion.

The Commission concludes that it is necessary and reasonable to establish the procedural steps and state the requisite showing a person or a utility must make to be granted a contested case hearing on a CIP or URRPP.

The Commission received no comments concerning this section of the rule.

The Commission will make a minor change to reflect the change in 7840.0900. The adopted rule is as follows:

Within ten days following the end of the comment and response periods, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

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The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement. Further, the Commission finds that this change does not constitute a substantial change

within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.1100 RESPONSES: WRITTEN RECORD.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part states the informal procedures that the Commission may use when a contested case hearing is not required. It further provides a standard for informal Commission action. It's reasonable and necessary because it informs utilities and interested persons of procedures that the Commission may use to fulfill its statutory obligation and implement the goals of Minn. Stat. 216B.241 (1984). The Commission used many of the listed informal procedures for its 1983-84 review of conservation proposals. The Commission found that written comments, a public meeting, and negotiations afforded interested persons an opportunity to participate and reach a consensus on the means of achieving the goals of Minn. Stat. 216B.241 through particular conservation projects. The Commission anticipates that the flexibility afforded by informal processes can further improve and refine the conservation proposal and evaluation procedures in the future.
>
> Further, this part clarifies what information makes up the record upon which the Commission will make its decision. It requires that all written materials and summaries of oral meetings for each proceeding filed with the Commission be served upon all proceeding participants. This is designed to insure a free and complete flow of information to all who are interested and to lead to a well-informed, thorough analysis of CIP and URRPP projects and programs by the Commission.

NSP commented that a specific time table is needed in order to assure prompt consideration and approval of CIPs and URRPPs. It suggested that the rule require that programs be approved within 60 to 90 days of the filing date when a contested case hearing is not required. It also recommended that if a contested case hearing is required the Commission should grant early approval of the projects which are not in dispute.

ICG commented that this part is overly broad and does not present any clearly defined path to be followed in the development of the programs. ICG was also concerned that no deadlines were incorporated into the rule. ICG also commented that some assurance should be given that any settlements resulting from any negotiations would be accepted by the Commission.

Hanna objected to this part because it is "vague and fails to provide adequate notice of the procedures the Commission will follow ..."

The Commission will make none of the recommended changes to this section because it is neither overly broad nor vague. This section

appropriately gives notice of the type of procedures which may be employed and gives the Commission needed flexibility to act in a manner that is warranted by the particular circumstances.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

7840.1200 DISAPPROVAL: ORDER.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> The Commission acts only through its Orders, this part merely restates the Commission's obligation pursuant to Minn. Stat. 216B.33 (1984) to make its findings and orders in writing. It is reasonable and necessary to include this part in the rule because it gives a clear and complete picture of the Commission's decision-making process for CIPs and URRPPs.

Pickands Mather commented that written orders should be required regardless of whether the Commission approves, modifies or denies the program.

Hanna asserted that written orders must be issued in connection with the approval of conservation programs as well as with disapproval of programs.

The Commission finds that it is appropriate to modify the rule in conformance with the comments of PM and Hanna. The approved rule is as follows:

> ~~If~~ When the Public Utilities Commission ~~does not approve~~ approves, disapproves or modifies a program, project, or evaluation plan ~~or modifies a program, project, or evaluation plan,~~ it shall set forth its reasons in a written order.

It is reasonable and necessary to make this modification to the proposed rule because the change will result in the presentation of a clear and complete picture of the Commission's decision-making process for CIPs and URRPPs. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement and by the discussion herein. Further, the Commission finds that this change does not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.1300 PROPOSED PROGRAM CHANGES.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

The purpose of this part is to allow the Commission to make appropriate and timely changes to a conservation improvement program or a utility renewable resource pilot program. After a conservation program is implemented, additional information concerning ways of improving the program may be available. The Commission needs the ability to modify, expand or terminate a program in order to reflect any such new information. Also, Minn. Stat. 216B.241 (1984) requires the Commission to monitor the conservation improvement programs. Clearly, the requirement to monitor a program also requires the Commission to make any programmatic changes that are needed to correct any deficiencies found as a result of the monitoring activity. This part establishes standards upon which to judge the changes. Changes may be made in order to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, change the time period during which the project would be in effect or expand, change or reduce the size of the geographical area or target group that the project covers. This part is necessary so that the Commission can insure that the covered utilities operate cost-effective conservation programs which make significant investments in and expenditures for energy conservation improvements as required by Minn. Stat. 216B.241 (1984). This part is reasonable because the types of changes that could be made under it are designed to achieve better results from conservation programs.

This part also requires that all participants be notified of the proposed changes and allows for an appropriate comment period. Both provisions are necessary and reasonable because they will allow all participants to fully participate in this matter.

NSP commented that this section should not preclude utilities from filing new projects for Commission approval as they are developed.

The Commission finds that the rule, as proposed, would allow the Commission to approve new conservation projects as they are developed. The rule states that the Commission may expand a CIP or URRPP before its expiration date. Because a program may be made up of several projects, one way to expand a program is to add another project. Nevertheless, because this purpose is not completely clear in the rule, the Commission will modify the rule to explicitly state that the Commission may add a new project under this section. The approved rule is as follows:

Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may add a new project or modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before the program's ~~its~~ expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to

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submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

This change is needed and reasonable because it clarifies the Commission's original purpose for this section, as stated in the Statement.

The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement and by the discussion above. Further, the Commission finds that these changes do not constitute a substantial change within the meaning of Minnesota Statutes §§ 14.05, subdivision 2 (1984) and 14.24 (1984) and Minnesota Rules, part 1400.1100, subpart 2, 9 S.R. 2282.

7840.1400 RULES OF PRACTICE.

In the Statement, the Commission discussed the need for and reasonableness of this section as follows:

> This part is necessary and reasonable because it states that the Commission's Rules of Practice, Minnesota Rules, chapter 7830, will also apply to the CIP and URRPP process when not conflicting with these rules. The rules of practice address the common pleading and practice procedures before the Commission. Making these practices clearly applicable when not in conflict with more specific procedures found in this rule will not only inform, but also assures, utilities and other interested persons of their full rights and duties. Of course, statutory procedures also apply in all cases.

The Commission received no comments concerning this section in the proposed rule. The Commission concludes that the need for and reasonableness of this section have been adequately demonstrated by the Statement.

## ORDER

1. The rules governing the conservation improvement and renewable resource programs, appended hereto as Attachment A, are hereby adopted.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Mary Ellen Hennen
Executive Secretary

SERVICE DATE: OCT 25 1985

( S E A L )

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(0235E)

AG copy

Public Utilities Commission

Adopted Rules Governing the Conservation Improvement and Renewable Resource Programs

Rules as Adopted

7840.0200 PURPOSE.

The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the Public Utilities Commission in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement and renewable resource pilot programs.

7840.0300 SCOPE.

This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

7840.0400 PROJECTS IN EFFECT.

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Approved projects that are in effect on the effective date of parts 7840.0200 to 7840.1400 shall continue in effect for 60 days or until their expiration date, whichever occurs later.

7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

No later than May 1 of each year beginning in 1986, a public utility required by Minnesota Statutes, section 216B.241 to invest in a conservation improvement program shall file with the Public Utilities Commission a conservation improvement program. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program.

B. A statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to

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the utility's customers.

C. For each project targeted at residential consumers, a statement of the anticipated percentage of use of each project among ~~targeted residential consumer groups~~ low income families and individuals, and renters.

FF page 7.

D. A detailed budget for each project for the next year, and a projected five-year budget for the overall program. If a shorter time period is more appropriate for the five-year budget, the utility must provide reasons for that shorter time period and the projected budget for that shorter period.

E. A detailed description of the proposed ratemaking treatment and the proposed cost recovery method.

F. A description of the marketing plans for each proposed project.

G. A description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects.

H. An explanation of how the proposed residential projects provide special consideration for renters and low income customers.

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I. An explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate.

J. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

K. A status report on each project from the previous year's program stating the total number of customers served; the number of low income customers and the number of renters served, if applicable; the total amount spent on the project to date; the average amount spent on each customer participating in the project, if applicable; and other information as required by the Public Utilities Commission in its order approving the previous year's program.

L. Additional information that the Public Utilities

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Commission determines is necessary as a result of its review or evaluation of prior projects of the particular utility.

7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.

A public utility required by Minnesota Statutes, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the Public Utilities Commission that additional utility renewable resource pilot programs are neeeded to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the commission shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

A. a comprehensive description of the proposed program, including a description of each project making up the program;

B. an estimate of the net energy to be produced by each project and the projected reliability of the technology which would be used;

C. a detailed budget for each year of the project;

D. an estimate of the potential cost effectiveness of each project;

E. a description of the proposed ratemaking treatment and the proposed cost recovery method; and

F. an outline of the proposed plan for evaluating the effectiveness of the proposed project.

7840.0700 EXISTING PROGRAMS; FILING.

The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for newly proposed projects; however, if the Public Utilities Commission has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

7840.0800 NOTICE.

At the time it files its conservation improvement or

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utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The commission will maintain, and provide upon request, a current mailing list including these persons. The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

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7840.0900 COMMENT; ALTERNATIVE PROPOSALS.

The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. The commission shall allow 15 days from the filing of the comments and alternative projects for written responses. These comments ~~and~~, alternative projects, and responses must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Energy and Economic Development, and the utility to which they are addressed. The persons submitting the comments, alternative projects, or responses must provide them to any person, upon request.

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7840.1000 REQUEST FOR CONTESTED CASE HEARING.

Within ten days following the end of the comment ~~period~~ and response periods, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The

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motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

7840.1100 RESPONSES; WRITTEN RECORD.

When a contested case hearing is not required, the Public Utilities Commission may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures as it deems necessary or helpful to enable it to review, analyze, and select appropriate programs under Minnesota Statutes, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the Public Utilities Commission must also be served upon participants and will become part of the record upon which the Public Utilities Commission will decide the case.

7840.1200 DISAPPROVAL; ORDER.

~~If~~ When the Public Utilities Commission ~~does not approve~~ approves, disapproves, or modifies a program, project, or evaluation plan ~~or modifies a program, project, or evaluation plan~~, it shall set forth its reasons in a written order.

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7840.1300 PROPOSED PROGRAM CHANGES.

Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may add a new project or modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before ~~its~~ the program's expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area

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or target group that the project covers, or to change the time period during which the project would be in effect.

7840.1400 RULES OF PRACTICE.

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
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NOV 12 1985
Joan Anderson Growe
Secretary of State
8:55 AM

APPROVED AS TO FORM AND LEGALITY

11/8 1985

ROBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

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OCT 22 1985

MINNESOTA PUBLIC
UTILITIES COMMISSION

Rules as Proposed (all new material)

7840.0200 PURPOSE.

The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the Public Utilities Commission in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement and renewable resource pilot programs.

7840.0300 SCOPE.

This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

7840.0400 PROJECTS IN EFFECT.

Projects that are in effect on the effective date of parts 7840.0200 to 7840.1400 shall continue in effect for 60 days or until their expiration date, whichever occurs later.

7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

No later than May 1 of each year beginning in 1986, a public utility required by Minnesota Statutes, section 216B.241 to invest in a conservation improvement program shall file with the Public Utilities Commission a conservation improvement program. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program.

B. A statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to the utility's customers.

C. A statement of the anticipated percentage of use of each project among targeted residential consumer groups.

D. A detailed budget for each project for the next year, and a projected five-year budget for the overall program.

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If a shorter time period is more appropriate for the five-year budget, the utility must provide reasons for that shorter time period and the projected budget for that shorter period.

E. A detailed description of the proposed ratemaking treatment and the proposed cost recovery method.

F. A description of the marketing plans for each proposed project.

G. A description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects.

H. An explanation of how the proposed projects provide special consideration for renters and low income customers.

I. An explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate.

J. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

K. A status report on each project from the previous year's program stating the total number of customers served; the number of low income customers and the number of renters served, if applicable; the total amount spent on the project to date; the average amount spent on each customer participating in the project, if applicable; and other information as required by the Public Utilities Commission in its order approving the previous year's program.

L. Additional information that the Public Utilities Commission determines is necessary as a result of its review or evaluation of prior projects of the particular utility.

7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.

A public utility required by Minnesota Statutes, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the Public Utilities Commission that additional

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

utility renewable resource pilot programs are neeeded to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the commission shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

A. a comprehensive description of the proposed program, including a description of each project making up the program;

B. an estimate of the net energy to be produced by each project and the projected reliability of the technology which would be used;

C. a detailed budget for each year of the project;

D. an estimate of the potential cost effectiveness of each project;

E. a description of the proposed ratemaking treatment and the proposed cost recovery method; and

F. an outline of the proposed plan for evaluating the effectiveness of the proposed project.

7840.0700 EXISTING PROGRAMS; FILING.

The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for newly proposed projects; however, if the Public Utilities Commission has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

7840.0800 NOTICE.

At the time it files its conservation improvement or utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The notice must state that a copy of the utility's proposed program

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is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

7840.0900 COMMENT; ALTERNATIVE PROPOSALS.

The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. These comments and alternative projects must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Energy and Economic Development, and the utility to which they are addressed.

7840.1000 REQUEST FOR CONTESTED CASE HEARING.

Within ten days following the end of the comment period, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

7840.1100 RESPONSES; WRITTEN RECORD.

When a contested case hearing is not required, the Public Utilities Commission may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures as it deems necessary or helpful to enable it to review, analyze, and select appropriate programs under Minnesota Statutes, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Public Utilities Commission must also be served upon participants and will become part of the record upon which the Public Utilities Commission will decide the case.

7840.1200 DISAPPROVAL; ORDER.

If the Public Utilities Commission does not approve a program, project, or evaluation plan or modifies a program, project, or evaluation plan, it shall set forth its reasons in a written order.

7840.1300 PROPOSED PROGRAM CHANGES.

Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before its expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

7840.1400 RULES OF PRACTICE.

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD817

Agency: Public Utilities Commission

Division:

Agency Contact: Richard Levine

Minnesota Rules: Parts 7840.0200 to 7840.1400

Title: Proposed Rules Governing The Conservation Improvement and Renewable Resource Programs

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: July 31, 1985

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

| | |
|---|---|
| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

| | |
|---|---|
| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | Docket No. G,E-999/R-85-506<br><br>CERTIFICATE OF MINNESOTA PUBLIC UTILITIES COMMISSION'S AUTHORIZING RESOLUTION |

I, Cynthia A. Kitlinski, do hereby certify that I am a member and the Chair of the Minnesota Public Utilities Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Public Utilities Commission duly and properly called and held on the 24th day of July, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that Janet F. Gonzalez, Acting Executive Secretary of the Minnesota Public Utilities Commission, is hereby granted the authority and directed to give Notice of the Commission's Proposed Adoption of a rule without a public hearing governing the procedures to be followed by utilities in submitting, and by the Commission in evaluating and selecting proposals for conservation improvement and renewable resource pilot programs and providing for the participation of other interested parties in developing conservation improvement and renewable resource pilot programs to all persons who have registered their names with the Commission for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of October, 1985.

Cynthia A. Kitlinski
(Officer of the Commission)

Leo G. Adams
Attest by one other Commission member

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

| | |
|---|---|
| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

In the Matter of Proposed Rules Governing Conservation Improvement Programs and Utility Renewable Resource Pilot Programs

DOCKET NO. G,E-999/R-85-506

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the Minnesota Public Utilities Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes 216B.08.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Paul Schweizer
Public Utilities Commission
780 American Center Building
Kellogg and Robert Streets
St. Paul, Minnesota 55101
612/296-7125

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

These rules are designed to implement Minnesota Statutes § 216B.241 (1984) by establishing procedures to be followed by public utilities in submitting and by the Public Utilities Commission in analyzing and selecting proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement programs and renewable resource pilot programs. The text of the proposed rule is attached to this notice.

Additional copies of the rule are available for review from Paul Schweizer at the above address upon request.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul Schweizer at the above address upon request. The effect on small business, the impact on agricultural land, and the cost to local public bodies for two years immediately following the adoption of the proposed rule, if any, are addressed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the noncontroversial rule, the rule and the required supporting noncontroversial rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any persons may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule, must submit the written request to Paul Schweizer at the above address.

BY ORDER OF THE COMMISSION

Janet F. Gonzalez
Acting Executive Secretary

SERVICE DATE: AUG 16 1985
JFG/RC/djs

( S E A L )

Rules as Proposed (all new material)

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D. A detailed budget for each project for the next year, and a projected five-year budget for the overall program

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7840.1400 RULES OF PRACTICE.

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

In the Matter of Proposed Rules Governing Conservation Improvement Programs and Utility Renewable Resource Pilot Programs

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF A RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA )
)ss.
COUNTY OF RAMSEY )

Donna Carolus, being first duly sworn, deposes and says:

I hereby certify that the list of persons, who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1, paragraph (a), and 14.22 or 14.30, that their names be placed on the Minnesota Public Utilities Commission rulemaking mailing list is accurate and complete as of 2:30 P.M., this 16th day of August, 1985.

That on the 16th day of August, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof with postage prepaid, to all persons on the aforementioned mailing list.

Donna Carolus

Subscribed and sworn to before me, a notary public, this 16th day of August, 1985.

Sharon L. Juen
Notary Public

SHARON L. JUEN
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY
MY COMM. EXPIRES JAN. 19, 1991

| | ##ENTRY # 253## | ##ENTRY # 147## | ##ENTRY # 180## | ##ENTRY # 51## | ##ENTRY # 88## |
|---|---|---|---|---|---|
| A | A. STRICKER VICE PRES. | ADVOCATE FOR THE BLIND | AGNES ENGELBRECHT | AGRALITE COOPERATIVE | AL ROSS |
| B | GREAT PLAINS NATURAL GAS | 1821 UNIVERSITY AVE. | R. 4 BOX 358 | EAST HIGHWAY 12 | 6356 WARE ROAD |
| C | 105 W. LINCOLN BOX 176 | ST. PAUL MN 55104 | ALEXANDRIA MN 56308 | BENSON MN 56215 | LINO LAKES MN 55014 |
| D | FERGUS FALLS MN 56537 | | | | |
| E | RG | R | R | | |
| F | | R | R | R | R |
| G | | R | R | | R |
| H | | ALL | ALL | | EP |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 112## | ##ENTRY # 33## | ##ENTRY # 247## | ##ENTRY # 71## | ##ENTRY # 151## |
|---|---|---|---|---|---|
| A | ALLAN W. NASLUND-AUDITOR | ALLEN F. SCHRUPP | ANDREW C. GIBAS | ANDREW E. ANDERSON | ARCHIE WILCOX |
| B | CARLTON CTY COURTHOUSE | 1604 7 1/2 ST. S.W. | 9 WEST ROAD | OTTER TAIL POWER COMPANY | MINNESOTA SENIOR FEDERA. |
| C | CARLTON MN 55718 | WILLMAR MN 56201 | CIRCLE PINES MN 55014 | 215 SOUTH CASCADE ST. | 836 N. 42ND AVE. W. |
| D | | | | FERGUS FALLS MN 56537 | DULUTH MN 55807 |
| E | R | | R | | R |
| F | R | R | | R | R |
| G | R | | | | R |
| H | ALL | | | | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | C |

| | ##ENTRY # 41## | ##ENTRY # 139## | ##ENTRY # 15## | ##ENTRY # 167## | ##ENTRY # 168## |
|---|---|---|---|---|---|
| A | ARROWHEAD ELECTRIC COOP. | ART SWANSON TRUCKING INC | B. ZACH-ARVENSEN DONOHO | BERDETTE BOYUM | BILL FREEMAN |
| B | P. O. BOX 38 | ROUTE 2 BOX 134 | LUNDEEN HOFF SVINGEN ENG | ROOM 300-PUBL HEALTH CTR | 501 S. 1ST ST. |
| C | LUTSEN MN 55612 | MCINTOSH MN 56556 | 125 S. MILL ST. | 250 SO. FOURTH ST. | MONTEVIDEO MN 56265 |
| D | | | FERGUS FALLS MN 56537 | MINNEAPOIS MN 55415 | |
| E | | R | | R | R |
| F | R | R | R | R | R |
| G | | R | | | R |
| H | | ALL | | GE | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 43## | ##ENTRY # 39## | ##ENTRY # 240## | ##ENTRY # 231## | ##ENTRY # 149## |
|---|---|---|---|---|---|
| A | BLOOMING PRAIRIE PUBLIC | BLUE EARTH LIGHT & WATER | BOB FITZGERALD | BOB FRANKLIN-CITY EDITOR | BOB HAGEN |
| B | UTILITIES | DEPARTMENT | 3007 LYNDALE AVE. S. | MINNEAPOLIS TRIBUNE | MINNEAPOLIS TRIBUNE |
| C | P. O. BOX 55 | 118 EAST SIXTH ST. | MINNEAPOLIS MN 55408 | 425 PORTLAND AVE. | 425 PORTLAND AVE. |
| D | BLOOMING PRAIRIE MN55917 | BLUE EARTH MN 56013 | | MINNEAPOLIS MN 55488 | MINNEAPOLIS MN 55488 |
| E | | | R | R | R |
| F | R | R | R | R | R |
| G | | | R | R | R |
| H | | | ALL | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| ##ENTRY # 24## | ##ENTRY # 105## | ##ENTRY # 172## | ##ENTRY # 185## | ##ENTRY # 201## |
|---|---|---|---|---|
| A CLEARWATER-POLK | CLEMENT F. SPRINGER JR. | COLLEEN LAMONT | COUNTY ADMINISTRATION | COUNTY AUDITOR |
| B UTILITIES | 39 S. LASALLE-ROOM 1120 | PEOPLES NATURAL GAS CO. | POLK COUNTY COURTHOUSE | COURTHOUSE |
| C | CHICAGO IL 60603 | 2223 DODGE ST. | CROOKSTON MN 56716 | BAGLEY MN 56621 |
| D BAGLEY MN 56621 | | OMAHA NB 68102 | | |
| E | R | RG | R | R |
| F R | R | | R | R |
| G | | | R | R |
| H | GE | | ALL | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 221## | ##ENTRY # 220## | ##ENTRY # 176## | ##ENTRY # 73## | ##ENTRY # 243## |
|---|---|---|---|---|
| A CRAIG A. WALDRON | CRAIG R. RAPP | CROW WING CONCERNED | CROW WING COOP POWER | D. E. HAMILL PRESIDENT |
| B P. O. BOX 3367 | CLERK-ADMINISTRATOR | CITIZENS | AND LIGHT | INTERSTATE POWER COMPANY |
| C MANKATO MN 56001 | 9201 N. LEXINGTON AVE. | 1216 S. 6TH ST. | P. O. BOX 507 | 1000 MAIN ST. |
| D | CIRCLE PINES MN 55014 | BRAINERD MN 56401 | BRAINERD MN 56401 | DUBUQUE IA 52001 |
| E R | R | R | | RG |
| F R | | R | R | RE |
| G R | | R | | |
| H ALL | | ALL | | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 263## | ##ENTRY # 29## | ##ENTRY # 26## | ##ENTRY # 20## | ##ENTRY # 155## |
|---|---|---|---|---|
| A D. H. LOGUE | DALLAS E. NELSON | DANIEL R. DUKLET | DAVE HARTLEY | DAVID FADNESS |
| B SUPT. OF UTILITIES | BOX 521 | SUPERINTENDENT | 504 SECOND ST. | R. R. |
| C 130 SECOND AVE. N.W. | LITCHFIELD MN 55355 | HALSTAD MN 56548 | JACKSON MN 56143 | RUTHTON MN 56170 |
| D SLEEPY EYE MN 56085 | | | | |
| E R | | | | R |
| F R | R | R | R | R |
| G | | | | R |
| H GE | | | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 181## | ##ENTRY # 107## | ##ENTRY # 65## | ##ENTRY # 13## | ##ENTRY # 81## |
|---|---|---|---|---|
| A DAVID LOCH-EXEC. DIR. | DAVID M. MARTIN | DAVID P. LARSON-GEN MGR | DAVID S. DOUGLAS | DAWN SHERMAN O'NEILL |
| B REG. 5 REG. DEVELOP COMM | OWATONNA PUBLIC UTILITY | WRIGHT-HENNEPIN COOP.ELE | OLSON'S POINT | SUTHERLAND ASBILL & |
| C 611 IOWA AVE. | P. O. BOX 800 | MAPLE LAKE MN 55358 | BUFFALO MN 55313 | 1666 K ST. N.W.--BRENNAN |
| D STAPLES MN 56479 | OWATONNA MN 55060 | | | WASHINGTON D.C. 20006 |
| E R | R | | | |
| F R | R | R | R | R |
| G R | R | | | |
| H ALL | ALL | | | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC * G PHONE * H RULES MISC I PGA J MISC LISTS

**ENTRY # 48**
A DEAN AMO
B BOX 230
C AITKIN MN 56430
D
E
F R
G
H
I PGA
J

**ENTRY # 29**
DELANO PUBLIC UTILITIES
11 WEST BRIDGE AVE.
DELANO MN 55328

R

PGA

**ENTRY # 129**
DENISE ANDERSON
ST.PAUL CHAMBER OF COMM.
701 N. CENTRAL TOWER
ST.PAUL MN 55101
R
R

GE
PGA
C

**ENTRY # 266**
DEWAYNE RUBEDOR
523 SINCLAIR LEWIS AVE.
SAUK CENTRE MN 56378

R
R
R
ALL
PGA

**ENTRY # 196**
DIRECTOR
DEVELOP. DISAB. PLANNING
200 CAPITOL SQUARE BLDG.
ST. PAUL MN 55101
R
R
R
ALL
PGA

**ENTRY # 79**
A DON ANDERSON
B BELTRAMI ELECTRIC COOP
C BOX 488
D BEMIDJI MN 56601
E
F R
G
H
I PGA
J

**ENTRY # 58**
DON BRANDT
PEOPLES COOP POWER
P. O. BOX 1039
ROCHESTER MN 55901

R

PGA

**ENTRY # 226**
DONALD PAULEY
2401 HWY. 10
MOUNDS VIEW MN 55102
R
R
R
ALL
PGA

**ENTRY # 77**
DOUGLAS E. WALLACE-MGR.
NOBLES COOP ELECTRIC
P. O. BOX 70
WORTHINGTON MN 56187

R

PGA

**ENTRY # 5**
DOUGLAS N. SCHANTZ
ARCO OIL AND GAS CO.
P.O. 2819
DALLAS TX 75221
R

**ENTRY # 140**
A DOUGLAS V. MOEN
B HOUSTON COUNTY AUDITOR
C CALEDONIA MN 55921
D
E R
F R
G R
H ALL
I PGA
J

**ENTRY # 31**
DWANE BRASE
SUPERINTENDENT
508 SOUTH ST.
WASECA MN 56093

R

PGA

**ENTRY # 225**
DWIGHT A. SMITH
SENATE RESEARCH
460 STATE OFFICE BLDG.
ST. PAUL MN 55155
R
R
R
ALL
PGA

**ENTRY # 160**
EARL H. TAYLOR-CLERK
CITY OF INDEPENDENT
1790 COUNTY ROAD 90
MAPLE PLAIN MN 55359
R
R
R
ALL
PGA

**ENTRY # 70**
EARL L. JOHNSON-GEN MGR
TRI-COUNTY ELECTRIC COOP
RUSHFORD MN 55971

R

PGA

**ENTRY # 30**
A EARL LA MAACK
B P. O. BOX 609
C ALEXANDRIA MN 56308
D
E
F R
G
H
I PGA
J

**ENTRY # 268**
ED SHUKLE-CITY MANAGER
CITY OF BENSON
1411 PACIFIC AVE.
BENSON MN 56215
R
R
R
ALL
PGA

**ENTRY # 6**
EDWARD H. SWETMAN-V.PRES
MINNEGASCO
201 SO. 7TH ST.
MINNEAPOLIS MN 55402
RG
R
R
ALL
PGA

**ENTRY # 214**
EDWARD J. KRANZ-CTY ADM.
100 SIBLEY ST.
HASTINGS MN 55033

R
R
R
ALL
PGA

**ENTRY # 84**
EDWARD STARR-CTY ATTNY.
647 CITY HALL-COURTHOUSE
15 W. KELLOGG BLVD.
ST. PAUL MN 55102
R
R
R
ALL
PGA

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC * G PHONE * H RULES MISC I PGA J MISC LISTS

| | | | | |
|---|---|---|---|---|
| **ENTRY # 34** | **ENTRY # 269** | **ENTRY # 47** | **ENTRY # 130** | **ENTRY # 45** |
| A ELAINE J. DE BEIER | ELIZABETH SCHMIDT | ELMER LALLI | ELMER WAROLIN | EUGENE P. SULLIVAN |
| B MINNESOTA POWER | CITY CLERK | WATER & LIGHT DEPARTMENT | AUDITOR-TREASURER | 900 EAST KRAFT DR. |
| C 30 WEST SUPERIOR ST. | 1015 SECOND AVE. | P. O. BOX 373 | MILLE LACS COUNTY | MELROSE MN 56352 |
| D DULUTH MN 55802 | MOUNTAIN LAKE MN 56159 | BRAINERD MN 56401 | MILACA MN 56353 | |
| E | R | | R | |
| F RE | R | R | R | R |
| G | R | | R | |
| H | ALL | | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 128** | **ENTRY # 252** | **ENTRY # 246** | **ENTRY # 182** | **ENTRY # 193** |
| A EXECUTIVE DIRECTOR | F. K. LITTLE-VICE PRES. | F. M. CHRISTIANSEN | F. R. (DICK) KADRIE | FRANK RATHBUN-MANAGER |
| B ARROWHEAD REG DEV COMM. | INTER-CITY GAS LTD. INC. | 911 CAPITOL SQUARE BLDG. | 657 BURR ST. | PEOPLES NATURAL GAS CO. |
| C 200 ARROWHEAD PLACE | 1004 CLOQUET AVE. | ST. PAUL MN 55101 | ST. PAUL MN 55101 | 25 MAIN PLACE |
| D DULUTH MN 55802 | CLOQUET MN 55720 | | | COUNCIL BLUFFS IA 51501 |
| E R | RG | R | R | RG |
| F R | | R | R | |
| G R | | R | R | |
| H ALL | | ALL | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 279** | **ENTRY # 195** | **ENTRY # 135** | **ENTRY # 204** | **ENTRY # 256** |
| A FRANK SCHLEPPENBACH | FRED E. ISHAM JR. | FRED R. MCCOMB | G. L. STAMM-V. PRES.-ADM | GARY L. DICKSON-CITY MGR |
| B DEPT. OF WATER AND GAS | BOX 603 | 327 W. MINNEHAHA PKWY. | PEOPLES NATURAL GAS CO. | CITY OF SHOREVIEW |
| C 414 WEST 1 ST. | NETT LAKE MN 55772 | MINNEAPOLIS MN 55419 | P. O. BOX 338 | 4565 NO. VICTORIA |
| D DULUTH MN 55802 | | | COUNCIL BLUFFS IA 51501 | SHOREVIEW MN 55112 |
| E R | R | R | RG | R |
| F | R | R | | R |
| G | R | R | | R |
| H | ALL | ALL | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 197** | **ENTRY # 163** | **ENTRY # 164** | **ENTRY # 35** | **ENTRY # 273** |
| A GARY N. SUDDUTH | GARY PLOTZ | GARY R. MACOMBER | GENERAL MANAGER | GEORGE R. CODREA |
| B MUL 411 E. 38TH ST. | 37 WASHINGTON AVE. | 4344 IDS CENTER | BROWN COUNTY RURAL | REGULATORY INFORM. SRVE. |
| C MINNEAPOLIS MN 55409 | HUTCHINSON MN 55350 | MINNEAPOLIS MN 55402 | ELECTRIC ASSOCIATION | 4520 E.-W. HWY-SUITE 800 |
| D | | | SLEEPY EYE MN 56085 | BETHESDA MD 20814 |
| E R | R | R | | R |
| F R | R | R | R | R |
| G R | R | R | | R |
| H ALL | ALL | ALL | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

**ENTRY # 114**
A GERALD L. MAHON-DIRECTOR
B WATER UTILLITY
C CITY HALL
D ST. CLOUD MN 56301
E R
F R
G
H GE
I PGA
J

**ENTRY # 57**
GERALD MOE
ELECTRICAL SUPT.
212 CENTRAL AVE.
BUFFALO MN 55313
R
PGA

**ENTRY # 56**
GOODHUE COUNTY COOP
ELECTRIC ASSOCIATION
224 MAIN ST.
ZUMBROTA MN 55992
R
PGA

**ENTRY # 230**
GORDON BRECZINSKI
ROUTE 1 BOX 162
MARSHALL MN 56258
R
R
R
ALL
PGA

**ENTRY # 187**
GORDON FORBES-COUNSEL
MINN. RAILROADS ASSN.
303 HANOVER BLDG-480 CED
ST. PAUL MN 55101
R
R
R
ALL
PGA

**ENTRY # 194**
A GREG MANGOLD
B CARVER COUNTY COURTHOUSE
C CHASKA MN 55318
D
E R
F R
G R
H ALL
I PGA
J

**ENTRY # 99**
HAL MARSOLAIS-EXEC DIR
MN-DAKOTAS RETAIL HDWE.
3033 EXCELSIOR BLVD.
MINNEAPOLIS MN 55437
R
R
R
ALL
PGA

**ENTRY # 1**
HALL L. SHELLA CO-OWNER
HOME LIGHT & POWER CO.
105 E. WALL ST.
JASPER MN 56156
RE
PGA
W

**ENTRY # 191**
HALVOR LACHER-EXEC DIR
SEMCAC INC BOX 549
RUSHFORD MN 55971
R
R
R
ALL
PGA

**ENTRY # 254**
HAROLD STEPPUHN
P. O. BOX 218
PRINCETON MN 55371
R
R
R
ALL
PGA

**ENTRY # 145**
A HARTLEY MEDIN
B WESTERN GAS UTILITIES
C 3900 WASHINGTON AVE. N.
D MINNEAPOLIS MN 55412
E RG
F
G
H
I PGA
J

**ENTRY # 61**
HENRY E. HOLM
CARLTON COUNTY COOP PWR
KETTLE RIVER MN 55757
R
PGA

**ENTRY # 261**
HERBERT ANDERSON
418 - 8TH ST. S.
VIRGINIA MN 55792
R
R
R
ALL
PGA

**ENTRY # 146**
HUGH COSGROVE
MN FOOD RETAILERS ASSN.
555 WABASHA SUITE 215
ST. PAUL MN 55102
R
R
R
ALL
PGA

**ENTRY # 86**
HUTCHINSON UTILITIES COM
225 MICHIGAN ST.
HUTCHINSON MN 55350
R
GE
PGA

**ENTRY # 120**
A IZAAK WALTON LEAGUE AMER
B MINNESOTA DIVISION
C 3255 HENNEPIN AVE-#109
D MINNEAPOLIS MN 55408
E R
F R
G R
H ALL
I PGA
J

**ENTRY # 49**
J. W. REICHEL-CITY CLERK
CITY OF FAIRFAX
112 S.E. FIRST ST.
FAIRFAX MN 55332
R
PGA

**ENTRY # 64**
JAMES B. SANDEEN-SUPT.
ST.PETER MUNICIPAL UTIL.
BOX 299
ST. PETER MN 56082
R
PGA

**ENTRY # 212**
JAMES B. SIMS
SUITE 204 METRO SQUARE
ST. PAUL MN 55101
R
R
R
ALL
PGA

**ENTRY # 36**
JAMES BIGGAR
UTILITY SUPERINTENDENT
205 WEST CENTER
LAKE CITY MN 55041
R
PGA

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC * G PHONE * H RULES MISC I PGA J MISC LISTS

| | ##ENTRY # 228## | ##ENTRY # 9## | ##ENTRY # 174## | ##ENTRY # 179## | ##ENTRY # 2## |
|---|---|---|---|---|---|
| A | JAMES F. ANDRE-CITY MGR. | JAMES HABICHT-ASST. SECT | JAMES J. RYAN | JAMES JACK | JANE LEONARD |
| B | 2660 CIVIC CENTER DR. | MINNESOTA POWER | 2208 CENTRAL TRUST TOWER | DEPT. OF REC. & P.A. | 1516 ASHLAND AVENUE |
| C | ROSEVILLE MN 55113 | 30 WEST SUPERIOR ST. | CINCINNATI OH 45202 | MANKATO STATE UNIVERSITY | ST. PAUL MN 55104 |
| D | | DULUTH MN 55802 | | MANKATO MN 56001 | |
| E | R | | R | R | R |
| F | R | RE | R | R | R |
| G | R | | R | R | R |
| H | ALL | | ALL | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 170## | ##ENTRY # 255## | ##ENTRY # 175## | ##ENTRY # 229## | ##ENTRY # 222## |
|---|---|---|---|---|---|
| A | JAYNE BERG | JEAN DAWSON-EDITOR | JEANNE FREEBERG | JEFF BAILL-ESQUIRE | JEFF MUEHLER-OFFICE MGR. |
| B | NEW CONNECTION PROGRAMS | MINNESOTA GOV'T REPORT | C/O CENTRAL COMM. INC. | 670 TWIN CITY FED. TOWER | P. O. BOX 410-203 N. 5TH |
| C | 73 LEECH ST. | B-12 PRESS ROOM | 112 N. OAK | MINNEAPOLIS MN 55402 | BRECKENRIDGE MN 56520 |
| D | ST. PAUL MN 55102 | STATE CAPITOL BLDG. | OWATONNA MN 55060 | | |
| E | R | R | R | R | R |
| F | R | R | R | R | R |
| G | R | R | R | R | R |
| H | ALL | ALL | ALL | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 161## | ##ENTRY # 280## | ##ENTRY # 227## | ##ENTRY # 154## | ##ENTRY # 7## |
|---|---|---|---|---|---|
| A | JEREMY LANE-LEGAL AID | JERRY NEPPEL-EAST GRAND | JIM GRAHAM-CROW WING | JIM MCGILL | JIM SMITH-DIRECTOR |
| B | 222 GRAIN EXCHANGE BLDG. | FORKS WATER & LIGHT | CONCERNED CITIZENS COUN. | BI-COUNTY CAC | NO. CENTRAL PUBLIC SERV. |
| C | 323 FOURTH AVE. SO. | BOX 480 | 619 POPLAR | BOX 553 | 1080 MONTREAL AVE. |
| D | MINNEAPOLIS MN 55415 | E. GRAND FORKS MN 56721 | CROSBY MN 56441 | BEMIDJI MN 56601 | ST. PAUL MN 55106 |
| E | R | R | R | R | RG |
| F | R | R | R | R | R |
| G | R | R | R | R | |
| H | ALL | ALL | ALL | ALL | GE |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | C | | |

| | ##ENTRY # 109## | ##ENTRY # 59## | ##ENTRY # 241## | ##ENTRY # 277## | ##ENTRY # 125## |
|---|---|---|---|---|---|
| A | JOANN FORD-MSE | JOHN A. COBB-GEN MGR | JOHN A. KNAPP | JOHN E. DRAWZ | JOHN G. HORNER |
| B | FAM. SRV. OF ST. CROIX | ROCHESTER PUBLIC UTIL. | 1500 MIDWEST PLAZA BLDG. | 1100 FIRST NATIONAL BANK | MN MULTI HOUSING ASSN. |
| C | 216 MYRTLE ST. | P.O.BOX 6057 | MINNEAPOLIS MN 55402 | MINNEAPOLIS MN 55402 | 3100 W. LAKE ST. |
| D | STILLWATER MN 55082 | ROCHESTER MN 55901 | | | MINNEAPOLIS MN 55416 |
| E | R | | R | R | R |
| F | R | R | R | R | R |
| G | R | | R | R | |
| H | ALL | | ALL | ALL | GE |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | LP | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| ##ENTRY # 205## | ##ENTRY # 38## | ##ENTRY # 260## | ##ENTRY # 22## | ##ENTRY # 178## |
|---|---|---|---|---|
| A JOHN G. PIDGEON-CITY MGR | JOHN HINNENKAMP-UT.SUPT. | JOHN R. LANGAN | JOHN T. ANDERSON | JOHN W. COOK |
| B 2215 W. OLD SHAKOPEE RD. | MELROSE MUNICIPAL UTIL. | COURTHOUSE | POWER & LIGHT DEPARTMENT | 310 E. 3RD ST. |
| C BLOOMINGTON MN 55431 | 21 WEST MAIN ST. | BENSON MN 56215 | BOX 528 | PARK RAPIDS MN 56470 |
| D | MELROSE MN 56352 | | THIEF RVR FALLS MN 56701 | |
| E R | | R | | R |
| F R | R | R | R | R |
| G R | | R | | R |
| H ALL | | ALL | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 159## | ##ENTRY # 121## | ##ENTRY # 162## | ##ENTRY # 108## | ##ENTRY # 143## |
|---|---|---|---|---|
| A JONATHAN M. ROGOFF | JOSEPH A. VUMBACO-P.E. | JUDSON KENYON-EXEC DIR | JUDY KARON | KAREN LANGLAND |
| B IOWA ELECT. LIGHT & POW. | 19TH ST. & SIXTH AVE. | SCOTT-CARVER ECON. COUNC | RAMSEY COUNTY BOARD | PEOPLES NATURAL GAS CO. |
| C P. O. BOX 351 | HIBBING MN 55746 | 6TH & OAK | 315 COURT HOUSE | P. O. BOX 21-386 |
| D CEDAR RAPIDS IA 52406 | | CARVER MN 55315 | ST. PAUL MN 55102 | EAGAN MN 55121 |
| E RG | R | R | R | RG |
| F R | R | R | R | |
| G R | | R | | |
| H ALL | GE | ALL | GE | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | G |

| ##ENTRY # 55## | ##ENTRY # 270## | ##ENTRY # 278## | ##ENTRY # 117## | ##ENTRY # 111## |
|---|---|---|---|---|
| A KASOTA ELECTRIC DEPT. | KATIE MCWATT | KAY BONNER NEE | KENNETH L. GEBERT | KEVIN C. JONES |
| B P. O. BOX 218 | ST. PAUL URBAN LEAGUE | 219 LOGAN PKWY. | 300 PUBLIC HEALTH BLDG. | GEO. A. HORMAL & COMPANY |
| C KASOTA MN 56050 | 401 SELBY AVE. | FRIDLEY MN 55432 | 250 SO. FOURTH ST. | P. O. BOX 800 |
| D | ST. PAUL MN 55102 | | MINNEAPOIS MN 55415 | AUSTIN MN 55912 |
| E | R | R | | R |
| F R | R | R | R | R |
| G | R | R | R | |
| H | ALL | ALL | EP | GE |
| I PGA | PGA | PGA | PGA | PGA |
| J | C | | | |

| ##ENTRY # 137## | ##ENTRY # 75## | ##ENTRY # 132## | ##ENTRY # 218## | ##ENTRY # 184## |
|---|---|---|---|---|
| A KRIS MONTEITH | L. H. BRAKEL-GEN MGR | L. R. KNUDSON | LAKES & PINES-CAC | LEGAL DEPARTMENT |
| B S&FA REPORTING SRVS INC | RED RVR VALLEY COOP PWR. | INTER-CITY GAS LTD. INC. | ENERGY PROGRAMS DEPT. | IOWA ELECTRIC LIGHT & PO |
| C 1101 15TH ST NW-STE 204 | HALSTAD MN 56548 | 1004 CLOQUET AVE. | 129 WEST FOREST | P. O. BOX 351 |
| D WASHINGTON DC 20005 | | CLOQUET MN 55720 | MORA MN 55051 | CEDAR RAPIDS IA 52406 |
| E R | | RG | R | RG |
| F R | R | | R | |
| G R | | | R | |
| H ALL | | | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| ##ENTRY # 242## | ##ENTRY # 202## | ##ENTRY # 142## | ##ENTRY # 14## | ##ENTRY # 101## |
|---|---|---|---|---|
| A LEGISLATIVE REFERENCE | LEGISLATIVE REFERENCE | LEGISLATIVE REFERENCE | LEON BARNIER-GEN. MGR. | LEONARD ERICKSON |
| B LIBRARY | LIBRARY | LIBRARY | MN RURAL ELECTRIC ASSN. | ENERGY ENG.-PAPER GROUP |
| C ROOM 111 STATE CAPITOL | ROOM 111 CAPITOL BLDG. | ROOM 111 STATE CAPITOL | 4901 WEST 77TH ST. | BOISE CASCADE CORP. |
| D ST. PAUL MN 55155 | ST. PAUL MN 55155 | ST. PAUL MN 55155 | MINNEAPOLIS MN 55435 | INT'L FALLS MN 56649 |
| E R | R | R | | R |
| F R | R | R | R | R |
| G R | R | R | | R |
| H ALL | ALL | ALL | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 275## | ##ENTRY # 32## | ##ENTRY # 248## | ##ENTRY # 16## | ##ENTRY # 192## |
|---|---|---|---|---|
| A LEONARD ERICKSON | LEONARD G. TAUER-SUPT. | LEROY A. VOS | LEWIS BRADFORD | LIBRARY |
| B ENERGY ENG.-PAPER GROUP | ALPHA ELECTRIC DEPT. | 2137 BURNS AVE. | 215 HARRISON ST. | BRIGGS & MORGAN |
| C BOISE CASCADE CORP. | P. O. BOX 97 | ST. PAUL MN 55119 | ANOKA MN 55303 | 2200 1ST NATL BANK BLDG |
| D INT'L FALLS MN 56649 | ALPHA MN 56111 | | | ST. PAUL MN 55101 |
| E R | | R | | R |
| F R | R | R | R | R |
| G R | | R | | R |
| H ALL | | ALL | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 216## | ##ENTRY # 188## | ##ENTRY # 94## | ##ENTRY # 37## | ##ENTRY # 89## |
|---|---|---|---|---|
| A LINDA EVEN | LONI KEMP | LOREN I. REID-SUPT. | LOUIS VAN HOUT | LYON-LINCOLN ELECT COOP |
| B ANOKA COUNTY FINA. SRVS. | THE MINNESOTA PROJECT | LIGHT & POWER COM | 1030 E. FOURTH AVE. | BOX 639 W. HIGHWAY 14 |
| C COURTHOUSE - 3RD FLOOR | 618 E. 22ND ST. | 305 ELEVENTH ST. EAST | SHAKOPEE MN 55379 | TYLER MN 56178 |
| D ANOKA MN 55303 | MINNEAPOLIS MN 55404 | GLENCOE MN 55336 | | |
| E R | R | R | | |
| F R | R | R | R | R |
| G R | R | | | |
| H ALL | ALL | GE | | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 63## | ##ENTRY # 69## | ##ENTRY # 3## | ##ENTRY # 189## | ##ENTRY # 83## |
|---|---|---|---|---|
| A M. D. HENTGES | MANAGER | MARK F. DAHLBERG-V.PRES. | MARK HALLGREN | MARK LOFTHUS |
| B LE SUEUR MUNICIPAL UTIL. | P.K.M. ELECTRIC COOP | NORTHWESTERN WISCONSIN | SUITE 918 | COUNTRYSIDE COUNCIL |
| C 228 NORTH MAIN ST. | BOX 108 | ELECTRIC COMPANY | MIDWEST PLAZA | P. O. BOX 78 |
| D LE SUEUR MN 56058 | WARREN MN 56762 | GRANTSBURG WI 54840 | MINNEAPOLIS MN 55402 | MARSHALL MN 56258 |
| E | | | R | R |
| F R | R | RE | | R |
| G | | | | ALL |
| H | | | | PGA |
| I PGA | PGA | PGA | PGA | C |
| J | | W | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| ##ENTRY # 276## | ##ENTRY # 215## | ##ENTRY # 106## | ##ENTRY # 207## | ##ENTRY # 60## |
|---|---|---|---|---|
| A MARTHA BALLOU | MARVIN B. GOLDBERG | MATILDA HOWARD | MCAA | MCLEOD COOP POWER ASSN. |
| B 66 E. KING | 875 SUMMIT AVE. | 222 GRAIN EXCHANGE BLDG. | 239 CITY HALL | 1231 FORD AVE. |
| C ST. PAUL MN 55107 | ST. PAUL MN 55105 | 323 FOURTH AVE. | MINNEAPOLIS MN 55415 | GLENCOE MN 55336 |
| D | | MINNEAPOLIS MN 55415 | | |
| E R | R | R | R | |
| F R | R | R | R | R |
| G R | R | R | R | |
| H ALL | ALL | ALL | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J C | | | | |

| ##ENTRY # 19## | ##ENTRY # 90## | ##ENTRY # 251## | ##ENTRY # 104## | ##ENTRY # 200## |
|---|---|---|---|---|
| A MELVIN A. AHONEN-GEN MGR | MENNO MENNENGA | MICHAEL BRADLEY-MNG ATTY | MIKE & HELEN MCALISTER | MINN. MASONRY INSTITUTE |
| B NORTH PINE ELECTRIC COOP | 14 NO. MARSHALL AVE. | RESIDENTIAL UTILITY DIV. | 4295 ELIZABETH LANE | 7851 METRO PKWY. STE.103 |
| C FINLAYSON MN 55735 | SPRINGFIELD MN 56087 | 340 BREMER TOWER | VADNAIS HEIGHTS MN 55110 | MINNEAPOLIS MN 55420 |
| D | | ST. PAUL MN 55101 | | |
| E | R | R | R | R |
| F R | R | R | R | R |
| G | | R | R | R |
| H | GE | ALL | ALL | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 123## | ##ENTRY # 199## | ##ENTRY # 12## | ##ENTRY # 156## | ##ENTRY # 237## |
|---|---|---|---|---|
| A MINNESOTA LP GAS ASSN. | MN ASSN. OF COOPERATIVES | MN ELECTRICAL ASSN. INC. | MN GOV. ENG. COUNCIL | MOREY ANDERSON |
| B 7515 WAYZATA BLVD | 480 CEDAR STREET | 3100 HUMBOLDT AVE. SO. | 555 PARK STREET | ASSN. OF MINN. COUNTIES |
| C SUITE 101 | 380 HANOVER BUILDING | MINNEAPOLIS MN 55408 | ST.PAUL MN 55103 | 555 PARK STREET |
| D MINNEAPOLIS MN 55426 | ST. PAUL MN 55101 | | | ST. PAUL MN 55103 |
| E | R | | R | R |
| F R | R | R | R | R |
| G | R | | R | R |
| H | ALL | | ALL | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 249## | ##ENTRY # 258## | ##ENTRY # 213## | ##ENTRY # 97## | ##ENTRY # 92## |
|---|---|---|---|---|
| A MOTOR VEHICLE MFRS ASSN. | MRS. JUDY AREL | MRS. NORINNE MCCARTHY | N.E. DIETRICH-SUPT. | NORM SCHROEDER |
| B 411 MAIN ST. (215) | BOISE CASCADE CORP. | 2356 SWAN DR. | AUSTIN UTILITIES | CITY ADMINISTRATOR |
| C ST. PAUL MN 55102 | P. O. BOX 1310 | MENDOTA HEIGHTS MN 55120 | P. O. BOX 368 | 611 IOWA AVE. |
| D | INT'L FALLS MN 56649 | | AUSTIN MN 55912 | STAPLES MN 56379 |
| E R | R | R | R | |
| F R | R | R | R | R |
| G R | R | R | | |
| H ALL | ALL | ALL | GE | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | C | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| | ##ENTRY # 281## | ##ENTRY # 259## | ##ENTRY # 110## | ##ENTRY # 209## | ##ENTRY # 232## |
|---|---|---|---|---|---|
| A | ORBIN HOLT SECT/TREAS. | OTIS A. LOOSE | OTTERTAIL-WADENA COMM. | P. D. BRICK | P. J. THORNTON |
| B | BIGFORK VALLEY ELECTRIC | AUDITOR - ADMINISTRATOR | ACTION COUNCIL | 200 W. SUPERIOR ST.-#811 | IRON RANGE BLDG. TRADES |
| C | SERVICE COMPANY | BROWN COUNTY-P.O.BOX 248 | BOX L | DULUTH MN 55802 | 107 S. 15TH AVE. WEST |
| D | BIGFORK MN 56628 | NEW ULM MN 56073 | NEW YORK MILLS MN 56567 | | VIRGINIA MN 55792 |
| E | | R | R | R | R |
| F | RE | R | R | R | R |
| G | | R | | R | R |
| H | | ALL | GE | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 224## | ##ENTRY # 198## | ##ENTRY # 133## | ##ENTRY # 17## | ##ENTRY # 127## |
|---|---|---|---|---|---|
| A | PATRICIA N. WRIGHT | PAUL F. ZUPPKE-PRESIDENT | PAUL FARSETH-SYSTEMS | PAUL IMS | PAUL L. STEVENS-PRES. |
| B | DAYTON HUDSON CORP. | WESTERN GAS UTILITIES | STATE WELFARE DEPT. | RURAL ROUTE | MANKATO CITIZENS TEL. CO |
| C | 777 NICOLLET MALL | 3900 WASHINGTON AVE. NO. | BOX 43170 | EXHO MN 56237 | 221 E. HICKORY ST. |
| D | MINNEAPOLIS MN 55402 | MINNEAPOLIS MN 55412 | ST. PAUL MN 55164 | | MANKATO MN 56001 |
| E | R | RG | R | | R |
| F | R | | R | R | R |
| G | R | | R | | RP |
| H | ALL | | ALL | | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 238## | ##ENTRY # 274## | ##ENTRY # 103## | ##ENTRY # 211## | ##ENTRY # 66## |
|---|---|---|---|---|---|
| A | PAUL MARINCELL | PHILIP J. CLAUSEN | PHILIP W. GETTS-DAYTON | PHILLIPS LEGISLATIVE SRV | PUBLIC UTILITIES COMM. |
| B | ANOKA PEOPLES ALLIANCE | 2307 STANDISH ST. | HERMAN GRAHAM & GETTS | 459 RICE ST. | CITY OF GRAND MARAIS |
| C | 7150 E. RIVER ROAD | ST. PAUL MN 55108 | TEN S. FIFTH ST-STE 930 | ST. PAUL MN 55103 | GRAND MARAIS MN 55604 |
| D | FRIDLEY MN 55432 | | MINNEAPOLIS MN 55401 | | |
| E | R | R | R | R | |
| F | R | R | R | R | R |
| G | R | R | | R | |
| H | ALL | ALL | GE | ALL | |
| I | PGA | PGA | PGA | PGA | PGA |
| J | C | | | | |

| | ##ENTRY # 25## | ##ENTRY # 27## | ##ENTRY # 245## | ##ENTRY # 95## | ##ENTRY # 183## |
|---|---|---|---|---|---|
| A | PUBLIC UTILITIES COMMIS. | PUBLIC UTILLITIES COMM. | R. A. FORBES | R. G. KIRKHAM-EXEC. DIR. | R. J. BARTO-PLANT MGR. |
| B | 117 NORTH MAINE | 120 FIRST ST. N.W. | THE PRINDEN CORPORATION | MN MUNICIPAL UTIL. ASSN. | MIDLAND GLASS CO. INC. |
| C | BAGLEY MN 56621 | AITKIN MN 56431 | 301 E. 57TH ST. | P. O. BOX B | P. O. BOX 69 |
| D | | | NEW YORK NY 10022 | BUFFALO MN 55313 | SHAKOPEE MN 55379 |
| E | | | R | R | R |
| F | R | R | R | R | R |
| G | | | | | R |
| H | | | GE | GE | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| | ##ENTRY # 206## | ##ENTRY # 126## | ##ENTRY # 76## | ##ENTRY # 44## | ##ENTRY # 186## |
|---|---|---|---|---|---|
| A | R. L. LEACH-MGR-RATE DEP | RAY BOHN-DIRECTOR | RAY LARSEN | RAY LITCHKE | RAYMOND E. O'CONNELL |
| B | INTERSTATE POWER COMPANY | MN DEPT.PUBLIC SERVICE | 902 BEE ST. | P. O. BOX 658 | MINNEGASCO |
| C | 1000 MAIN ST. | 790 AMERICAN CENTER BLDG | PROCTOR MN 55810 | GRAND RAPIDS MN 55744 | 201 SO. 7TH ST. |
| D | DUBUQUE IA 52001 | ST. PAUL MN 55101 | | | MINNEAPOLIS MN 55402 |
| E | RG | R | | | RG |
| F | RE | R | R | R | |
| G | | R | | | |
| H | GE | | | | |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 219## | ##ENTRY # 21## | ##ENTRY # 124## | ##ENTRY # 122## | ##ENTRY # 171## |
|---|---|---|---|---|---|
| A | REV. DONALD GRUMMERT | RICHARD A. VOLLER | RICHARD CARLUND | RICHARD HAUBENSAK | RICHARD HOLTAN |
| B | 1435 ADAMS ST. | 885 PRENTICE | NEW YORK MILLS MUNI. GAS | PEOPLES NATURAL GAS CO. | COUNTY AUDITOR |
| C | MINNEAPOLIS MN 55413 | GRANITE FALLS MN 56241 | BOX H | 25 MAIN PLACE | MANTORVILLE MN 55955 |
| D | | | NEW YORK MILLS MN 56567 | COUNCIL BLUFFS IA 51501 | |
| E | R | | R | RG | R |
| F | R | R | | R | R |
| G | R | | | R | R |
| H | ALL | | | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | W | |

| | ##ENTRY # 113## | ##ENTRY # 10## | ##ENTRY # 236## | ##ENTRY # 234## | ##ENTRY # 157## |
|---|---|---|---|---|---|
| A | RICHARD O. JOHNSON | RICHARD OKERBERG-GEN MGR | RICHARD RAMBERG-EXEC DIR | RICK E. CARTER | ROBERT F. STEPHENS |
| B | 9457 COLUMBUS AVE. SO. | DAKOTA ELECTRIC ASSN. | STATE COUN. HANDICAPPED | MN ASSN HEALTH CARE FAC. | 25 MAIN PLACE |
| C | MINNEAPOLIS MN 55420 | 4300 220TH ST. WEST | 208 METRO SQUARE BLDG. | 2850 METRO DR.-SUITE 429 | COUNCIL BLUFFS IA 51501 |
| D | | FARMINGTON MN 55024 | ST. PAUL MN 55101 | MINNEAPOLIS MN 55420 | |
| E | R | | R | R | R |
| F | R | RE | R | R | R |
| G | R | | R | R | R |
| H | ALL | | ALL | ALL | ALL |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

| | ##ENTRY # 271## | ##ENTRY # 102## | ##ENTRY # 152## | ##ENTRY # 74## | ##ENTRY # 50## |
|---|---|---|---|---|---|
| A | ROBERT LOCKYEAR | ROBERT W. LARSON | ROBERTO M. FEDERIGAN | RON KENNEDY-MANAGER | RON SCHULER |
| B | 14900-61ST ST. NORTH | P. O. BOX 1096 | BUREAU OF NAT'L AFFAIRS | RED LAKE ELECTRIC COOP. | 2526 SEVENTH AVE. |
| C | STILLWATER MN 55082 | MINNEAPOLIS MN 55440 | 1231-25TH ST. NW-RM 650 | RED LAKE FALLS MN 56750 | NORTH ST. PAUL MN 55109 |
| D | | | WASHINGTON DC 20037 | | |
| E | R | R | R | | |
| F | R | R | R | R | R |
| G | R | R | R | | |
| H | ALL | ALL | ALL | | |
| I | PGA | PGA | PGA | PGA | PGA |
| J | | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| ##ENTRY # 46## | ##ENTRY # 208## | ##ENTRY # 8## | ##ENTRY # 23## | ##ENTRY # 91## |
|---|---|---|---|---|
| A RONALD J. STECKMAN | RONALD REVNE | ROY H. BERGLUND-V. PRES. | RUSSELL F. BERG | SAM RUHLE-DAH |
| B FREEBORN-MOWER ELEC.COOP | COUNTY AUDITOR | NORTHERN STATES POWER CO | 104 NORTH JEFFERSON | 400 SUMMIT BANK BLDG. |
| C BOX 611 | WATONWAN CTY COURTHOUSE | 414 NICOLLET MALL | WADENA MN 56482 | 310 SOUTH FOURTH AVE. |
| D ALBERT LEA MN 56007 | ST. JAMES MN 56081 | MINNEAPOLIS MN 55401 | | MINNEAPOLIS MN 55415 |
| E | R | RG | | R |
| F R | R | RE | R | R |
| G | R | | | R |
| H | ALL | | | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 267## | ##ENTRY # 138## | ##ENTRY # 85## | ##ENTRY # 233## | ##ENTRY # 53## |
|---|---|---|---|---|
| A SAMUEL W. SHULT | SCOTT G. LARSON | SELF RELIANCE CENTER | SENATE COMMERCE COMM. | SOUTHWESTERN MINNESOTA |
| B CITY CLERK | 139 EAST 1ST AVE. | 1916 SECOND AVE. SOUTH | ROOM 309 STATE CAPITOL | COOPERATIVE ELECTRIC |
| C 106 E. 1ST ST. | CAMBRIDGE MN 55008 | MINNEAPOLIS MN 55403 | ST. PAUL MN 55155 | P. O. BOX 431 |
| D WINTHROP MN 55396 | | | | PIPESTONE MN 56164 |
| E R | R | R | R | |
| F R | R | R | R | R |
| G R | R | R | R | |
| H ALL | ALL | ALL | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | C | | |

| ##ENTRY # 244## | ##ENTRY # 136## | ##ENTRY # 250## | ##ENTRY # 210## | ##ENTRY # 131## |
|---|---|---|---|---|
| A STATE REGULATORY DIV. | STEVE MOSES | STEVE WIENER | SUSAN P. ROBERTSON | SUSAN SCHMIDT |
| B FEDERAL-STATE REPORTS | 24 ABBOT AVE. S.W. | P. O. BOX 78 | EXECUTIVE DIRECTOR | THE MINNESOTA PROJECT |
| C 5203 LEESBURG PIKE-1201 | MADELIA MN 56062 | MARSHALL MN 56258 | 430 STATE OFFICE BLDG. | 2222 S.E. ELM ST. |
| D FALLS CHURCH VA 22041 | | | ST. PAUL MN 55155 | MINNEAPOLIS MN 55414 |
| E R | R | R | R | R |
| F R | | R | R | R |
| G R | | R | R | R |
| H ALL | | ALL | ALL | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| ##ENTRY # 239## | ##ENTRY # 141## | ##ENTRY # 68## | ##ENTRY # 96## | ##ENTRY # 272## |
|---|---|---|---|---|
| A T. J. MANTHEY | THOMAS M. POLT-ATTORNEY | THOMAS MC CAULEY | TOBEY LAPAKKO | TOM BRENNER |
| B PICKANDS MATHER & CO. | MCCARTHY BLDG. | BOX 779 | 1671 S. VICTORIA RD. | SOCIAL ACTION CENTER |
| C 1100 SUPERIOR AVE. N.E. | EYOTA MN 55934 | MOORHEAD MN 56560 | ST. PAUL MN 55118 | 8701 - 36TH AVE. NO. |
| D CLEVELAND OH 44114 | | | | NEW HOPE MN 55427 |
| E R | R | | R | R |
| F R | R | R | R | R |
| G R | R | | R | R |
| H ALL | ALL | | ALL | ALL |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC " G PHONE " H RULES MISC I PGA J MISC LISTS

| | | | | |
|---|---|---|---|---|
| **ENTRY # 82** | **ENTRY # 265** | **ENTRY # 144** | **ENTRY # 98** | **ENTRY # 52** |
| A TOM JUNNILA | TOM PITNER | TOM POLANSKY | TONY PERPICH-DEPUTY COMM | TRAVERSE ELECTRIC COOP. |
| B 5248 ZENITH AVE. | IOWA ELECTRIC LIGHT & PO | RENVILLE CTY COURTHOUSE | MN. DEED | P. O. BOX 66 |
| C MINNEAPOLIS MN 55410 | I.E. TOWER P.O.BOX 351 | OLIVIA MN 56277 | 900 AMERICAN CENTER | WHEATON MN 56296 |
| D | CEDAR RAPIDS IA 52406 | | ST. PAUL MN 55101 | |
| E | RG | R | R | |
| F R | | R | R | R |
| G | | R | R | |
| H | | ALL | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | W | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 148** | **ENTRY # 150** | **ENTRY # 158** | **ENTRY # 118** | **ENTRY # 119** |
| A UNITED STEELWORKERS OF | VERN INGVALSON | VIRGIL C. ANDERSON | W. C. VIITALA-DIR-PUB AF | W. JOHN LICKE-GEN COUNS. |
| B AMERICA | MN FARM BUREAU FED. | MORA MUNICIPAL UTILITIES | HONEYWELL INC. | BLANDIN PAPER COMPANY |
| C 609 PROVIDENCE BLDG. | P. O. BOX 43370 | 16 NORTH LAKE ST. | HONEYWELL PLAZA MN125215 | 114 FIRST ST. S.W. |
| D DULUTH MN 55802 | ST. PAUL MN 55164 | MORA MN 55051 | MINNEAPOLIS MN 55408 | GRAND RAPIDS MN 55744 |
| E R | R | R | | R |
| F R | R | R | R | R |
| G R | R | | | |
| H ALL | ALL | GE | | GE |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 11** | **ENTRY # 166** | **ENTRY # 42** | **ENTRY # 153** | **ENTRY # 18** |
| A WADE R. HENSEL-GEN. MGR. | WARREN SCHMIDT | WATER & LIGHT COMMISSION | WAYNE H. OLSON | WAYNE LANCE-CLERK/TREAS. |
| B FROST-BENCO ELECTRIC | INDEPENDENT DISTRICT #78 | P. O. BOX 418 | OLSON GUNN & SERAN LTD | CITY OF DETROIT LAKES |
| C P. O. BOX 8 | GARDEN CITY MN 56034 | MOOSE LAKE MN 55767 | 315 PEAVEY BLDG. | P. O. BOX 647 |
| D MANKATO MN 56001 | | | MINNEAPOLIS MN 55402 | DETROIT LAKES MN 56501 |
| E | R | | R | |
| F RE | R | R | R | R |
| G | R | | R | |
| H | ALL | | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | |

| | | | | |
|---|---|---|---|---|
| **ENTRY # 169** | **ENTRY # 62** | **ENTRY # 100** | **ENTRY # 264** | **ENTRY # 4** |
| A WAYNE R. CARLSON | WELLS ELECTRIC ASSN. | WENDY BORSHEIM | WILLIAM BRUMMER-EXEC DIR | WILLIAM GIESEN |
| B 126 NO. MARSHALL AVE. | P. O. BOX 156 | MN RETAIL MERCHANTS ASSN | TRI-VALLEY OPPORTUNITY | OTTER TAIL POWER COMPANY |
| C LITCHFIELD MN 55355 | WELLS MN 56097 | 180 METRO SQUARE BLDG. | 114 S. MAIN | 215 SO. CASCADE ST. |
| D | | ST. PAUL MN 55101 | CROOKSTON MN 56716 | FERGUS FALLS MN 56537 |
| E R | | R | R | |
| F R | R | R | R | RE |
| G R | | R | R | |
| H ALL | | ALL | ALL | |
| I PGA | PGA | PGA | PGA | PGA |
| J | | | | W |

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
F ELECTRIC * G PHONE * H RULES MISC I PGA J MISC LISTS

**ENTRY # 235**

A WRIGHT COUNTY COMMUNITY
B ACTION
C BOX 39
D WAVERLY MN 55390
E R
F R
G R
H ALL
I PGA
J

Karen Swenson
City Council Research Center
705 City Hall
St. Paul, MN 55102

| | | | | |
|---|---|---|---|---|
| A NAME | B COMPANY | C ADDRESS | D CITY STZIP | E GAS RUL&CO |
| F ELECTRIC * | G PHONE * | H RULES MISC | I PGA | J MISC LISTS |

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

| | |
|---|---|
| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

In the Matter of Proposed Rules Governing Conservation Improvement Programs and Utility Renewable Resource Pilot Programs

AFFIDAVIT OF PERMISSIVE MAILING

Donna Carolus, being first duly sworn deposes and says:

That on the 16th day of August, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice Of Intent To Adopt Rules Without A Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on the persons and associations on the attached list.

Donna Carolus

Subscribed and sworn to before me, a notary public, this 16th day of August, 1985.

Sharon L. Juen
Notary Public

SHARON L. JUEN
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY
MY COMM. EXPIRES JAN. 19, 1991

DISK 0138A
#0487C

Utility Energy Conservation Improvement Programs and the Establishment of a Utility Renewable Resource Pilot Program

Docket No. G, E-999/CI-83-565

Roy H. Berglund
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

Steve A. Betzler, Manager
Commercial & Residential Marketing
Minnesota Power & Light Company
30 West Superior Street
Duluth, MN 55802

Steve Dess, President
MN Solar Guild
12845 Industrial Park Blvd.
Plymouth, MN 55441

Fred K. Little, Vice President
and General Manager
Minnesota Operation
Inter-City Gas Corporation
910 Cloquet Avenue
Cloquet, MN 55720

Tony Perpich, Deputy Commissioner
MN Dept. of Energy and
Economic Development
900 American Center Building
150 E. Kellogg Boulevard
St. Paul, MN 55101

Robert D. Miller
Planning Supervisor
Henn. County Office of Planning
& Development
23308 Government Center
Minneapolis, MN 55487

Dawn Reimer, Administrator
Rates & Tariffs Department
Minnegasco, Inc.
201 South 7th Street
Minneapolis, MN 55402

John G. Cartwright
City Manager
City of Richfield
6700 Portland Avenue
Richfield, MN 55423

Lola Schoenrich
Executive Director
Self-Reliance Center
1916 2nd Avenue, S
Minneapolis, MN 55403

Jim Erchul
Economic Development Specialist
Arrowhead Community Economic
Assistance Corporation
Sixth St. & Third Ave., S
Virginia, MN 55792

James Greathouse
Executive Director
Ramsey Action Programs, Inc.
509 Sibley Street
St. Paul, MN 55101

Gene D. Flaten
Weatherization Supervisor
Semcac, Inc.
Box 549
Rushford, MN 55971

Lawrence G. Acker
LeBoeuf, Lamb, Leiby & MacRae
1333 New Hampshire Ave., NW
Suite 1100
Washington, D.C. 20036

T.A. Sandstrom, Division Engineer
Potlatch Corporation
Northwest Paper Division
Box 510
Cloquet, MN 55720

Thomas Gilshannon, Director
WSCO Energy Company
209 West Page
St. Paul, MN 55107

John Gostovich, Director
Gov.'s Community Energy Program
Dept. of Energy & Econ. Dev.
980 American Center Building
160 E. Kellogg Boulevard
St. Paul, MN 55101

Steve Chadwick
Community Resource Director
Duluth Community Action Program
1305 London Road
Duluth, MN 55805

Mark Leutgeb
Energy Account Managers
Macalester Resource Management Center
1600 Grand Avenue
St. Paul, MN 55104

Susan Ode
Midway Coalition--District II
1558 W. Minnehaha Ave.
St. Paul, MN 55104

Barb Maher, Energy Coordinator
City of Mankato
202 E. Jackson
Mankato, MN 56001

Dianne McPherson
Community Development Planner
City of N. Mankato
P O Box 2055
1001 Belgrade Avenue
North Mankato, MN 56001

Stephen F. Nagle, Deputy Director
Otter Tail-Wadena Community Action Council, Inc.
P O Box L
New York Mills, MN 56567

Dick Cazin
Housing/Weatherization Director
Arrowhead Economic Opportunity Agency
Third Avenue & Sixth Street, S
Virginia, MN 55792

Mike Gravelle
Ramsey Action Programs, Inc.
509 Sibley Street
St. Paul, MN 55101

Karla A. Olson, Attorney
Minnesota Power & Light Company
30 W. Superior Street
Duluth, Mn 55802

Curt Leno
Conservation Program Coordinator
Inter-City Gas Corporation
910 Cloquet Avenue
Cloquet, MN 55720

Bruce E. Larson
Program Coordinator
West Hennepin Human Services
4100 Vernon Avenue, S
St. Louis Park, MN 55416

Councilwoman Kiki Sonnen
City of St. Paul
722 City Hall
St. Paul, MN 55102

Robert S. Lee
Mackall, Crounse & Moore
1600 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402

Conrad M. Vega, Chairman
Energy & Housing Committee
G-29 Capitol
St. Paul, MN 55155

Ed Miller, Coordinator
Red Wind Energy Education Center
Highways 61 and 19
Red Wing, MN 55066

Ray Bohn
MN Department of Public Service
790 American Center Building
160 E. Kellogg Boulevard
St. Paul, MN 55101

Linda Anthony
Department of Public Service
790 American Center Building
160 E. Kellogg Boulevard
St. Paul, MN 55101

Rick Lancaster
Department of Public Service
790 American Center Building
160 E. Kellogg Boulevard
St. Paul, MN 55101

Barry Payne
Department of Public Service
790 American Center Building
160 E. Kellogg Boulevard
St. Paul, MN 55101

Michael J. Bradley
Residential Utilities Div.
340 Bremer Towers
Seventh & Minnesota
St. Paul, MN 55101

Donald Pauley
City Administrator
City Hall - Mounds View
2401 Hwy. 10
Mounds View, MN 55113

J.J. Banke, General Manager
Iron Ore Operations
Oglebay Norton Company
P O Box 90
Eveleth, MN 55734

Kenneth R. Pepperney
U.S. Steel Corporation
600 Grant Street, Room 1569
Pittsburgh, PA 15230

Jeffrey J. Strand, Esq.
LeFevere, Lefler, Kennedy,
O'Brien & Drawz
2000 First Bank Place West
120 S. Sixth Street
Minneapolis, MN 55402

Mark Canavan
Wx Program Director
Lakes & Pines CAC, Inc.
129 W. Forest Ave.
Mora, MN 55051

George Franklin
Project Director
IRE-ITTD
21098 IRE Control Center
Eagan, MN 55121

James D. Larson
Attorney for Conwed Corp.
Wurst, Pearson, Hamilton, Larson
& Underwood
1100 First Bank Place West
Minneapolis, MN 55402

Ann Copeland, Co-Chair,
St. Paul Neighborhood Energy
Consortium
2380 Hampden
St. Paul, MN 55114

Al Lessik, Director
St. Paul Neighborhood Energy
Consortium
287 N. Snelling Avenue
St. Paul, MN 55104

Michael Noble
Natural Resources Corporation
245 Aldrich Ave., N, Suite 301
Minneapolis, MN 55405

Douglas Crockett
Natural Resources Corporation
245 Aldrich Ave., N, Suite 301
Minneapolis, MN 55405

R. Worth Frank
Energy Outfitters
245 Aldrich Avenue, N.
Minneapolis, MN 55411

Verne E. Jacobsen, Trustee
North Central Section
American Water Works Association
St. Paul Water Utility
25 W. Fourth Street
4th Floor City Hall Annex
St. Paul, MN 55102

Bob Johnson
Superwood Corporation
14th Avenue, W. & Waterfront
P O Box 6267
Duluth, MN 55806-6267

Ronald K. Nagle, Vice President
EES of Minnesota, Inc.
600 Fairview Avenue, N
St. Paul, MN 55104

Merlin Wilbur
100 Sibley Street
Hastings, MN 55033

Edwin Erickson
Potlatch Corporation
Northwest Paper Division
Box 510
Cloquet, MN 55720

Frank W. Watkinsin
Energy Engineer
Boise Cascade Paper Group
International Falls, MN 56649

Ted Rosenthal
Northern Shared Savings, Inc.
201 Chestnut Street
Carlton, MN 55718

Bonita Blalark
St. Paul Urban League
401 Selby Avenue
St. Paul, MN 55102

Karen E. Langland
Peoples Natural Gas Company
3460 Washington Drive
P O Box 21-386
Eagan, MN 55121

Arlen G. Restad
Minnesota Area Manager
Peoples Natural Gas Company
3460 Washington Drive
Post Office Box 21-386
Eagan, MN 55121

William J. Berg
Conwed Corporation
444 Cedar Street
St. Paul, MN 55101

Ceedy Mewszel
Otter Tail Power Company
215 S. Cascade Street
Fergus Falls, MN 56537

James J. Ryan
Steer, Strauss, White & Tobias
2208 Central Trust Tower
Cincinnati, OH 45202

Todd H. Otis
State Representative
4152 Colfax Avenue, S
Minneapolis, MN 55409

RECEIVED
AUG 21 1985
MINNESOTA PUBLIC UTILITIES COMMISSION

The destruction and removal efficiency (DRE) is determined for each principal organic hazardous constituent from the following equation:

$$DRE = \frac{(Win - Wout)}{Win} \cdot + 100\%$$

where:

Win = Mass feed rate of one principal organic hazardous constituent in the waste stream feeding the thermal treatment process, and

Wout = Mass emission rate of the same principal organic hazardous constituent present in exhaust emissions prior to release to the atmosphere.

B. to D. [Unchanged.]

E. A thermal treatment facility thermally treating hazardous wastes F020, F021, F022, F023, F026, and F027 listed under part 7045.0135, subpart 2 must achieve a destruction and removal efficiency ("DRE") of 99.9999 percent for each principal organic hazardous constituent designated in its permit. This performance must be demonstrated on principal organic hazardous constituents that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each principal organic hazardous constituent from the equation in item A. In addition, the owner or operator of the thermal treatment facility must notify the director of the intent to burn waste F020, F021, F022, F023, F026, or F027.

**Subp. 5. to 9.** [Unchanged.]

**7045.0552 FACILITIES GOVERNED BY INTERIM STATUS.**

**Subpart 1. to 3.** [Unchanged.]

**Subp. 4. Restrictions.** Hazardous wastes F020, F021, F022, F023, F026, F027, and F028 listed under part 7045.0135, subpart 2 must not be managed at facilities governed by interim status unless:

A. the wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;

B. the waste is stored in tanks or containers; or

C. the waste is stored or treated in waste piles that are enclosed in accordance with part 7045.0534, subpart 1 and comply with all other provisions of part 7045.0534.

# Public Utilities Commission

## Proposed Rules Governing the Conservation Improvement and Renewable Resource Programs

### Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, section 14.22 to 14.28. The specific statutory authority to adopt the rule is Minnesota Statutes 216B.08.

Persons interested in this rule shall have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule and comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Paul Schweizer
Public Utilities Commission
780 American Center Building
Kellogg and Robert Streets
St. Paul, Minnesota 55101
612/296-7125

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule.

These rules are designed to implement Minnesota Statutes § 216B.241 (1984) by establishing procedures to be followed by public utilities in submitting and by the Public Utilities Commission in analyzing and selecting proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement programs and renewable resource pilot programs. The text of the proposed rule follows this notice.

Additional copies of the rule are available for review from Paul Schweizer at the above address upon request.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Paul Schweizer at the above address upon request. The effect on small business, the impact on agricultural land, and the cost to local public bodies for two years immediately following the adoption of the proposed rule, if any, are addressed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the noncontroversial rule, the rule and the required supporting noncontroversial rule, the rule and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any persons may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, must submit the written request to Paul Schweizer at the above address.

Janet F. Gonzalez
Acting Executive Secretary
Public Utilities Commission

## Rules as Proposed (all new material)

### 7840.0200 PURPOSE.

The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the Public Utilities Commission in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement and renewable resource pilot programs.

### 7840.0300 SCOPE.

This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

### 7840.0400 PROJECTS IN EFFECT.

Projects that are in effect on the effective date of parts 7840.0200 to 7840.1400 shall continue in effect for 60 days or until their expiration date, whichever occurs later.

### 7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

No later than May 1 of each year beginning in 1986, a public utility required by Minnesota Statutes, section 216B.241 to invest in a conservation improvement program shall file with the Public Utilities Commission a conservation improvement program. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program.

B. A statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to the utility's customers.

C. A statement of the anticipated percentage of use of each project among targeted residential consumer groups.

D. A detailed budget for each project for the next year, and a projected five-year budget for the overall program. If a shorter time period is more appropriate for the five-year budget, the utility must provide reasons for that shorter time period and the projected budget for that shorter period.

E. A detailed description of the proposed ratemaking treatment and the proposed cost recovery method.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

F. A description of the marketing plans for each proposed project.

G. A description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects.

H. An explanation of how the proposed projects provide special consideration for renters and low income customers.

I. An explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate.

J. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

K. A status report on each project from the previous year's program stating the total number of customers served; the number of low income customers and the number of renters served, if applicable; the total amount spent on the project to date; the average amount spent on each customer participating in the project, if applicable; and other information as required by the Public Utilities Commission in its order approving the previous year's program.

L. Additional information that the Public Utilities Commission determines is necessary as a result of its review or evaluation of prior projects of the particular utility.

**7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.**

A public utility required by Minnesota Statutes, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the Public Utilities Commission that additional utility renewable resource pilot programs are neeeded to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the commission shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

A. a comprehensive description of the proposed program, including a description of each project making up the program;

B. an estimate of the net energy to be produced by each project and the projected reliability of the technology which would be used;

C. a detailed budget for each year of the project;

D. an estimate of the potential cost effectiveness of each project;

E. a description of the proposed ratemaking treatment and the proposed cost recovery method; and

F. an outline of the proposed plan for evaluating the effectiveness of the proposed project.

**7840.0700 EXISTING PROGRAMS; FILING.**

The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for newly proposed projects; however, if the Public Utilities Commission has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

**7840.0800 NOTICE.**

At the time it files its conservation improvement or utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

**7840.0900 COMMENT; ALTERNATIVE PROPOSALS.**

The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. These comments and alternative projects must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Energy and Economic Development, and the utility to which they are addressed.

**7840.1000 REQUEST FOR CONTESTED CASE HEARING.**

Within ten days following the end of the comment period, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the

date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

**7840.1100 RESPONSES; WRITTEN RECORD.**

When a contested case hearing is not required, the Public Utilities Commission may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures as it deems necessary or helpful to enable it to review, analyze, and select appropriate programs under Minnesota Statutes, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the Public Utilities Commission must also be served upon participants and will become part of the record upon which the Public Utilities Commission will decide the case.

**7840.1200 DISAPPROVAL; ORDER.**

If the Public Utilities Commission does not approve a program, project, or evaluation plan or modifies a program, project, or evaluation plan, it shall set forth its reasons in a written order.

**7840.1300 PROPOSED PROGRAM CHANGES.**

Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before its expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

**7840.1400 RULES OF PRACTICE.**

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

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| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | Docket No. G,E-999/R-85-506<br><br>CERTIFICATE OF MINNESOTA PUBLIC UTILITIES COMMISSION'S RESOLUTION ADOPTING THE RULE |

I, Cynthia A. Kitlinski, do hereby certify that I am a member and the Chair of the Minnesota Public Utilities Commission, a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Public Utilities Commission, duly and properly called and held on the 25th day of October, 1985, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the rule relating to governing the conservation improvement and renewable resource programs, is approved and adopted, pursuant to authority vested in us by Minnesota Statutes § 216B.08 (1984), and that Mary Ellen Hennen the executive secretary of the Minnesota Public Utilities Commission, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of October, 1985.

Cynthia A. Kitlinski
(Officer of the Commission)

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

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| In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing Conservation Improvement Programs and Utility Renewable Resource Pilot Programs | DOCKET NO. G,E-999/R-85-506<br><br>STATEMENT OF NEED AND REASONABLENESS |

## I. INTRODUCTION

Pursuant to the rulemaking authority granted it in Minn. Stat. § 216B.08 (1984), the Minnesota Public Utilities Commission (the Commission) has prepared this Statement of Need and Reasonableness to support and accompany the Commission's Proposed Rules Governing Conservation Improvement Programs (CIPs) and Utility Renewable Resources Pilot Programs (URRPPs).

The proposed rules are designed to implement Minn. Stat. § 216B.241 (1984) by establishing procedures for the submission of CIP and URRPP proposals by public utilities and other interested persons and by establishing the procedures by which the Commission will analyze and select them. The Minnesota Court of Appeals in In the Matter of the Implementation of Utility Energy Conservation Improvement Programs and the Establishment of a Utility Renewable Resources Pilot Program, C7-84-2241 (July 3, 1985), ordered the Commission to adopt procedural rules governing the conservation improvement program and utility renewable resources pilot program processes.

## II. SMALL BUSINESS IMPACT

Minn. Stat. § 14.115, subd. 2 (1984) requires an agency proposing a new rule, or an amendment to an existing rule, which may affect small businesses, to consider each of five methods for reducing the impact of the rule on small businesses, and to document how it has considered these methods and the results in its statement of need and resonableness. The five methods are:

(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 buinesses 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.

Any method the agency finds feasible must be incorporated into the proposed rule or amendment unless doing so would be contrary to the statutory objectives that are the basis for the proposed rulemaking.

The Commission believes that utilities are not "small businesses" as defined by Minn. Stat. § 14.115, subd. 1 (1984) because they are dominant in their service area and generally have gross annual sales of $4,000,000 or more.

Furthermore, the Commission notes that in Minn. Stat. Ch. 216B (1982), it has been authorized by the legislature to regulate gas and electric utilities. Some of the basic tenets of utility regulation are: utilities are affected with a deep public interest; utilities are obligated to provide satisfactory service to the entire public on demand; utilities are obligated to charge fair, non-discriminatory rates. A general freedom from substantial direct competition and the opportunity to make a fair return on investment are among the benefits utilities receive from regulation. Given this regulatory scheme, it is clear that the legislature views utilities differently from other concerns defined as small businesses. The degree of government intervention in the operations of a public utility is considerably higher than in other types of businesses.

Even if some small utilities could be viewed as "small businesses" as that term is defined, they, nevertheless, would be excepted from this statute. The Commission finds that Minn. Stat. § 14.115, subd. 7 (1984) establishes exceptions to the general obligations created by the statute and applies to rules promulgated by the Commission. In pertinent part, it states;

Subd. 7. Applicability. This section does not apply to:
(c) service businesses regulated by government bodies, for standards and costs, such as nursing homes, long-term care facilities, hospitals, providers of medical care, daycare centers, group homes and residential care facilities;

The Commission concludes that utilities fall within this broad definition. They are certainly service businesses regulated by government bodies for standards and costs. The words following the phrase "such as" merely provide some examples of government regulated businesses and are not limiting or exclusive.

Finally, the Commission notes that Minn. Stat. § 216B.241 (1984) provides its own specialized definition of a public utility that is narrower than that of a small business as provided in Minn. Stat. § 14.115 (1984). It requires that the Commission insure that every public utility <u>with operating revenues in excess of $50,000,000</u> operate one or more programs, under periodic review by the Commission, which make significant investments in and expenditures for energy conservation improvements. (Emphasis supplied.) The proposed rules apply directly only to such large concerns. For the foregoing

reasons, the Commission finds that Minn. Stat. § 14.115 (1984) does not apply to the utilities addressed by these rules.

However, the Commission finds that other entities which well may qualify as small businesses could become involved in the CIP or URRPP processes. Small businesses may submit CIP or URRPP proposals and thus become subject to these rules, i.e., proposals to perform energy audits, proposals to provide seminars to inform the public, proposals to supply tool or information libraries, etc.

The Commission believes that the rules should not burden small businesses more than necessary, but at the same time the Commission recognizes that it needs adequate information to analyze a small business's proposal. The Commission believes that it has mitigated the impact of the rules on small business in two ways, while at the same time allowing for the presentation of full information which will result in a thorough analysis of each proposal by the Commission.

First, small businesses are not required to take any action under these rules. Any small business that participates in the programs under the rule does so on a voluntary basis.

Second, the rules establish no greater performance standards than are set for the regulated utilities. The rules have been written to mitigate the filing burdens on small businesses as well as other, non-utility participants. Part 7840.0700 has been written to make clear that third person filers do not need to refile material that is already in the utility's annual program filing. This could include, for instance, data, rate making treatment, or evaluation plans. Further, it should be clear that only the utility, and not other persons, will have to file status reports for the previous year's projects.

Minn. Stat. § 14.115, subd. 4 (1984) requires the agency proposing rules or amendments to provide an opportunity for small businesses to participate in the rulemaking process using one or more of four methods. The Commission has complied with this requirement by giving notice of this proposed rulemaking by direct notification of small businesses that have indicated an interest in CIPs and URRPPs in the past.

Minn. Stat. § 14.11, subd. 1 (1984) states that if the adoption of a rule by an agency will require the expenditure of public moneys by local public bodies, the notice of the agency's intent to adopt a rule must be accompanied by a written statement giving the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated total cost exceeds $100,000 in either of the two years. (Emphasis supplied) The Commission is aware that some municipalities or counties may want to become involved in the CIP or URRPP process; however, the Commission notes that that participation is strictly voluntary. Furthermore, the proposed rule is a procedural rule, not a substantive one. Therefore, the Commission concludes that Minn. Stat. § 14.11, subd. 1 (1984) does not apply to this rulemaking.

Minn. Stat. § 14.11, subd. 2 (1984) provides that if an agency proposing the adoption of the rule determines that the rule may have a direct and substantial adverse impact on agricultural land in the state, the agency must comply with the requirements of the Minnesota Statutes addressing state agricultural land preservation and conservation policy. (Emphasis supplied.) The Commission finds that here, too, the rule will have only an indirect effect on agricultural land, if any. The rule does not require that agricultural land be directly affected in the CIP and URRPP process. Furthermore, as stated above, the rule is procedural in nature, not substantive. Therefore, the Commission concludes that Minn. Stat. § 14.11, subd. 2 (1984) does not apply to this rulemaking.

This Statement follows the numerical organization of the proposed rules. The rules are provided, followed by the Commission's discussion of why the rule is necessary and reasonable.

This Statement of Need and Reasonableness is designed to comply with Minnesota Rules, part 1400.0500. It contains a summary of the evidence and arguments that support both the need for and reasonableness of the proposed rule.

III. DISCUSSION OF PROPOSED RULE

7840.0200 PURPOSE.

> The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the Public Utilities Commission in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvemment and renewable resource pilot programs.

7840.0300 SCOPE.

> This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

These introductory sections of the rule are intended to set forth the general purpose, intent, and overall effect of the rule for persons who could be affected by them. It is reasonable and necessary that the rule should provide such information at its beginning so that persons do not have to search through it to find out whether the rule concerns them.

7840.0400 PROJECTS IN EFFECT.

> Projects that are in effect on the effective date of parts 7840.0200 to 7840.1400 shall continue in effect for 60 days or until their expiration date, whichever occurs later.

Under this section, conservation projects that are in effect on the effective date of these rules will be allowed and are required to be continued for 60 days or until their expiration date, whichever occurs later. Minn. Stat. § 216B.241 (1984) requires utilities to operate conservation improvement programs which make significant investments in and expenditures for energy conservation improvements. All covered utilities have Commission-approved conservation programs which are in various stages of implementation. Virtually all these projects were authorized for a one year period. These one year periods are staggered because the Commission approved utility proposed CIPs between October, 1984 and February, 1985. This rule will bridge the gap between the expiration dates of the projects, the effective date of these rules, and Commission action on new CIPs. The Commission will have sufficient time to examine, analyze, and take action on currently existing projects without utilities incurring the administrative difficulties of restarting or modifying an expired project. These conservation projects, or others like them, must be kept in operation in order for the utilities to meet their statutory obligations to offer significant and cost-effective conservation programs to their customers. If a conservation project were to lapse while the Commission was in the process of reviewing, analyzing and evaluating the conservation projects, inefficient and ineffective program administration would result. Marketing efforts, customer relations, and reputations of participating community-based organizations could be harmed if a conservation program were interrupted while the Commission reviewed conservation programs. This section allows the Commission to meet its statutory obligation of ensuring that the covered utilities operate conservation programs during a reasonable interim period after the adoption of these rules during which the development and decision-making process is being carried out. Further, it appropriately extends the length of time and proportional amount of the budgets of conservation programs which the Commission has already found to be appropriate. The 60-day period is approximately the minimum time needed to allow for a filing to be prepared and submitted by a utility, comments submitted by interested parties and final Commission action.

7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

No later than May 1 of each year beginning in 1986, a public utility required by Minnesota Statutes, section 216B.241 to invest in a conservation improvement program shall file with the Public Utilities Commission a conservation improvement program. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program.

B. A statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to the utility's customers.

C. A statement of the anticipated percentage of use of each project among targeted residential consumer groups.

D. A detailed budget for each project for the next year, and a projected five-year budget for the overall program. If a shorter time period is more appropriate for the five-year budget, the utility must provide reasons for that shorter time period and the projected budget for that shorter period.

E. A detailed description of the proposed ratemaking treatment and the proposed cost recovery method.

F. A description of the marketing plans for each proposed project.

G. A description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects.

H. An explanation of how the proposed projects provide special consideration for renters and low income customers.

I. An explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate.

J. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

K. A status report on each project from the previous year's program stating the total number of customers served; the number of low income customers and the number of renters served, if applicable; the total amount spent on the project to date; the average amount spent on each customer participating in the project, if applicable; and other information as required by the Public Utilities Commission in its order approving the previous year's program.

L. Additional information that the Public Utilities Commission determines is necessary as a result of its review or evaluation of prior projects of the particular utility.

This part requires covered utilities to file conservation programs with the Commission by May 1 of each year. This section appropriately recognizes that it is the utility's responsibility to operate significant conservation programs and it is the Commission's responsibility to ensure that they do so. This requirement for filing is necessary in order for the Commission to be able to begin its process of evaluating, reviewing, and selecting appropriate conservation programs. An annual filing will provide

the Commission with the information necessary to modify, terminate or extend existing programs and to further the development of new programs. With changing economic and technological conditions and as more information is gathered addressing the efficacy of various types of conservation programs, conservation projects may have to be modified, expanded or terminated in order to achieve workable and efficient projects. The requirement for an annual filing is reasonable because one year is long enough for a program to be implemented and for sufficient information to be gathered to allow for the program evaluation and review. A period significantly shorter than a year would make it difficult for the utilities and the Commission to meet the administrative requirements of developing and selecting programs. Also, a shorter period would not allow for the evaluation of approved programs before the time that new filings were required. A filing period significantly longer than 12 months would not allow the Commission an adequate opportunity to monitor the operation of conservation programs as required by Minn. Stat. § 216B.241 (1984). As a result, inefficient and cost effective programs would not be discontinued as quickly as with an annual review.

The Commission intends to review plans over the summer in order that the programs may be implemented for a full heating season and that it may have results from a full heating season during its review. It believes that most conservation programs for residential customers will be intended to have their greatest impact during the winter heating months in part because the greatest conservation effect should be in the utility service for space heating. Other programs are likely to be aimed at year around usage and thus will be indifferent to a May filing date. Thus, the May 1 filing date is also reasonable.

As fully explained below, filing requirements listed in items A through L are necessary to provide the Commission with enough information to evaluate the proposed programs. Each part is reasonable because it requires the information that is needed by and likely to be useful to the Commission as it makes the important judgments concerning the appropriateness of the programs.

Item A requires a comprehensive description of the proposed program and each proposed project making up the program. Naturally, a filing must begin by describing the proposed program and its component projects. This informs the Commission of the important aspects of the proposal for which approval is sought. It allows the Commission to understand the nature of the project and gives the Commission the background information it will need to understand and evaluate the appropriateness of a proposed program which may result in the expenditure of a significant amount of money.

Item B requires utilities or other interested parties to provide the objectives of the proposed project and to estimate the expected cost-effectiveness of the project. The cost-effectiveness is to be estimated from the perspective of not only the utility but also the participating customers and the general body of customers. This should assist the Commission in evaluating the long term societal benefits as well as benefits to customers even when short term costs to the utility exceed its identified savings.

It is necessary that a statement quantifying each project's objectives be filed because this information is vital to understanding the overall purpose and goals of the project. It also will provide a benchmark for measuring the success of the overall program which is necessary to determine the appropriateness of continuing the project into the future. It is necessary that an estimate of each project's cost effectiveness be provided because Minn. Stat. § 216B.241 (1984) specifies cost-effectiveness as a criterion for the selection of conservation projects. It is reasonable to require this information because it is information that can be expected to be available to any party making a serious proposal for a significant conservation project and is needed by the Commission to perform its evaluation.

Minn. Stat. § 216B.241 (1984) requires that special consideration be given to low-income families and individuals and to renters. The purpose of item C is to provide the Commission with information concerning the extent that the proposed program will be available to these and other groups. This information will permit the Commission to understand the purpose of the project and its potential impact on important segments of the utility's customer base. It presents a statistical analysis that lays the groundwork for an expanded explanation of the effects on conservation that will be filed pursuant to item H. Since it is likely to have been an important consideration in the development of the proposed project, the information should, therefore, be readily accessible. Requiring the information is reasonable because it is needed and should be readily available.

Item D requires submission of the estimated expenditures in appropriate categories for each proposed project for the next year and the program as a whole for the next five years. This information is necessary for the Commission to make informed judgments on the appropriateness of the project and the proposed methods of operating the project. By affording the Commission data regarding several years' expenditures, it will also give the Commission insights into the complete costs of the project. This requirement fulfills a financial control function inasmuch as it encourages the proposing party to fully develop projects before requesting Commission approval of them. Five years appears to be a reasonable look into the future that will allow flexibility when a utility has alternative data that will further the purpose of the rule and lessen the burden on the utility. The utility must show that the alternative is acceptable.

Item E seeks a description of the cost recovery method, including the ratemaking treatment, that the utility proposes for the conservation expenditures under review pursuant to these rules. Heretofore, the information which the Commission has received at the time it reviewed conservation programs has been at best minimal and often non-existent. Utilities have rather deferred the costs with and without the Commission's approval and have presented concrete recovery plans only several years later. For instance, Northern States Power Company only recently filed a ratemaking proposal for conservation expenditures ordered and made as early as 1981. It had deferred the dollars until almost $15 million had accumulated. While it first made a separate conservation rate increment filing to recover expenditures for its electric utility, these costs will now be reviewed in a recently filed general rate increase case. By this rule, the Commission seeks to encourage anticipatory planning for cost recovery by the utilities and to become informed of those plans.

The Commission recognizes that utilities are entitled under Minn. Stat. 216B.16, subd. 6a, to treat conservation expenses and investment in the same manner as other allowable ratemaking costs. However, this authority to include conservation costs in ratemaking does not address the when or how these costs will be recovered through rates. It is possible that present rates are sufficient to recover the costs or that the utility will seek increased rates because it has increased costs. The rule requires utilities to explain the questions of when and how it will recover conservation costs. The Commission needs this information in order to evaluate conservation plans as well as to assure that the anticipated recovery plan is within the range of reasonable plans.

The Commission does not anticipate actually approving cost recovery plans as part of its review and approval of CIPs. The actual recovery of costs must be filed as a proposed change in rates with the necessary information to support a rate change filing. See Minn. Rule, part 7825.3200. Since the issues and the procedures for review of such rate change filings will be different than proposed here for conservation plans, it would not be appropriate for the Commission to pass upon the merits of a cost recovery plan. However, item E will give the Commission and other affected persons notice of the utility's intentions and allow appropriate planning for cost recovery as a component of the review of the conservation programs.

Item F is necessary because it will provide the Commission with information that is needed to make reasoned judgments on the potential effectiveness of the proposed project. The marketing methods employed can be a key to the ultimate success of the conservation project and it is, therefore, a necessary part of a proposed conservation improvement program. This section is reasonable because it is fair to require the person proposing a project to submit information to the Commission that was necessary to the realistic planning and development of that project.

Due to the increased costs of providing incremental or additional amounts of electricity or natural gas, energy conservation may be the least expensive method of meeting the demand for the services provided by these forms of energy. This may be true from the viewpoint of both the utility and the utility's consumers. Item G requires the person proposing a project to estimate the beneficial aspects of conservation to the utility. It is necessary that the benefits of the proposed conservation projects be estimated and provided to the Commission so that the overall benefits of the program can be compared to the total costs of the proposed program. This will give the Commission a benchmark to look at when considering the overall appropriateness of the proposed project. This requirement is reasonable because this information can reasonably be expected to be developed by a party making a serious proposal for a conservation project to the Commission.

Minn. Stat. § 216B.241 (1984) requires that special consideration be granted to low income families and individuals and to renters. Item H is necessary so that the Commission will be informed of how the proposed project meets the statutory requirement. It is reasonable to require this information because it is needed to meet a statutory requirement.

In item I it is necessary and reasonable that the rules provide for the disclosure of any involvement of community energy organizations because

this information will give the Commission a complete understanding of the scope and the involvement of others than the utility in the proposed project. This item imposes no additional responsibilities on proposing parties, other than a simple reporting of how any community energy organization participation will occur.

Item J addresses the concern that the efficiency of all conservation projects must be evaluated so that decisions can be made whether to continue them. It is important that the person developing a proposed project consider, at least in a general way, the methods to be used to evaluate the project at the time the project is developed to ensure that all necessary information is collected as the program is being operated. To ensure that the evaluation plan is considered in the developmental stage, it is necessary that an outline of the proposed plan for evaluating the effectiveness of the proposed project be submitted. Item J is reasonable because it will provide the framework for the Commission to analyze the proposed project.

Item K requires an historical report of the participation in and expenditures for existing conservation projects. This requirement is necessary and reasonable because it provides for the submission of information that is both relevant and important in determining the effectiveness of existing conservation programs and for the comparison of existing conservation programs with each other and with new proposed conservation programs.

These status reports will provide the Commission with current data on each project. These reports will facilitate the Commission's evaluation of the benefits and effectiveness of each project by providing a synopsis of the relevant facts and effects of each project. It is reasonble to require annual status reports because they will aid the Commission in fulfilling its responsibility to monitor the projects and can be prepared more quickly and easily than a formal evaluation which requires time-consuming analysis and interpretation.

Item L is intended to afford the Commission the opportunity to require additional information in subsequent filings by a utility. It is necessary that the Commission be able to require additional information on an as-needed basis because the limitations in general requirements applied all utilities will not always answer questions regarding a particular utility or a particular conservation program.

Utilities are allowed to and even encouraged to adopt individual conservation projects uniquely suited to their service area or customers. However, in reviewing these projects, particularly on renewal filings, the Commission may have specific concerns or the need for specific information that is not covered by the genral requirements adopted above. This rule will allow the Commission through an order entered after review of a filing or evaluation to require the utlity to submit the needed information with its next annual filing. The utility is protected from an exercise of unfettered discretion by the existence of a record that must support the requirement to file additional information.

Minnesota Statutes 216A.05, subd. 3(2), authorizes the Commission to obtain information that it deems necessary or useful from utilities appearing before it. Since the Commission can obtain additional information needed to

review conservation projects through requests directed to the utility, it likewise should be able to require that information be filed with the regular filing of a utility. Further, the Minnesota courts have recognized that an agency may require particular information from a utility on a case by case basis when supported by a rule authorizing such a filing. Re Northwestern Bell Telephone Company, No. C4-84-1872 (May 14, 1985), at 18. This rule makes clear the Commission's intention to use its authority to obtain specific information from utilities in this way.

7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.

A public utility required by Minnesota Statutes, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the Public Utilities Commission that additional utility renewable resource pilot programs are needed to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the Commission shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program;

B. An estimate of the net energy to be produced by each project and the projected reliability of the technology which would be used;

C. A detailed budget for each year of the project;

D. An estimate of the potential cost effectiveness of each project;

E. A description of the proposed ratemaking treatment and the proposed cost recovery method; and

F. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

This part describes the standards and requirements for filing renewable resource pilot program proposals. In accordance with Minn. Stat. § 216B.241 (1984), the Commission is required to order at least one public utility to establish a renewable resource pilot program. As stated in the rule, a utility will be required to file a renewable resource program under the following two standards: (1) the Commission determines additional programs are needed to expand Minnesota's options for renewable energy; and, (2) at least one year has elapsed since the utility's renewable resource pilot program has been authorized. The Commission has been granted the authority to make a determination of standard (1) by Minn. Stat. § 216B.241 (1984). Under the statute, it is necessary and reasonable that the Commission evaluate additional programs when the Commission determines that additional programs

are needed to expand Minnesota's options for renewable energy. The second standard is designed to inform utilities regarding the frequency with which renewable resource plans must be filed. Such information is necessary to assist both utilities and the Commission in the development of these plans. The second standard is reasonable, because the time spent in the development, approval and implementation of these pilot programs is generally greater than one year. The period of at least one year between authorizing and filing of a pilot project will allow the Commission and the utilities an appropriate period to evaluate these projects.

The filing requirements listed in Minn. Rules, part 7840.0600, items A through F are necessary in order to provide the Commission with sufficient information with which to evaluate proposed programs. The information required is not unreasonable or unduly burdensome. The filing information is readily available and relevant to internal utility decision making.

Item A requires that the filing include a comprehensive description of the proposed renewable resource program and projects, providing the Commission with background information and a general understanding of the overall purpose and goals of the project. In addition, a program description allows the Commission to determine if the proposed research is duplicative. A description of individual projects within the program allows the Commission to understand how all projects fit together within a program. Program descriptions also assist the Commission in determining the overall impact on the development of renewable resources in the State of Minnesota. Consequently, this filing requirement is necessary and reasonable.

Item B requires that the filing include an estimate of the net energy to be produced by each pilot project. Information of this sort is essential in determining cost-effectiveness. Minn. Stat. § 216B.241 (1984) requires that the Commission evaluate renewable resource pilot programs on the basis of cost-effectiveness. In addition, an estimate of the net energy produced by the project allows the Commission to consider the potential for replacement of traditional fuels. This information also allows the Commission to consider the potential net economic effect of the project on the State's economy. Minn. Stat. § 216B.241 (1984) also requires that the Commission evaluate programs on the basis of the reliability of the technologies employed. Item B also requires that the filing include an estimate of the projected reliability of the technology. The Commission requires evidence that the utility will make investments in and expenditures for a reliable technology that is at an appropriate stage of development. These filing requirements are both necessary and reasonable.

Item C requires that the filing include a detailed budget for each year of the project. Such information allows the Commission to compare the projected costs of the project with the benefits and to make a general determination of significant investment. Budget information provides the Commission with an estimate of the potential rate impact of the project. Budgets can also be used by the Commission in comparing and choosing between similar projects. Submission of a budget also requires that a project's finances be fully developed prior to filing. For these reasons, the Commission believes the filing of such information is necessary and reasonable.

Item D requires that the filing include an estimate of the potential cost-effectiveness of each project. As stated previously, this information is necessary and reasonable because Minn. Stat. § 216B.241 (1984) specifies that the Commission evaluate projects on the basis of cost-effectiveness. Renewable resource projects can be evaluated only by comparing the price of the output to the price of traditional fuels. Thus, the analysis of all costs and benefits both direct and indirect is essential to the evaluation of any pilot program. In some cases, the Commission recognizes that pilot programs may generate a negative revenue impact until these projects are put into commercial operation.

Item E requires that the filing include a description of proposed ratemaking treatment and the proposed cost recovery method. Minn. Stat. § 216B.241 (1984) provides that all investments and expenditures made pursuant to a Commission Order be treated like other investments and expenditures prescribed in Minn. Stat. § 216B.16, subd. 6b (1984). Thus, investments and expenditures for renewable resource pilot projects that have been ordered by the Commission, and were prudently incurred, would be appropriate for cost recovery. However, the method by which such costs are to be recovered is not specified in Minn. Stat. § 216B.16, subd. 6b (1984). The Commission, therefore, has discretion in determining the method of cost recovery. For this reason, it is necessary and reasonable that parties file a description of the proposed ratemaking treatment and the proposed method of cost recovery.

Item F requires that the filing include an outline of the proposed plan for evaluating the effectiveness of the project. The simultaneous filing of a project and an evaluation plan insures that the evaluation process is well integrated with the project. The evaluation of projects provides two benefits: (1) the development of program objectives; and, (2) a test for cost-effectiveness. The filing of evaluation plans encourages consistency in the evaluation procedure across utilities and across projects. In addition, the filing of an evaluation plan allows all parties to be aware from the outset how programs are to be evaluated. For these reasons, the Commission believes it is necessary and reasonable to require the filing of an evaluation plan.

7840.0700 EXISTING PROGRAMS; FILING.

> The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for newly proposed projects; however, if the Public Utilities Commission has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

The interest of this part is to insure the continuation of high quality programs. In order to insure the continuation of quality programs, existing programs are required to have the same filing requirements as newly proposed programs. It is reasonable that filing requirements for existing programs be neither more nor less rigorous than those for newly proposed programs. Standardized filing requirements for both new and existing programs will insure high standards for existing programs are maintained rather than assumed. Moreover, it is necessary that the Commission have before it a

full-informational filing in order to evaluate existing programs. However, this section avoids the unncessary filing of duplicate program proposals. The intent is to reduce the burden on those filing proposed programs. This section simplifies the filing requirements for existing programs without jeopardizing the integrity of the filing. For these reasons, the Commission believes this section is both necessary and reasonable.

7840.0800 NOTICE.

At the time it files its conservation improvement or utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

This part requires that the covered utilities provide notice of the availability of its filing to interested persons at the time that it files its conservation improvement program or utility renewable resource pilot program with the Commission. It is necessary to make copies of the proposed programs available for public inspection and available to interested persons upon request to allow for a significant degree of public awareness and participation in the development and analysis of conservation improvement programs and utility renewable resource pilot programs. All persons who can reasonably be expected to have an interest in the matter and who can easily be identified will be provided notice. Persons who participated in a utility's CIP or URRPP process during the preceding two years can be reasonably viewed as having an interest in conservation programs. Persons who participated in a utility's last general rate case can reasonably be viewed as interested in the policies and workings of the utility. Therefore, the requirements of this part are reasonable.

7840.0900 COMMENT; ALTERNATIVE PROPOSALS.

The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. These comments and alternative projects must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Energy and Economic Development and the utility to which they are addressed.

This part allows interested persons to comment on the proposals of utilities or to submit alternative proposals of their own. This is necessary to ensure that all interested persons have a reasonable opportunity to make meaningful contributions to the development of conservation improvement programs or renewable resource pilot programs. This is also necessary to encourage the development and presentation of the best possible CIPs or URRPPs. When a nonutility proposes an alternative program, it is reasonable to require it to meet the same filing requirements a utility must meet in order that the Commission can have all information needed to compare fairly the potentially competing projects. It is reasonable to require that copies of all filings required herein be filed with the Department of Public Service and Department of Energy and Economic Development as well as with the utility to which they are addressed because the Commission expects these organizations to fully participate in this matter.

7840.1000 REQUEST FOR CONTESTED CASE HEARING.

> Within ten days following the end of the comment period, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

This part establishes the procedure by which a utility or interested person may request a contested case hearing.

The Commission is not required to conduct a contested case hearing in all instances when reviewing conservation improvement programs, but rather need set the matter for hearing only in the limited instances when "the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing." Minn. Stat. § 14.02, subd. 3 (1984). The statute authorizing conservation plans, Minn. Stat. § 216B.241, requires only that the Commission periodically review the plans and does not require a hearing. Thus, the legislature has contemplated informal proceedings rather than formal contested case hearings for conservation plan reviews. See Re Implementation of Utility Conservation Improvement Programs, No. C7-84-2241 (May 28, 1985), slip op. at 8. Any rights to a contested case hearing must be found in general principles of statutory or constitutional law.

These general principles are summarized in the due process clause of the state and federal constitutions. See, i.e., U. S. Const. Amend. 14. The rule sets forth standards under which a motion for a contested case hearing would be granted. These standards follow the fundamental principles of due process, as has been recognized by the following authorities on administrative law:

"[A] party is entitled to a hearing as a matter of constitutional due process where: (1) the agency action is based upon disputed material, adjudicative facts; and (2) the action has or will adversely affect a substantial 'liberty' or 'property' interest." W. Keppel & D. Gilbert, Minnesota Administrative Practice and procedure, § 403 (1982).

"[O]ne who has a sufficiently protected interest is normally entitled to a trial-type hearing on issues of adjudicative fact..." K.C. Davis, Administrative Law Treatises, § 10.1 (2d ed. 1979).

By setting forth these principles as express standards, the Commission not only has informed persons of the showing that they must make to obtain a formal hearing but also has followed the accepted law on the matter.

The time frames established by the rule are necessary and reasonable in that they allow sufficient time for a thorough analysis of a program by utilities and interested persons and also do not unduly delay the entire process. The rule also incorporates a notice requirement to insure that all those who have indicated an interest in a particular CIP or URRPP receive notice of the motion requesting a contested case hearing. Thus, they would be able to participate in the Commission's decision-making process regarding granting a contested case.

The rule states that the motion for a contested case hearing must set forth with specificity the grounds for a hearing. This is reasonable and necessary to allow other persons the opportunity to make a meaningful reply if they wish and to afford the Commission a basis upon which to evaluate and rule upon the motion.

The Commission concludes that it is necessary and reasonable to establish the procedural steps and state the requisite showing a person or a utility must make to be granted a contested case hearing on a CIP or URRPP.

7840.1100 RESPONSES: WRITTEN RECORD.

When a contested case hearing is not required, the Public Utilities Commission may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures as it deems necessary or helpful to enable it to review, analyze, and select appropriate programs under Minnesota Statutes, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the Public Utilities Commission must also be served upon participants and will become part of the record upon which the Public Utilities Commission will decide the case.

This part states the informal procedures that the Commission may use when a contested case hearing is not required. It further provides a standard for informal Commission action. It's reasonable and necessary because it informs utilities and interested persons of procedures that the Commission may

use to fulfill its statutory obligation and implement the goals of Minn. Stat. 216B.241 (1984). The Commission used many of the listed informal procedures for its 1983-84 review of conservation proposals. The Commission found that written comments, a public meeting, and negotiations afforded interested persons an opportunity to participate and reach a consensus on the means of achieving the goals of Minn. Stat. 216B.241 through particular conservation projects. The Commission anticipates that the flexibility afforded by informal processes can further improve and refine the conservation proposal and evaluation procedures in the future.

Further, this part clarifies what information makes up the record upon which the Commission will make its decision. It requires that all written materials and summaries of oral meetings for each proceeding filed with the Commission be served upon all proceeding participants. This is designed to insure a free and complete flow of information to all who are interested and to lead to a well-informed, thorough analysis of CIP and URRPP projects and programs by the Commission.

7840.1200 DISAPPROVAL: ORDER.

> If the Public Utilities Commission does not approve a program, project, or evaluation plan or modifies a program, project, or evaluation plan, it shall set forth its reasons in a written order.

The Commission acts only through its Orders, this part merely restates the Commission's obligation pursuant to Minn. Stat. 216B.33 (1984) to make its findings and orders in writing. It is reasonable and necessary to include this part in the rule because it gives a clear and complete picture of the Commission's decision-making process for CIPs and URRPPs.

7840.1300 PROPOSED PROGRAM CHANGES.

> Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before its expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

The purpose of this part is to allow the Commission to make appropriate and timely changes to a conservation improvement program or a utility renewable resource pilot program. After a conservation program is implemented, additional information concerning ways of improving the program may be available. The Commission needs the ability to modify, expand or

terminate a program in order to reflect any such new information. Also, Minn. Stat. 216B.241 (1984) requires the Commission to monitor the conservation improvement programs. Clearly, the requirement to monitor a program also requires the Commission to make any programmatic changes that are needed to correct any deficiencies found as a result of the monitoring activity. This part establishes standards upon which to judge the changes. Changes may be made in order to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, change the time period during which the project would be in effect or expand, change or reduce the size of the geographical area or target group that the project covers. This part is necessary so that the Commission can insure that the covered utilities operate cost-effective conservation programs which make significant investments in and expenditures for energy conservation improvements as required by Minn. Stat. 216B.241 (1984). This part is reasonable because the types of changes that could be made under it are designed to achieve better results from conservation programs.

This part also requires that all participants be notified of the proposed changes and allows for an appropriate comment period. Both provisions are necessary and reasonable because they will allow all participants to fully participate in this matter.

7840.1400 RULES OF PRACTICE.

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

This part is necessary and reasonable because it states that the Commission's Rules of Practice, Minnesota Rules, chapter 7830, will also apply to the CIP and URRPP process when not conflicting with these rules. The rules of practice address the common pleading and practice procedures before the Commission. Making these practices clearly applicable when not in conflict with more specific procedures found in this rule will not only inform, but also assures, utilities and other interested persons of their full rights and duties. Of course, statutory procedures also apply in all cases.

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

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| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | Docket No. G,E-999/R-85-506<br><br>CERTIFICATE OF COUNSEL |

I, Lisa Rotenberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the rulemaking record, and that, based on my examination, the Administrative Procedure Act has been followed. Any exceptions are noted below.

Lisa Rotenberg

Lisa Rotenberg
Special Assistant Attorney General

OCT 25 1985

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
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| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | Docket No. G,E-999/R-85-506<br><br>AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL |

STATE OF MINNESOTA )
)ss.
COUNTY OF RAMSEY )

Kathy Briesemeister, being first duly sworn, deposes and says:

That on the 25th day of October, 1985, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the United States mail at said City of St. Paul, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Kathy Briesemeister
Kathy Briesemeister

Subscribed and sworn to before me
this 25th day of October, 1985.

Sharon L. Juen

SHARON L. JUEN
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY
MY COMM. EXPIRES JAN. 19, 1991

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Cynthia A. Kitlinski | Chair |
| Leo G. Adams | Commissioner |
| Harry Seymour Crump | Commissioner |
| Terry Hoffman | Commissioner |
| Robert J. O'Keefe | Commissioner |

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| In the Matter of the Proposed Adoption of the Rule of the Minnesota Public Utilities Commission Governing the Conservation Improvement and Renewable Resource Programs | Docket No. G,E-999/R-85-506<br><br>NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO THE ATTORNEY GENERAL |

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on this date, October 25, 1985, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, the Statement of Need and Reasonableness, all written comments and requests received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on August 19, 1985, has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order adopting the rule is available upon request from:

Paul Schweizer
Public Utilities Commission
780 American Center Building
Kellogg and Robert Streets,
St. Paul, Minnesota 55101
612/296-7125

The rule must be approved or disapproved by the Attorney General within 14 calendar days of the date of submission to the attorney general. You may submit written comments to the attorney general on the legality of the rule. Any written comments must be submitted within eight calendar days of the date of submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or specific parts or subparts of the rule. Your comments must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155
Telephone Number: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

Mary Ellen Hennen
Executive Secretary
Public Utilities Commission

Dated: OCT 25 1985