

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

File No. 3-29 Docket 05-0009-0789

DATE RECEIVED 2/8/89 ADOPTED W/O HEARING X

REVIEW DATE 2/17/89 EMERGENCY RULE _____

DUE DATE 2/22/89 ok REVISOR APPROVED _____

APPROVED 2/20/89 REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE 2/22/89

WITHDRAWN _____ RETURNED TO AGENCY 2/22/89

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

12/30/85 Date published in State Register
yes Comments

~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution

7/21/88 Date adopted

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

216B.241
216B.08 Statutory Authority
yes Small Business Statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

10/5/88 Date 30/25 days before adoption
ok Notice attached
_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register

10/10/88 Date 30/25 days before adoption

_____ 180-day deadline from:

11/9/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~
N/A 180 days to publish

✓ Resolution Adopting

1/31/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

1/31/89 Date

✓ Written requests, submissions or comments (5)

✓ Declaration of attorney

Jon Kingstad Name of SAAG representing agency

✓ Notice of Submission to Atty. Gen. (if applicable)

✓ Aff. of Mailing Notice to Atty. Gen. (if applicable)

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : February 22, 1989

TO : CAROLINE HEIL
Rules Attorney

FROM : JULIE A. LEPPINK
Special Assistant
Attorney General

PHONE : 6-9422

SUBJECT : In the Matter of the Adopted Rule Relating to the Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

The above-referenced rule has been approved as to its legality by the Attorney General on February 20, 1989.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth 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 accoradance 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.

JAL:klk
Enclosures

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

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Public Utilities Commission

Adopted Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

Rules as Adopted

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

A. impact of the program or modified program on:

(1) short-term peak, including peak hours and peak day;

(2) long-term peak; and

(3) average energy consumption, including annual average energy consumption;

B. total cost to the utility of ~~the energy saved by the~~ a program or modified program, resulting in energy savings, compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

C. short-term and long-term impact of the program or modified program on utility rates;

D. total number of low-income and rental customers expected to be affected by the program or modified program;

E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;

G. diversity of customer classes expected to participate in the program or modified program;

Approved by Revisor

H. benefits of the program or modified program to participants; and

I. other facts and circumstances concerning a particular utility that are relevant to determining the overall importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

Approved by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

FEB 23 1989

Joan Anderson Growe

Secretary of State

10:10 AM

APPROVED AS TO FORM AND LEGALITY

February 20 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Julie A. Segovia
SPECIAL ASSISTANT ATTORNEY GENERAL

Copies of the summary of the EIS are available free of charge from the Council's Communications Department at 291-6464. Copies of the complete EIS will also be available for public inspection beginning Dec. 16, 1985, at the following libraries:

Metropolitan Council Library
300 Metro Square Bldg.
7th and Robert Streets
St. Paul, MN 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, MN 55401

St. Paul Public Library
Science and Library Room
90 W. 4th St.
St. Paul, MN 55102

Hennepin County Public Library—Southdale Branch
7001 York Av.
Edina, MN 55435

Hennepin County Public Library
Brooklyn Park Branch
8600 Zane Avenue N.
Brooklyn Park, MN 55443

Hennepin County Public Library
Oxboro Branch
8801 Portland Avenue S.
Bloomington, MN 55420

Hennepin County Public Library
Hopkins Branch
22 - 11th Avenue N.
Hopkins, MN 55343

Hennepin County Public Library
Pennlake Branch
8800 Penn Avenue S.
Bloomington, MN 55431

Hennepin County Public Library
Eden Prairie Branch
7420 Eden Prairie Rd.
Eden Prairie, MN 55344

Hennepin County Public Library
St. Louis Park Branch
3240 Library Lane
St. Louis Park, MN 55426

Sandra S. Gardebring
Chair

Public Utilities Commission

Outside Opinion Sought on Interpretive Rules Stating the Criteria for determining a Significant Level of Investments In and Expenditures For Conservation Improvements for Covered Utilities and Rules Requiring the Submission of Necessary Data

In 1983, the Legislature amended Minn. Stat. § 216B.241 to require the Commission to "ensure that every public utility with operating revenues in excess of $50,000,000 operate one or more programs . . . which make significant investments in and expenditures for energy conservation improvements."

On February 19, 1985, the Commission issued its Order Approving Minnesota Power's (MP) Conservation Improvement Program (CIP) and Requiring Information Filing In the Matter of the Implementation of Utility Energy Conservation Improvement Programs and Establishing a Utility Renewable Resource Pilot Program, Docket No. G,E-999/CI-83-565. In that Order, the Commission approved MP's proposed conservation improvement programs and found that the levels of expenditures anticipated was an acceptable first step in achieving a significant investment. In making this determination, the Commission used the criteria recommended by a task force established by the Commission. The four criteria relied upon were: (1) a practical estimate of potential, cost-effective conservation improvements in relevant end-uses throughout a utility's service area, constrained by what is an achievable market penetration; (2) short- and long-term impact on rates; (3) total dollars spent on CIP programs annually and over the life of the programs and expressed as a percentage of gross revenues; and (4) number of utility customers, including number of low-income and renter participants, as well as participation expressed as a percentage of the total number of customers who are eligible for the program.

The Commission intends to develop administrative rules which interpret the statutory requirements that the Commissioner ensure that covered utilities make significant investments in energy conservation improvements.

Notice is hereby given that the Commission is seeking information or opinions from sources outside the agency on the appropriate content of the interpretive rules regarding the levels of investment in conservation improvement programs by covered utilities which can be considered "significant." As a part of the comments, interested persons may comment on the following questions or on any other matter that may be relevant and useful to the Commission. (1) Should the interpretive rules set a specific definition of

"significant investment" or should the rules specify criteria to be relied upon by the Commission in making this determination? (2) If a definitional approach is appropriate, what is a reasonable definition of "significant investment"? (3) If it is not appropriate to itemize the criteria upon which the Commission should rely to determine what a significant investment is, is the criteria relied upon by the Commission in the MP Order the most appropriate? (4) Should the rules require the submission of data needed to allow the Commission to rely on the criteria to determine a significant investment?

The Commission is setting a 45-day comment period. The deadline for comments and statements is 4:30 p.m., February 13, 1986. All comments submitted will be available for review by members of the public at the Commission's office during normal business hours. Interested persons should reference Docket No. G,E-999/R-85-847 on all written materials. Written comments should be addressed to Mary Ellen Hennen, Executive Secretary, Minnesota Public Utilities Commission, 780 American Center, Building, 150 East Kellogg Boulevard, St. Paul, MN 55101.

Oral comments or questions may be directed to Paul Schweizer at (612) 296-7125 or to Susan Mackenzie at (612) 297-4563. Any written material received by the Commission shall become part of the rulemaking record.

Department of Transportation

Petition of the City of Roseville for a Variance from State Aid Standards for Roadway Widths

Notice is hereby given that the City Council of the City of Roseville has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a construction project on Cleveland Avenue (MSAS 241) from County Road B-2 to Oakcrest Avenue.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapter 161 and 162 so as to permit a roadway width of 40 feet (three lanes with no parking) instead of the required 52 foot width. (four lanes with no parking).

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, MN 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 17, 1985

Richard P. Braun
Commissioner of Transportation

MINNESOTA public UTILITIES COMMISSION

MEMORANDUM

DATE: December 20, 1985

TO: Interested Parties

FROM: Mary Ellen Hennen MEH
Executive Secretary

SUBJECT: Conservation Improvement Program Interpretive Rules
Docket No. G,E-999/R-85-847

Attached is a copy of a notice soliciting outside opinion on interpretive rules stating the criteria the Public Utilities Commission will use to determine a significant level of investments in and expenditures for conservation improvements for covered utilities and rules requiring the submission of necessary data.

The notice will be placed by the Commission in the December 30, 1985, State Register.

Please note that written comments are encouraged and may be filed through February 13, 1985.

kmb (0333A)

Attachment

AMERICAN CENTER building • kellogg AND ROBERT STS • SAINT PAUL, MN 55101

Public Utilities Commission

Outside Opinion Sought on Interpretive Rules Stating the Criteria The Public Utilities Commission Will Use to Determine a Significant Level of Investments In and Expenditures For Conservation Improvements for Covered Utilities and Rules Requiring the Submission of Necessary Data

In 1983, the Legislature amended Minn. Stat. § 216B.241 to require the Commission to "ensure that every public utility with operating revenues in excess of $50,000,000 operate one or more programs . . . which make significant investments in and expenditures for energy conservation improvements."

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The Commission intends to develop administrative rules which interpret the statutory requirements that the Commission ensure that covered utilities make significant investments in energy conservation improvements.

Notice is hereby given that the Commission is seeking information or opinions from sources outside the agency on the appropriate content of the interpretive rules regarding the levels of investment in conservation improvement programs by covered utilities which can be considered "significant." As a part of the comments, interested persons may comment on the following questions or on any other matter that may be relevant and useful to the Commission. (1) Should the interpretive rules set a specific definition of "significant investment" or should the rules specifiy criteria to be relied upon by the Commission in making this determination? (2) If a definitional approach is appropriate, what is a reasonable definition of "significant investment"? (3) If it is not appropriate to itemize the criteria upon which the Commission should rely to determine what a significant investment is, is the criteria relied upon by the Commission in the MP Order the most appropriate? (4) Should the rules require the submission of data needed to allow the Commission to rely on the criteria to determine a significant investment?

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

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

That on the 20th day of December, 1985, (s)he served the attached NOTICE SOLICITING OUTSIDE OPINION ON INTERPRETIVE RULES STATING THE CRITERIA THE PUBLIC UTILITIES COMMISSION WILL USE TO DETERMINE A SIGNIFICANT LEVEL OF INVESTMENTS IN AND EXPENDITURES FOR CONSERVATION IMPROVEMENTS FOR COVERED UTILITIES AND RULES REQUIRING THE SUBMISSION OF NECESSARY DATA

Docket No. G,E-999/R-85-847

XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid

XX By personal service

to all persons at the addresses indicated below or on the attached list:

Commissioners

SEE ATTACHED SERVICE LIST

Kathy Briesemeister

Subscribed and sworn to before me, a notary public, this 20th day of December, 1985.

Sharon L. Juen
Notary Public

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

0487C
0138A

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

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

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New York Mills, MN 56567

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International Falls, MN 56649

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Minnesota Area Manager
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Ceedy Mewszel
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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

	ENTRY # 2	**ENTRY # 10**	**ENTRY # 31**	**ENTRY # 33**	**ENTRY # 35**
A	COLIN P. MILNE	JANE LEONARD	DENISE ANDERSON	WADE R. HENSEL-GEN. MGR.	MARK HALLGREN
B	RESOURCES CONSERVATION	1516 ASHLAND AVENUE	ST.PAUL CHAMBER OF COMM.	FROST-BENCO ELECTRIC	SUITE 918
C	P. O. BOX 71	ST. PAUL MN 55104	701 NO. CENTRAL TOWER	P. O. BOX 8	MIDWEST PLAZA
D	GREENWICH CT 06836		ST. PAUL MN 55101	MANKATO MN 56001	MINNEAPOLIS MN 55402
E		R	R		R
F		R	R	R	
G		R			
H		ALL			
I	PGA	PGA	PGA	PGA	PGA
J			C		

	ENTRY # 38	**ENTRY # 39**	**ENTRY # 42**	**ENTRY # 43**	**ENTRY # 44**
A	JIM GRAHAM-CROW WING	STEVE MOSES	RICHARD CARLUND	CRAIG R. RAPP	ANDREW C. GIBAS
B	CONCERNED CITIZENS COUN.	24 ABBOT AVE. S.W.	NEW YORK MILLS MUNI. GAS	CLERK-ADMINISTRATOR	9 WEST ROAD
C	619 POPLAR	MADELIA MN 56062	BOX H	9201 N. LEXINGTON AVE.	CIRCLE PINES MN 55014
D	CROSBY MN 56441		NEW YORK MILLS MN 56567	CIRCLE PINES MN 55014	
E	R	R	R	R	R
F	R				
G	R				
H	ALL				
I	PGA	PGA	PGA	PGA	PGA
J	C				

	ENTRY # 45	**ENTRY # 46**	**ENTRY # 47**	**ENTRY # 48**	**ENTRY # 49**
A	FRANK SCHLEPPENBACH	MN ELECTRICAL ASSN. INC.	DAVID S. DOUGLAS	LEON BARNIER-GEN. MGR.	B. ZACH-ARVENSEN DONOHO
B	DEPT. OF WATER AND GAS	3100 HUMBOLDT AVE. SO.	OLSON'S POINT	MN RURAL ELECTRIC ASSN.	LUNDEEN HOFF SVINGEN ENG
C	414 WEST 1 ST.	MINNEAPOLIS MN 55408	BUFFALO MN 55313	4901 WEST 77TH ST.	125 S. MILL ST.
D	DULUTH MN 55802			MINNEAPOLIS MN 55435	FERGUS FALLS MN 56537
E	R				
F		R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 50	**ENTRY # 51**	**ENTRY # 52**	**ENTRY # 53**	**ENTRY # 55**
A	LEWIS BRADFORD	PAUL IMS	WAYNE LANCE-CLERK/TREAS.	MELVIN A. AHONEN-GEN MGR	DAVE HARTLEY
B	215 HARRISON ST.	RURAL ROUTE	CITY OF DETROIT LAKES	NORTH PINE ELECTRIC COOP	504 SECOND ST.
C	ANOKA MN 55303	EXHO MN 56237	P. O. BOX 647	FINLAYSON MN 55735	JACKSON MN 56143
D			DETROIT LAKES MN 56501		
E					
F	R	R	R	R	R
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H					
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 # 56	**ENTRY # 57**	**ENTRY # 58**	**ENTRY # 59**	**ENTRY # 60**
A	RICHARD A. VOLLER	JOHN T. ANDERSON	RUSSELL F. BERG	CLEARWATER-POLK	PUBLIC UTILITIES COMMIS.
B	885 PRENTICE	POWER & LIGHT DEPARTMENT	104 NORTH JEFFERSON	UTILITIES	117 NORTH MAINE
C	GRANITE FALLS MN 56241	BOX 528	WADENA MN 56482		BAGLEY MN 56621
D		THIEF RVR FALLS MN 56701		BAGLEY MN 56621	
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 61	**ENTRY # 62**	**ENTRY # 63**	**ENTRY # 64**	**ENTRY # 65**
A	DANIEL R. DUKLET	PUBLIC UTILLITIES COMM.	DELANO PUBLIC UTILITIES	DALLAS E. NELSON	EARL LA MAACK
B	SUPERINTENDENT	120 FIRST ST. N.W.	11 WEST BRIDGE AVE.	BOX 521	P. O. BOX 609
C	HALSTAD MN 56548	AITKIN MN 56431	DELANO MN 55328	LITCHFIELD MN 55355	ALEXANDRIA MN 56308
D					
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 66	**ENTRY # 67**	**ENTRY # 68**	**ENTRY # 70**	**ENTRY # 71**
A	DWANE BRASE	LEONARD G. TAUER-SUPT.	ALLEN F. SCHRUPP	GENERAL MANAGER	JAMES BIGGAR
B	SUPERINTENDENT	ALPHA ELECTRIC DEPT.	1604 7 1/2 ST. S.W.	BROWN COUNTY RURAL	UTILITY SUPERINTENDENT
C	508 SOUTH ST.	P. O. BOX 97	WILLMAR MN 56201	ELECTRIC ASSOCIATION	205 WEST CENTER
D	WASECA MN 56093	ALPHA MN 56111		SLEEPY EYE MN 56085	LAKE CITY MN 55041
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 72	**ENTRY # 73**	**ENTRY # 74**	**ENTRY # 75**	**ENTRY # 76**
A	LOUIS VAN HOUT	JOHN HINNENKAMP-UT.SUPT.	BLUE EARTH LIGHT & WATER	CITY OF WARROAD	ARROWHEAD ELECTRIC COOP.
B	1030 E. FOURTH AVE.	MELROSE MUNICIPAL UTIL.	DEPARTMENT	P. O. BOX 50	P. O. BOX 38
C	SHAKOPEE MN 55379	21 WEST MAIN ST.	118 EAST SIXTH ST.	WARROAD MN 56763	LUTSEN MN 55612
D		MELROSE MN 56352	BLUE EARTH MN 56013		
E					
F	R	R	R	R	R
G					
H					
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 # 77	**ENTRY # 78**	**ENTRY # 79**	**ENTRY # 80**	**ENTRY # 81**
A	WATER & LIGHT COMMISSION	BLOOMING PRAIRIE PUBLIC	RAY LITCHKE	EUGENE P. SULLIVAN	RONALD J. STECKMAN
B	P. O. BOX 418	UTILITIES	P. O. BOX 658	900 EAST KRAFT DR.	FREEBORN-MOWER ELEC.COOP
C	MOOSE LAKE MN 55767	P. O. BOX 55	GRAND RAPIDS MN 55744	MELROSE MN 56352	BOX 611
D		BLOOMING PRAIRIE MN55917			ALBERT LEA MN 56007
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 82	**ENTRY # 83**	**ENTRY # 84**	**ENTRY # 85**	**ENTRY # 86**
A	ELMER LALLI	DEAN AMO	J. W. REICHEL-CITY CLERK	RON SCHULER	AGRALITE COOPERATIVE
B	WATER & LIGHT DEPARTMENT	BOX 230	CITY OF FAIRFAX	2526 SEVENTH AVE.	EAST HIGHWAY 12
C	P. O. BOX 373	AITKIN MN 56430	112 S.E. FIRST ST.	NORTH ST. PAUL MN 55109	BENSON MN 56215
D	BRAINERD MN 56401		FAIRFAX MN 55332		
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 87	**ENTRY # 88**	**ENTRY # 89**	**ENTRY # 90**	**ENTRY # 91**
A	TRAVERSE ELECTRIC COOP.	SOUTHWESTERN MINNESOTA	C. G. WEBER	KASOTA ELECTRIC DEPT.	GOODHUE COUNTY COOP
B	P. O. BOX 66	COOPERATIVE ELECTRIC	207 E. FOURTH ST.	P. O. BOX 218	ELECTRIC ASSOCIATION
C	WHEATON MN 56296	P. O. BOX 431	REDWOOD FALLS MN 56283	KASOTA MN 56050	224 MAIN ST.
D		PIPESTONE MN 56164			ZUMBROTA MN 55992
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 92	**ENTRY # 93**	**ENTRY # 94**	**ENTRY # 95**	**ENTRY # 96**
A	GERALD MOE	DON BRANDT	ST. PAUL TENANTS' UNION	MCLEOD COOP POWER ASSN.	HENRY E. HOLM
B	ELECTRICAL SUPT.	PEOPLES COOP POWER	500 LAUREL	1231 FORD AVE.	CARLTON COUNTY COOP PWR
C	212 CENTRAL AVE.	P. O. BOX 1039	ST. PAUL MN 55102	GLENCOE MN 55336	KETTLE RIVER MN 55757
D	BUFFALO MN 55313	ROCHESTER MN 55901			
E			R		
F	R	R	R	R	R
G					
H					
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 # 98	**ENTRY # 99**	**ENTRY # 100**	**ENTRY # 101**	**ENTRY # 102**
A	WELLS ELECTRIC ASSN.	M. D. HENTGES	JAMES B. SANDEEN-SUPT.	DAVID P. LARSON-GEN MGR	PUBLIC UTILITIES COMM.
B	P. O. BOX 156	LE SUEUR MUNICIPAL UTIL.	ST.PETER MUNICIPAL UTIL.	WRIGHT-HENNEPIN COOP.ELE	CITY OF GRAND MARAIS
C	WELLS MN 56097	228 NORTH MAIN ST.	BOX 299	MAPLE LAKE MN 55358	GRAND MARAIS MN 55604
D		LE SUEUR MN 56058	ST. PETER MN 56082		
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 103	**ENTRY # 104**	**ENTRY # 105**	**ENTRY # 106**	**ENTRY # 107**
A	CHESTER RINDELS	THOMAS MC CAULEY	MANAGER	EARL L. JOHNSON-GEN MGR	ANDREW E. ANDERSON
B	CITY SUPERVISOR	BOX 779	P.K.M. ELECTRIC COOP	TRI-COUNTY ELECTRIC COOP	OTTER TAIL POWER COMPANY
C	PRESTON PUBLIC UTILITIES	MOORHEAD MN 56560	BOX 108	RUSHFORD MN 55971	215 SOUTH CASCADE ST.
D	PRESTON MN 55965		WARREN MN 56762		FERGUS FALLS MN 56537
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 108	**ENTRY # 109**	**ENTRY # 110**	**ENTRY # 111**	**ENTRY # 112**
A	CITY OF BROWNTON	CROW WING COOP POWER	RON KENNEDY-MANAGER	L. H. BRAKEL-GEN MGR	RAY LARSEN
B		AND LIGHT	RED LAKE ELECTRIC COOP.	RED RVR VALLEY COOP PWR.	902 BEE ST.
C	BROWNTON MN 55312	P. O. BOX 507	RED LAKE FALLS MN 56750	HALSTAD MN 56548	PROCTOR MN 55810
D		BRAINERD MN 56401			
E					
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 113	**ENTRY # 114**	**ENTRY # 115**	**ENTRY # 116**	**ENTRY # 117**
A	DOUGLAS E. WALLACE-MGR.	CITY OF WHALEN	DON ANDERSON	C. W. PETERSON	DAWN SHERMAN O'NEILL
B	NOBLES COOP ELECTRIC		BELTRAMI ELECTRIC COOP	BOX W	SUTHERLAND ASBILL &
C	P. O. BOX 70	WHALEN MN 55986	BOX 488	PELICAN RAPIDS MN 56572	1666 K ST. N.W.--BRENNAN
D	WORTHINGTON MN 56187		BEMIDJI MN 56601		WASHINGTON D.C. 20006
E					
F	R	R	R	R	R
G					
H					
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 # 118	**ENTRY # 119**	**ENTRY # 120**	**ENTRY # 121**	**ENTRY # 122**
A	TOM JUNNILA	THOMAS J. STEARNS	EDWARD STARR-CTY ATTNY.	MARVIN J. JOHNSON	HUTCHINSON UTILITIES COM
B	5248 ZENITH AVE.	ATTORNEY AT LAW	647 CITY HALL-COURTHOUSE	718 N. HIGHWAY	225 MICHIGAN ST.
C	MINNEAPOLIS MN 55410	814 MANOMIN AVE.	15 W. KELLOGG BLVD.	JACKSON MN 56143	HUTCHINSON MN 55350
D		ST. PAUL MN 55107	ST. PAUL MN 55102		
E		R	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 # 123	**ENTRY # 124**	**ENTRY # 125**	**ENTRY # 126**	**ENTRY # 127**
A	CITY CLERK'S OFFICE	AL ROSS	LYON-LINCOLN ELECT COOP	MENNO MENNENGA	D. H. LOGUE
B	444 NINTH ST.	6356 WARE ROAD	BOX 639 W. HIGHWAY 14	14 NO. MARSHALL AVE.	SUPT. OF UTILITIES
C	WINDOM MN 56101	LINO LAKES MN 55014	TYLER MN 56178	SPRINGFIELD MN 56087	130 SECOND AVE. N.W.
D					SLEEPY EYE MN 56085
E				R	R
F	R	R	R	R	R
G		R			
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 128	**ENTRY # 129**	**ENTRY # 130**	**ENTRY # 131**	**ENTRY # 132**
A	NORM SCHROEDER	BURLINGTON NORTHERN INC.	LOREN I. REID-SUPT.	R. G. KIRKHAM-EXEC. DIR.	TED C. ODENWALD-GEN.MGR.
B	CITY ADMINISTRATOR	LAW DEPARTMENT	LIGHT & POWER COM	MN MUNICIPAL UTIL. ASSN.	MUNICIPAL UTILITIES COMM
C	611 IOWA AVE.	176 EAST FIFTH ST.	305 ELEVENTH ST. EAST	P. O. BOX B	P. O. BOX 937
D	STAPLES MN 56379	ST. PAUL MN 55101	GLENCOE MN 55336	BUFFALO MN 55313	WILLMAR MN 56201
E			R	R	R
F	R	R	R	R	R
G					
H					
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 133	**ENTRY # 134**	**ENTRY # 136**	**ENTRY # 137**	**ENTRY # 138**
A	N.E. DIETRICH-SUPT.	VIRGIL C. ANDERSON	MICHAEL D. CASPER	WENDY BORSHEIM	JOHN G. HORNER
B	AUSTIN UTILITIES	MORA MUNICIPAL UTILITIES	203 NO. FIFTH ST.	MN RETAIL MERCHANTS ASSN	MN MULTI HOUSING ASSN.
C	P. O. BOX 368	16 NORTH LAKE ST.	BRECKENRIDGE MN 56520	180 METRO SQUARE BLDG.	3100 W. LAKE ST.
D	AUSTIN MN 55912	MORA MN 55051		ST. PAUL MN 55101	MINNEAPOLIS MN 55416
E	R	R	R	R	R
F	R	R	R	R	R
G				R	
H				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 # 140	**ENTRY # 141**	**ENTRY # 143**	**ENTRY # 144**	**ENTRY # 145**
A	PHILIP W. GETTS-DAYTON	CLEMENT F. SPRINGER JR.	MATILDA HOWARD	R. A. FORBES	JUDY KARON
B	HERMAN GRAHAM & GETTS	DEFREES & FISKE #1500	222 GRAIN EXCHANGE BLDG.	THE PRINDEN CORPORATION	RAMSEY COUNTY BOARD
C	TEN S. FIFTH ST-STE 930	72 W ADAMS	323 FOURTH AVE.	301 E. 57TH ST.	316 COURT HOUSE
D	MINNEAPOLIS MN 55401	CHICAGO IL 60603-5163	MINNEAPOLIS MN 55415	NEW YORK NY 10022	ST. PAUL MN 55102
E	R	R	R	R	R
F	R	R	R	R	R
G			R		
H			ALL		
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 147	**ENTRY # 148**	**ENTRY # 149**	**ENTRY # 150**	**ENTRY # 151**
A	JOANN FORD-MSE	OTTERTAIL-WADENA COMM.	KEVIN C. JONES	WAKX AM-FM	RICHARD O. JOHNSON
B	FAM. SRV. OF ST. CROIX	ACTION COUNCIL	GEO. A. HORMAL & COMPANY	419 W. MICHIGAN ST.	9457 COLUMBUS AVE. SO.
C	216 MYRTLE ST.	BOX L	P. O. BOX 800	DULUTH MN 55802	MINNEAPOLIS MN 55420
D	STILLWATER MN 55082	NEW YORK MILLS MN 56567	AUSTIN MN 55912		
E	R	R	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 # 152	**ENTRY # 153**	**ENTRY # 154**	**ENTRY # 155**	**ENTRY # 156**
A	GERALD L. MAHON-DIRECTOR	CITY OF ROSEMOUNT	CITY ADMINISTRATOR	KENNETH L. GEBERT	W. C. VIITALA-DIR-PUB AF
B	WATER UTILLITY	P. O. BOX 455	CITY OF MAPLE GROVE	300 PUBLIC HEALTH BLDG.	HONEYWELL INC.
C	CITY HALL	ROSEMOUNT MN 55068	9401 FERNBROOK LANE	250 SO. FOURTH ST.	HONEYWELL PLAZA MN125215
D	ST. CLOUD MN 56301		MAPLE GROVE MN 55369	MINNEAPOIS MN 55415	MINNEAPOLIS MN 55408
E	R	R			
F	R	R	R	R	R
G		R	R	R	
H		ALL			
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 157	**ENTRY # 159**	**ENTRY # 161**	**ENTRY # 162**	**ENTRY # 163**
A	W. JOHN LICKE-GEN COUNS.	JOSEPH A. VUMBACO-P.E.	MINNESOTA LP GAS ASSN.	BERDETTE BOYUM	DAVID J. THERKELSEN
B	BLANDIN PAPER COMPANY	19TH ST. & SIXTH AVE.	7515 WAYZATA BLVD	ROOM 300-PUBL HEALTH CTR	100 SOUTH ROBERT ST.
C	114 FIRST ST. S.W.	HIBBING MN 55746	SUITE 101	250 SO. FOURTH ST.	ST. PAUL MN 55107
D	GRAND RAPIDS MN 55744		MINNEAPOLIS MN 55426	MINNEAPOIS MN 55415	
E	R	R		R	R
F	R	R	R	R	R
G					
H					
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 # 165	**ENTRY # 166**	**ENTRY # 167**	**ENTRY # 172**	**ENTRY # 178**
A	ELIZABETH SCHMIDT	WINFIELD FOROBERG	MICHAEL L. JOHNSON	RAY BOHN-DIRECTOR	GORDON BRECZINSKI
B	CITY CLERK	518 SUMMIT AVE.	117 WEST FIFTH ST.	MN DEPT.PUBLIC SERVICE	ROUTE 1 BOX 162
C	1015 SECOND AVE.	NEW ULM MN 56073	BLUE EARTH MN 56013	790 AMERICAN CENTER BLDG	MARSHALL MN 56258
D	MOUNTAIN LAKE MN 56159			ST. PAUL MN 55101	
E	R			R	R
F	R			R	R
G	R	R	R	R	R
H	ALL				ALL
I	PGA	PGA	PGA	PGA	PGA
J					

	ENTRY # 180	**ENTRY # 182**	**ENTRY # 183**	**ENTRY # 184**	**ENTRY # 185**
A	TOBEY LAPAKKO	SUSAN SCHMIDT	WILLIAM BRUMMER-EXEC DIR	ROCK COUNTY AUDITOR	JEFF MUEHLER-OFFICE MGR.
B	1671 S. VICTORIA RD.	THE MINNESOTA PROJECT	TRI-VALLEY OPPORTUNITY	P. O. BOX 100	P. O. BOX 410-203 N. 5TH
C	ST. PAUL MN 55118	2222 S.E. ELM ST.	114 S. MAIN	LUVERNE MN 56156	BRECKENRIDGE MN 56520
D		MINNEAPOLIS MN 55414	CROOKSTON MN 56716		
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 # 186	**ENTRY # 187**	**ENTRY # 188**	**ENTRY # 189**	**ENTRY # 190**
A	FRED R. MCCOMB	JEAN DAWSON-EDITOR	KRIS MONTEITH	MPLS ASSN OF BLDG OWNERS	ART SWANSON TRUCKING INC
B	327 W. MINNEHAHA PKWY.	MINNESOTA GOV'T REPORT	S&FA REPORTING SRVS INC	AND MANAGERS INC.	ROUTE 2 BOX 134
C	MINNEAPOLIS MN 55419	B-12 PRESS ROOM	1101 15TH ST NW-STE 204	927 SOO LINE BLDG.	MCINTOSH MN 56556
D		STATE CAPITOL BLDG.	WASHINGTON DC 20005	MINNEAPOLIS MN 55402	
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 # 191	**ENTRY # 192**	**ENTRY # 193**	**ENTRY # 194**	**ENTRY # 195**
A	JIM MCGILL	GREG MANGOLD	LEGISLATIVE REFERENCE	LEGISLATIVE REFERENCE	LEGISLATIVE REFERENCE
B	BI-COUNTY CAC	CARVER COUNTY COURTHOUSE	LIBRARY	LIBRARY	LIBRARY
C	BOX 553	CHASKA MN 55318	ROOM 111 STATE CAPITOL	ROOM 111 STATE CAPITOL	ROOM 111 CAPITOL BLDG.
D	BEMIDJI MN 56601		ST. PAUL MN 55155	ST. PAUL MN 55155	ST. PAUL MN 55155
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					

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 # 196	**ENTRY # 197**	**ENTRY # 198**	**ENTRY # 199**	**ENTRY # 201**
A	ROBERT LOCKYEAR	DAVID FADNESS	MICHAEL MOORE	HUGH COSGROVE	COUNTY AUDITOR
B	14900-61ST ST. NORTH	R. R.	NW REG. DEVELOPMENT COMM	MN FOOD RETAILERS ASSN.	COURTHOUSE
C	STILLWATER MN 55082	RUTHTON MN 56170	426 WOODLAND AVE.	555 WABASHA SUITE 215	BAGLEY MN 56621
D			CROOKSTON MN 56716	ST. PAUL MN 55102	
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 # 202	**ENTRY # 203**	**ENTRY # 204**	**ENTRY # 205**	**ENTRY # 206**
A	VERN INGVALSON	ARCHIE WILCOX	CLARENCE SPRAGUE-ENGIN.	RICHARD RAMBERG-EXEC DIR	MRS. JUDY AREL
B	MN FARM BUREAU FED.	MINNESOTA SENIOR FEDERA.	GREEN GIANT COMPANY	STATE COUN. HANDICAPPED	BOISE CASCADE CORP.
C	P. O. BOX 43370	836 N. 42ND AVE. W.	LESUEUR MN 56058	208 METRO SQUARE BLDG.	P. O. BOX 1310
D	ST. PAUL MN 55164	DULUTH MN 55807		ST. PAUL MN 55101	INT'L FALLS MN 56649
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		C			

	ENTRY # 207	**ENTRY # 208**	**ENTRY # 209**	**ENTRY # 210**	**ENTRY # 211**
A	BLUE CARSTENSON	FRED E. ISHAM JR.	ROBERT F. STEPHENS	PAUL N. HECKT-SAAG	GREG FERN
B	3548 HOLMES SO.	BOX 603	25 MAIN PLACE	1100 BREMER BLDG.	SETTER LEACH & LINDSTROM
C	MINNEAPOLIS MN 55408	NETT LAKE MN 55772	COUNCIL BLUFFS IA 51501	ST. PAUL MN 55101	1011 NICOLLET MALL
D					MINNEAPOIS MN 55403
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 # 212	**ENTRY # 213**	**ENTRY # 214**	**ENTRY # 215**	**ENTRY # 216**
A	EARL H. TAYLOR-CLERK	JEREMY LANE-LEGAL AID	JUDSON KENYON-EXEC DIR	GARY PLOTZ	PHILIP J. CLAUSEN
B	CITY OF INDEPENDENT	222 GRAIN EXCHANGE BLDG.	SCOTT-CARVER ECON. COUNC	37 WASHINGTON AVE.	2307 STANDISH ST.
C	1790 COUNTY ROAD 90	323 FOURTH AVE. SO.	6TH & OAK	HUTCHINSON MN 55350	ST. PAUL MN 55108
D	MAPLE PLAIN MN 55359	MINNEAPOLIS MN 55415	CARVER MN 55315		
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					

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 # 217	**ENTRY # 218**	**ENTRY # 219**	**ENTRY # 220**	**ENTRY # 221**
A EXECUTIVE DIRECTOR	WARREN SCHMIDT	JOHN H. ALLERS	GRAHAM R. UZLIK	WAYNE R. CARLSON
B ARROWHEAD REG DEV COMM.	INDEPENDENT DISTRICT #78	7501 2ND AVE. SO.	COUNTY AUDITOR	126 NO. MARSHALL AVE.
C 200 ARROWHEAD PLACE	GARDEN CITY MN 56034	RICHFIELD MN 55423	COURT HOUSE	LITCHFIELD MN 55355
D DULUTH MN 55802			AUSTIN MN 55912	
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 # 222	**ENTRY # 223**	**ENTRY # 224**	**ENTRY # 225**	**ENTRY # 226**
A PAUL FARSETH-SYSTEMS	RICHARD HOLTAN	ROBERTO M. FEDERIGAN	CHARLES F. GOSEN	JAMES J. RYAN
B STATE WELFARE DEPT.	COUNTY AUDITOR	BUREAU OF NAT'L AFFAIRS	COUNTY AUDITOR	2208 CENTRAL TRUST TOWER
C BOX 43170	MANTORVILLE MN 55955	1231-25TH ST. NW-RM 650	BOX 808	CINCINNATI OH 45202
D ST. PAUL MN 55164		WASHINGTON DC 20037	BAUDETTE MN 56623	
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 # 227	**ENTRY # 228**	**ENTRY # 229**	**ENTRY # 230**	**ENTRY # 231**
A JEANNE FREEBERG	G & T TRUCKING COMPANY	CATHERINE SHERWOOD	JOEL BENNETT	JAMES JACK
B C/O CENTRAL COMM. INC.	RT. 1-CTY RD 2 & 135 SO.	COUNTY AUDITOR	ST. PAUL UNION STOCKYARD	DEPT. OF REC. & P.A.
C 112 N. OAK	ELKO MN 55020	BOX 496	SO. ST. PAUL MN 55075	MANKATO STATE UNIVERSITY
D OWATONNA MN 55060		WINONA MN 55987		MANKATO MN 56001
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 # 232	**ENTRY # 233**	**ENTRY # 234**	**ENTRY # 235**	**ENTRY # 236**
A AGNES ENGELBRECHT	DAVID LOCH-EXEC. DIR.	F. R. (DICK) KADRIE	ROBERT DE LA VEGA	CROW WING CONCERNED
B R. 4 BOX 358	REG. 5 REG. DEVELOP COMM	657 BURR ST.	CITIZENS LEAGUE	CITIZENS
C ALEXANDRIA MN 56308	611 IOWA AVE.	ST. PAUL MN 55101	84 S. 6TH ST.	1216 S. 6TH ST.
D	STAPLES MN 56479		MINNEAPOIS MN 55402	BRAINERD MN 56401
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				

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

	ENTRY # 237	**ENTRY # 238**	**ENTRY # 239**	**ENTRY # 240**	**ENTRY # 241**
A	[illegible]NTY ADMINISTRATION	REV. DONALD GRUMMERT	GORDON FORBES-COUNSEL	CHARLES KROEGER	JAY MYSTER
B	POLK COUNTY COURTHOUSE	1435 ADAMS ST.	MINN. RAILROADS ASSN.	QSS	215 SOUTH CASCADE ST.
C	CROOKSTON MN 56716	MINNEAPOLIS MN 55413	303 HANOVER BLDG-480 CED	P. O. BOX 838	FERGUS FALLS MN 56537
D			ST. PAUL MN 55101	FARIBAULT MN 55021	
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 # 242	**ENTRY # 243**	**ENTRY # 244**	**ENTRY # 245**	**ENTRY # 246**
A	JOYCE PESCH-EXEC. DIR.	HALVOR LACHER-EXEC DIR	LIBRARY	MOREY ANDERSON	TOM POLANSKY
B	W. CENTRAL MN COM ACTION	SEMCAC INC BOX 549	BRIGGS & MORGAN	ASSN. OF MINN. COUNTIES	RENVILLE CTY COURTHOUSE
C	BOX 3026	RUSHFORD MN 55971	2200 1ST NATL BANK BLDG	555 PARK STREET	OLIVIA MN 56277
D	ELBOW LAKE MN 56531		ST. PAUL MN 55101	ST. PAUL MN 55103	
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 # 247	**ENTRY # 248**	**ENTRY # 249**	**ENTRY # 250**	**ENTRY # 251**
A	NHRAC	DIRECTOR	JOHN G. HORNER	THOMAS M. POLT-ATTORNEY	MN ASSN. OF COOPERATIVES
B	3231 - 1ST AVE. SO.	DEVELOP. DISAB. PLANNING	MINN.MULTI HOUSING ASSN.	MCCARTHY BLDG.	480 CEDAR STREET
C	MINNEAPOLIS MN 55408	200 CAPITOL SQUARE BLDG.	3100 WEST LAKE ST.	EYOTA MN 55934	380 HANOVER BUILDING
D		ST. PAUL MN 55101	MINNEAPOLIS MN 55416		ST. PAUL MN 55101
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 # 252	**ENTRY # 253**	**ENTRY # 254**	**ENTRY # 255**	**ENTRY # 256**
A	MINN. MASONRY INSTITUTE	MCAA	DAVID M. GRINB	CHUCK WESTIN	HAL MARSOLAIS-EXEC DIR
B	7851 METRO PKWY. STE.103	239 CITY HALL	CONCORDIA COLLEGE	800 ALLWORTH BLDG.	MN-DAKOTAS RETAIL HDWE.
C	MINNEAPOLIS MN 55420	MINNEAPOLIS MN 55415	MOORHEAD MN 56560	DULUTH MN 55802	3033 EXCELSIOR BLVD.
D					MINNEAPOLIS MN 55437
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					

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

	ENTRY # 257	**ENTRY # 259**	**ENTRY # 260**	**ENTRY # 261**	**ENTRY # 262**
A	JOHN G. PIDGEON-CITY MGR	MOTOR VEHICLE MFRS ASSN.	DOUGLAS V. MOEN	ROD DANIELSON-FIN. SEC.	FLORENCE HALLBERG-CLERK
B	2215 W. OLD SHAKOPEE RD.	411 MAIN ST. (215)	HOUSTON COUNTY AUDITOR	LOCAL UNION NO. 87	CITY OF EDINA
C	BLOOMINGTON MN 55431	ST. PAUL MN 55102	CALEDONIA MN 55921	411 MAIN ST.-SUITE 210	4801 W. 50TH ST.
D				ST. PAUL MN 55102	EDINA MN 55424
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 # 263	**ENTRY # 264**	**ENTRY # 265**	**ENTRY # 266**	**ENTRY # 267**
A	JAYNE BERG	PHILLIPS LEGISLATIVE SRV	CITY DESK	LUKE MARKVE	EDWARD J. KRANZ-CTY ADM.
B	NEW CONNECTION PROGRAMS	459 RICE ST.	MINNEAPOLIS TRIBUNE	WRIGHT CO. C.A.	100 SIBLEY ST.
C	73 LEECH ST.	ST. PAUL MN 55103	425 PORTLAND AVE.	P. O. BOX 39	HASTINGS MN 55033
D	ST. PAUL MN 55102		MINNEAPOLIS MN 55488	WAVERLY MN 55390	
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 # 268	**ENTRY # 269**	**ENTRY # 270**	**ENTRY # 271**	**ENTRY # 272**
A	BOB HAGEN	LINDA EVEN	DAVID SOLLENBERGER	LAKES & PINES-CAC	SCOTT G. LARSON
B	MINNEAPOLIS TRIBUNE	ANOKA COUNTY FINA. SRVS.	CITY HALL	ENERGY PROGRAMS DEPT.	139 EAST 1ST AVE.
C	425 PORTLAND AVE.	COURTHOUSE - 3RD FLOOR	4TH & LAFAYETTE ST.	129 WEST FOREST	CAMBRIDGE MN 55008
D	MINNEAPOLIS MN 55488	ANOKA MN 55303	WINONA MN 55987	MORA MN 55051	
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 # 273	**ENTRY # 274**	**ENTRY # 275**	**ENTRY # 276**	**ENTRY # 277**
A	DICK GRABCO-ENERGY DIR.	CRAIG A. WALDRON	R. J. BARTO-PLANT MGR.	CLARENCE E. SCHULTZ	PATRICIA N. WRIGHT
B	281 MAIN ST. BOX 157	P. O. BOX 3367	MIDLAND GLASS CO. INC.	MCLEOD COUNTY AUDITOR	DAYTON HUDSON COORP.
C	ZUMBROTA MN 55992	MANKATO MN 56001	P. O. BOX 69	GLENCOE MN 55336	777 NICOLLET MALL
D			SHAKOPEE MN 55379		MINNEAPOLIS MN 55402
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
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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 # 278	**ENTRY # 280**	**ENTRY # 281**	**ENTRY # 282**	**ENTRY # 283**
A	WRIGHT A. SMITH	CAROL CARLSON-ADMIN ASST	JAMES F. ANDRE-CITY MGR.	BOB FRANKLIN-CITY EDITOR	MN GOV. ENG. COUNCIL
B	SENATE RESEARCH	CITY OF CHAMPLIN	2660 CIVIC CENTER DR.	MINNEAPOLIS TRIBUNE	555 PARK STREET
C	460 STATE OFFICE BLDG.	1200 HIGHWAY 52	ROSEVILLE MN 55113	425 PORTLAND AVE.	ST. PAUL MN 55103
D	ST. PAUL MN 55155	CHAMPLIN MN 55316		MINNEAPOLIS MN 55488	
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 # 284	**ENTRY # 285**	**ENTRY # 286**	**ENTRY # 287**	**ENTRY # 288**
A	ELMER WAROLIN	P. J. THORNTON	RICK E. CARTER	UNITED STEELWORKERS OF	WRIGHT COUNTY COMMUNITY
B	AUDITOR-TREASURER	IRON RANGE BLDG. TRADES	MN ASSN HEALTH CARE FAC.	AMERICA	ACTION
C	MILLE LACS COUNTY	107 S. 15TH AVE. WEST	2850 METRO DR.-SUITE 429	609 PROVIDENCE BLDG.	BOX 39
D	MILACA MN 56353	VIRGINIA MN 55792	MINNEAPOLIS MN 55420	DULUTH MN 55802	WAVERLY MN 55390
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 # 289	**ENTRY # 290**	**ENTRY # 291**	**ENTRY # 292**	**ENTRY # 293**
A	ROBERT W. LARSON	CLARENCE JOHNSON	P. D. BRICK	T. J. MANTHEY	BOB FITZGERALD
B	P. O. BOX 1096	3615 - 37TH AVE. S.	200 W. SUPERIOR ST.-#811	PICKANDS MATHER & CO.	3007 LYNDALE AVE. S.
C	MINNEAPOLIS MN 55440	MINNEAPOLIS MN 55406	DULUTH MN 55802	1100 SUPERIOR AVE. N.E.	MINNEAPOLIS MN 55408
D				CLEVELAND OH 44114	
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 # 294	**ENTRY # 295**	**ENTRY # 296**	**ENTRY # 297**	**ENTRY # 298**
A	D. H. STAPH	DONALD PAULEY	ADVOCATE FOR THE BLIND	MARVIN B. GOLDBERG	JAMES B. SIMS
B	WESTERN COMMUNITY ACTION	2401 HWY. 10	1821 UNIVERSITY AVE.	875 SUMMIT AVE.	SUITE 204 METRO SQUARE
C	203 W. MAIN-P.O. BOX 246	MOUNDS VIEW MN 55102	ST. PAUL MN 55104	ST. PAUL MN 55105	ST. PAUL MN 55101
D	MARSHALL MN 56258				
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					

A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
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	ENTRY # 299	**ENTRY # 300**	**ENTRY # 301**	**ENTRY # 302**	**ENTRY # 303**
A	M. CHRISTIANSEN	RONALD REVNE	LEROY A. VOS	MELROY PETERSON	STEVE WIENER
B	911 CAPITOL SQUARE BLDG.	COUNTY AUDITOR	2137 BURNS AVE.	LAKE COUNTY AUDITOR	P. O. BOX 78
C	ST. PAUL MN 55101	WATONWAN CTY COURTHOUSE	ST. PAUL MN 55119	LAKE CTY. COURTHOUSE	MARSHALL MN 56258
D		ST. JAMES MN 56081		TWO HARBORS MN 55616	
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 # 304	**ENTRY # 305**	**ENTRY # 306**	**ENTRY # 307**	**ENTRY # 308**
A	MICHAEL BRADLEY-MNG ATTY	JOHN E. DRAWZ	KENNETH BENESH	MARTHA BALLOU	G. L. KAZIUKEWICZ
B	RESIDENTIAL UTILITY DIV.	1100 FIRST NATIONAL BANK	NORMAN CTY COURTHOUSE	66 E. KING	CHAMPION PACKAGING
C	340 BREMER TOWER	MINNEAPOLIS MN 55402	ADA MN 56510	ST. PAUL MN 55107	P. O. BOX 43260
D	ST. PAUL MN 55101				ST. PAUL MN 55164
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				C	

	ENTRY # 309	**ENTRY # 310**	**ENTRY # 311**	**ENTRY # 312**	**ENTRY # 313**
A	GARY L. DICKSON-CITY MGR	MIKE & HELEN MCALISTER	GARY N. SUDDUTH	OTIS A. LOOSE	JOHN R. LANGAN
B	CITY OF SHOREVIEW	4295 ELIZABETH LANE	MUL 411 E. 38TH ST.	AUDITOR - ADMINISTRATOR	COURTHOUSE
C	4665 NO. VICTORIA	VADNAIS HEIGHTS MN 55110	MINNEAPOLIS MN 55409	BROWN COUNTY-P.O.BOX 248	BENSON MN 56215
D	SHOREVIEW MN 55112			NEW ULM MN 56073	
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 # 314	**ENTRY # 315**	**ENTRY # 316**	**ENTRY # 317**	**ENTRY # 318**
A	HERBERT ANDERSON	CITY OF ST. CHARLES	ALLAN W. NASLUND-AUDITOR	DAVID M. MARTIN	SENATE COMMERCE COMM.
B	418 - 8TH ST. S.	1242 WHITEWATER AVE.	CARLTON CTY COURTHOUSE	OWATONNA PUBLIC UTILITY	ROOM 309 STATE CAPITOL
C	VIRGINIA MN 55792	ST. CHARLES MN 55972	CARLTON MN 55718	P. O. BOX 800	ST. PAUL MN 55155
D				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
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A NAME B COMPANY C ADDRESS D CITY STZIP E GAS RUL&CO
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ENTRY # 319	**ENTRY # 320**	**ENTRY # 321**	**ENTRY # 322**	**ENTRY # 323**
A WAYNE RUBEDOR	SAMUEL W. SHULT	ED SHUKLE-CITY MANAGER	JOHN W. COOK	KATIE MCWATT
B 523 SINCLAIR LEWIS AVE.	CITY CLERK	CITY OF BENSON	310 E. 3RD ST.	ST. PAUL URBAN LEAGUE
C SAUK CENTRE MN 56378	106 E. 1ST ST.	1411 PACIFIC AVE.	PARK RAPIDS MN 56470	401 SELBY AVE.
D	WINTHROP MN 55396	BENSON MN 56215		ST. PAUL MN 55102
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				C

ENTRY # 324	**ENTRY # 325**	**ENTRY # 326**	**ENTRY # 327**	**ENTRY # 328**
A BILL FREEMAN	TOM BRENNER	WAYNE H. OLSON	JOHN A. KNAPP	PAUL L. STEVENS-PRES.
B 501 S. 1ST ST.	SOCIAL ACTION CENTER	OLSON GUNN & SERAN LTD	1500 MIDWEST PLAZA BLDG.	MANKATO CITIZENS TEL. CO
C MONTEVIDEO MN 56265	8701 - 36TH AVE. NO.	315 PEAVEY BLDG.	MINNEAPOLIS MN 55402	221 E. HICKORY ST.
D	NEW HOPE MN 55427	MINNEAPOLIS MN 55402		MANKATO MN 56001
E R	R	R	R	R
F R	R	R	R	R
G R	R	R	R	RP
H ALL	ALL	ALL	ALL	ALL
I PGA	PGA	PGA	PGA	PGA
J				

ENTRY # 329	**ENTRY # 330**	**ENTRY # 331**	**ENTRY # 332**	**ENTRY # 333**
A JEFF BAILL-ESQUIRE	IZAAK WALTON LEAGUE AMER	KAY BONNER NEE	CITY OF WARREN	JERRY NEPPEL-EAST GRAND
B 670 TWIN CITY FED. TOWER	MINNESOTA DIVISION	219 LOGAN PKWY.	126 WEST JOHNSON	FORKS WATER & LIGHT
C MINNEAPOLIS MN 55402	3255 HENNEPIN AVE-#109	FRIDLEY MN 55432	WARREN MN 56762	BOX 480
D	MINNEAPOLIS MN 55408			E. GRAND FORKS MN 56721
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 # 334	**ENTRY # 335**	**ENTRY # 336**	**ENTRY # 337**	**ENTRY # 338**
A HAROLD STEPPUHN	TOM HEDGES	GARY R. MACOMBER	BURT ASSOCIATES	LEONARD ERICKSON
B P. O. BOX 218	3795 PILOT KNOB ROAD	4344 IDS CENTER	P. O. BOX 14299	ENERGY ENG.-PAPER GROUP
C PRINCETON MN 55371	EAGAN MN 55122	MINNEAPOLIS MN 55402	COLUMBUS OH 43214	BOISE CASCADE CORP.
D				INT'L FALLS MN 56649
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				

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 # 339	ENTRY # 340	ENTRY # 342	ENTRY # 345	ENTRY # 347
A	M RUHLE-DAH	GEORGE R. CODREA	MARK LOFTHUS	JIM MILLER	KIP SULLIVAN
B	400 SUMMIT BANK BLDG.	REGULATORY INFORM. SRVE.	COUNTRYSIDE COUNCIL	MPIRG	MINNESOTA COACT
C	310 SOUTH FOURTH AVE.	4520 E.-W. HWY-SUITE 800	P. O. BOX 78	2412 UNIVERSITY AVE. SE	2395 UNIVERSITY-RM. 304
D	MINNEAPOLIS MN 55415	BETHESDA MD 20814	MARSHALL MN 56258	MINNEAPOLIS MN 55414	ST. PAUL MN 55114
E	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			C	C	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

#349
Karen Swenson
City Council Research Center
705 City Hall
St. Paul, MN 55102

E R
F R
G R
I PGA

#350
Brian Huling
A-2308
Hennepin Co. Govt. Ctr.
Minneapolis, MN 55487

E R
F R

I PGA

#351
Lurie, Eiger, Eesikof
621 N. Lilac Dr.
Minneapolis, MN 55422

E R
F R

I PGA

(41)

AUTHORIZATION TO PROCEED WITH ADOPTION
OF RULE WITHOUT A PUBLIC HEARING
Docket No. G,E-999/R-85-847

BE IT RESOLVED, that the Executive Secretary of the Minnesota Public Utilities Commission (Commission) is hereby granted the authority to sign and to give notice of the Commission's intent to adopt, without a public hearing, the attached rule governing a determination of significant investment for conservation improvement and renewable resource programs, Minn. Rules, part 7840.1150, to all persons who have registered their names with the Commission for that purpose and publish the notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rule that the Revisor of Statutes requires the Commission to make in order to obtain the Revisor's certification as required by Minn. Stat. Section 14.07, subd. 2 (1986).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Secretary is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rule as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Commission's representative at all hearings.

Barbara Beerhalter

Barbara Beerhalter
Chair

CERTIFICATE OF AUTHORIZING RESOLUTION
Docket No. G,E-999/R-85-847

I, Mary Ellen Hennen, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission (Commission), an agency 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 Commission duly and properly called and held on the 19th day of July, 1988, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Executive Director of the Minnesota Public Utilities Commission (Commission) is hereby granted the authority to sign and to give notice of the Commission's intent to adopt, without a public hearing, the attached rule, Minn. Rules, part 7840.1150, to all persons who have registered their names with the Commission for that purpose and publish the notice and the rule in the State Register, and to perform any acts incidental thereto, including making any form changes in the rule that the Revisor of Statutes requires the Commission to make in order to obtain the Revisor's certification as required by Minn. Stat. section 14.07, subd. 2 (1986).

BE IT FURTHER RESOLVED, that in the event a public hearing becomes necessary, the Executive Secretary is hereby granted the authority and directed to call a hearing for the purpose of promulgating said rule as well as to perform any and all acts incidental thereto, including but not limited to signing an Order for and Notice of Hearing, as well as acting as the Commission's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed by name this 21st day of July, 1988.

Mary Ellen Hennen
Executive Secretary

G, E-999/R-85-847

(22)

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7840

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Assistant Revisor

RECEIVED
AUG 11 1988
MINNESOTA PUBLIC UTILITIES COMMISSION

Public Utilities Commission

Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

Rules as Proposed (all new material)

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

A. impact of the program or modified program on short-term and long-term peak and average energy consumption;

B. total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

C. short-term and long-term impact of the program or modified program on utility rates;

D. total number of low-income and rental customers expected to be affected by the program or modified program;

E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;

G. diversity of customer classes expected to participate in the program or modified program;

H. benefits of the program or modified program to participants; and

I. other facts and circumstances concerning a particular utility that are relevant to determining the overall

Approved by Revisor

importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

Approved
by Revisor _____

MINNESOTA public utilities COMMISSION

Proposed Permanent Rules Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150, Docket No. G,E-999/R-85-847.

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. sections 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in Minn. Stat. sections 216B.08 and 216B.241 (1986).

All persons have until 4:30 p.m. on November 9, 1988, to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. G,E-999/R-85-847 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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 Commission will proceed pursuant to Minn. Stat. sections 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Caroline Heil
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

AMERICAN CENTER building • kellogg and robert sts • saint paul, mn 55101

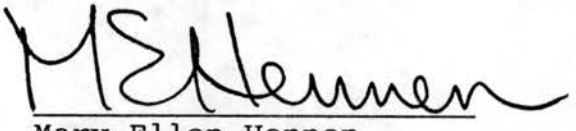
The proposed rule, if adopted, will establish criteria for the Commission to determine whether a proposed conservation improvement program or modified program results in significant investments in and expenditures for energy conservation improvements. The proposed rule is enclosed. One free copy of the rule is available upon request from the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

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 the Commission by contacting the Commission's receptionist, Kris Kline, at the above address or by calling (612) 296-7124.

Your are hereby advised, pursuant to Minn. Stat. section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will not affect small businesses.

The adoption of this rule by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, Minn. Stat. section 14.11 (1986) is not applicable to this rulemaking proceeding.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule submitted to the Attorney General, must submit a written request to Caroline Heil at the above address.



Mary Ellen Hennen
Executive Secretary

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7840

The attached rules are approved for publication in the State Register

Ron Ray
Assistant Revisor

RECEIVED
AUG 11 1988
MINNESOTA PUBLIC UTILITIES COMMISSION

Public Utilities Commission

Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

Rules as Proposed (all new material)

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

A. impact of the program or modified program on short-term and long-term peak and average energy consumption;

B. total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

C. short-term and long-term impact of the program or modified program on utility rates;

D. total number of low-income and rental customers expected to be affected by the program or modified program;

E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;

G. diversity of customer classes expected to participate in the program or modified program;

H. benefits of the program or modified program to participants; and

I. other facts and circumstances concerning a particular utility that are relevant to determining the overall

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importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

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by Revisor _____

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Permanent Rules Governing the Determination of Significant Investment for Energy Conservation Improvement Programs

Issue Date: October 3, 1988

Docket No. G,E-999/R-85-847

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The Minnesota Public Utilities Commission (Commission) proposes to adopt a rule relating to significant investments in and expenditures for energy conservation improvements, Minn. Rules, part 7840.1150.

The proposed rule, if adopted, will establish criteria for the Commission to determine whether a proposed conservation improvement program or modified program will result in significant investments in and expenditures for energy conservation improvements.

II. STATEMENT OF COMMISSION'S STATUTORY AUTHORITY

The Commission's statutory authority to adopt the rule is set forth in Minn. Stat. section 216B.08 (1986), which provides general authority for the Commission to adopt rules in order to carry out its authorities and duties. One of the Commission's authorities is set forth in Minn. Stat. section 216B.241 (1986). Subdivision 2 of the statute provides:

> The commission may order public utilities to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to customers. The commission shall order at least one public utility to establish a pilot program to make investments in and expenditures for energy from renewable resources such as solar, wind, or biomass. The commission shall evaluate the program on the basis of cost-effectiveness and the reliability of technologies employed. The order of the commission shall provide to the extent practicable for a free choice, by consumers participating in the program, of the device, method, or material constituting the energy

conservation improvement and for a free choice of the seller, installer, or contractor of the energy conservation improvement, provided that the device, method, material, seller, installer, or contractor is duly licensed, certified, approved, or qualified, including under the residential conservation services program, where applicable. The commission may order a utility to make an energy conservation improvement investment or expenditure whenever the commission finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. The commission shall nevertheless insure that every public utility with operating revenues in excess of $50,000,000 operate one or more programs, under periodic review by the commission, which make significant investments in and expenditures for energy conservation improvements. The commission shall give special consideration to the needs of renters and low income families and individuals. Provisions of the previous sentences shall expire on January 1, 1993. Investments and expenditures made pursuant to an order shall be treated for ratemaking purposes in the manner prescribed in section 216B.16, subdivision 6b. No utility shall make an energy conservation improvement pursuant to this section to a building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

(Emphasis supplied.)

Under these statutes, the Commission has the necessary statutory authority to adopt the proposed rule.

In addition, the Commission has been directed by the Minnesota Court of Appeals to adopt interpretive rules addressing the Commission's criteria for analyzing conservation improvement plans. Hanna Mining Company v. Minnesota Public Utilities Commission, 375 N.W.2d 550 (Minn. Ct. App. 1985).

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1986) requires the Commission to make an affirmative presentation of facts establishing the need for and reasonableness of the rule as proposed. In general terms, this means that the Commission must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the

solution proposed by the Commission is appropriate. The need for the rule is discussed below.

The major thrust of the proposed rule is to establish criteria and procedures for the Commission to determine whether a proposed conservation improvement program will result in "significant investments in and expenditures for" energy conservation improvements within the meaning of Minn. Stat. section 216B.241, subd. 2. (1986). The proposed rule is needed because the Commission has been directed by the Minnesota Court of Appeals to adopt interpretive rules addressing the Commission's criteria for analyzing conservation improvement programs. Hanna Mining Company v. Minnesota Public Utilities Commission, supra.

IV. STATEMENT OF REASONABLENESS

The Commission is required by the Administrative Procedure Act, Minn. Stat. ch. 14 (1986) to make an affirmative presentation of facts establishing the reasonableness of the proposed rule. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Commission's proposed action.

However, the proposed rule need not be the most reasonable solution to the situation which created the need for a rule. The proposed rule is not unreasonable simply because a more reasonable alternative exists or a better job of drafting might have been done.

Nevertheless, for the reasons given below, the Commission believes that its proposed rule is the most reasonable approach to the issue presented based on its own experience and expertise, the Task Force Report, and comments from interested persons.

A. Reasonableness of the Rule as a Whole

After Minn. Stat. section 216B.241 (1986), requiring conservation improvement and renewable resource programs, was amended in 1983 to require significant investments in and expenditures for energy conservation improvements, the Commission established a Task Force to address the various policy issues. One policy issue was how to determine whether a utility made a significant investment in and expenditure for a conservation improvement program. The Task Force consisted of six utility representatives, six representatives of community-based groups and local units of government, and three representatives of state government. In September of 1984, the Task Force submitted its Final Report in which it recommended criteria to be used in evaluating significant investments. The Commission has incorporated the Task Force's recommendations in the proposed rule. See proposed rule part 7840.1150, subpart 1, items B, C, D, E, and F.

On October 24, 1985, the Court of Appeals of Minnesota found that the criteria used by the Commission in determining significant investments were an interpretitive rule and, hence, the Commission was required to follow the adoption procedures of the Administrative Procedure Act, Minn. Stat. ch. 14 (1986). Hanna Mining Company v. Minnesota Public Utilities Commission, supra.

In response to this directive, the Commission published a Notice to Solicit Outside Opinion in the State Register. See 10 S.R. 1478 (December 30, 1985). In its Notice, the Commission described the criteria recommended by the Task Force and asked commenters to discuss whether significant investments should be defined or whether specific criteria should be used to determine significant investments. The Notice also asked what criteria should be used and whether the rule should require the submission of data to evaluate significant investments.

The Commission received sixteen comments in response to its Notice to Solicit Outside Opinion. Some of the commenters suggested defining significant investments as a specific percentage of gross revenues, e.g. 1%. This view was supported by other commenters. See the February 14, 1986 comments of the Natural Resources Corporation, the February 13, 1986 comments of the Minnesota Department of Energy and Economic Development, the February 12, 1986 comments of the West Hennepin Human Services Planning Board, the February 3, 1986 comments of the Lakes and Pines Community Action Council, Inc., and the January 9, 1986 comments of the Arrowhead Economic Opportunity Agency.

However, the majority of commenters supported the criteria recommended by the Task Force. See the December 31, 1985 comments of the Wright-Hennepin ECA, the February 5, 1986 comments of the Red Wing Energy Education Center, the February 12, 1986 comments of the Minnesota Department of Public Service, the February 13, 1986 comments of Minnesota Power, the February 13, 1986 comments of the Inter-City Gas Corporation, the February 13, 1986 comments of Peoples Natural Gas Company, the February 13, 1986 comments of Northern States Power Company, the February 13, 1986 comments of Minnegasco, the February 13, 1986 comments of the City of Richfield, the February 18, 1986 comments of Otter Tail Power Company, and the February 21, 1986 comments of the City of Thief River Falls.

Some of the commenters also suggested additional criteria beyond the criteria recommended by the Task Force. See the February 18, 1986 comments of Otter Tail Power Company, the February 13, 1986 comments of the City of Richfield, and the February 13, 1986 comments of Minnegasco. The Commission evaluated these suggestions in light of its experience in reviewing utility conservation improvement programs and added criteria to the

proposed rule. See proposed rule part 7840.1150, items A, G, H, and I.

The proposed rule consists of nine criteria for determining significant investments in and expenditures for energy conservation improvements. The proposed criteria have been applied in specific cases based upon the particular facts of each case. See Order Approving Northern States Power Company's (Electric Utility) Conservation Improvement Program and Requiring New Projects and Informational Filings In the Matter of the Implementation of an Energy Conservation Program for Northern States Power Company (Electric Utility), Docket No. E-002/M-87-234 (January 27, 1988). Based on its experience and expertise in reviewing conservation improvement programs, the Commission has found the criteria in the proposed rule to be reasonable. Moreover, participants in the conservation improvement program process have not objected to the application of these criteria. Nor has the Commission any reason to believe that the former Task Force would object to the proposed criteria.

The Commission's selection of qualitative, as opposed to hard-and-fast quantitative, criteria to determine whether a utility program results in "significant investments in and expenditures for energy conservation improvements" is reasonable in light of the difficulty of formulating a quantitative standard that can be fairly applied to all utilities.

Customer needs will change; knowledge of which conservation programs are effective will increase; and the ability of utilities to deliver programs will most likely change. In addition, what is significant for one utility may be insignificant to another because of differences in conservation potential, rates, size of utility, types and sizes of customers, and the different value of conservation to different utilities. Adopting the same standard for every utility cannot take these variables into effect. The Commission must be able to determine significant investment at levels appropriate for each utility.

The Commission recognizes that the proposed criteria are not precise "design" criteria which a utility can use to guarantee approvability of a program. However, the rule establishes a clear procedure for making a significant investment determination and a clear list of criteria which are relevant to the determination and which give the utilities guidance in formulating their programs. As discussed below, this type of approach to standard setting has been found by the Minnesota Supreme Court to provide sufficiently clear guidance to regulated persons.

The Minnesota Supreme Court has recognized that circumstances exist where quantitative standards are impossible to formulate and have upheld against a challenge of unconstitutional vagueness

rules which are similar in nature to the rule proposed here. In Can Manufacturers Institute, Inc. v. State, 289 N.W.2d 416 (Minn. 1979), the court considered the claims of the packaging industry that the Minnesota Pollution Control Agency (MPCA) rules entitled "Regulations for Packaging Review" (hereinafter "Regulations") were so vague and imprecise that prudent persons could not discern how to comply with the regulatory scheme and that, therefore, the Regulations were unconstitutionally vague. The Regulations were adopted pursuant to the requirement of Minn. Stat. section 116F.06, subd. 3 to adopt "guidelines identifying the types of new or revised containers and packaging that are subject to the [MPCA's] review" and addressed the MPCA's authority to prohibit the sale of a new or revised package or container in the state if the MPCA found that the new or revised package constituted "a solid waste disposal problem" or was "inconsistent with state environmental policies."

The Regulations did not establish quantitative standards for distinguishing a "good" package from a "bad" package; such standards were found by the MPCA to be impossible to formulate given the complexity of the subject area. Rather, the Regulations set out a review procedure and ten criteria that the MPCA would consider in reviewing a package. There was no indication as to what weight would be given to each criterion. The court recognized, "[i]t is possible that the relative weights could change for different types of packages" and, "[i]t is unlikely that the regulations could be significantly more precise in this type of regulatory scheme." 289 N.W.2d at 423. In upholding the Regulations against the vagueness attack, the court stated:

> While there is a significant amount of discretion in this kind of agency decision, and plaintiffs' concern with their ability to predict whether a particular package will be approved by the agency is understandable, we are not persuaded that the package review procedure would be overturned. We are impressed by the need for flexibility in the review process. Section 116F.06 and the MPCA's regulations constitute a unique regulatory scheme designed to help alleviate a problem which has only been recently recognized. In the future, knowledge and evaluation tools are likely to change. Different packages might present different kinds of problems, and it would be unwise to require that the same weight be attached to each factor each time a different type of package is reviewed. The criteria established and the decision making provided in the package review process are broad, but the complexity and sophistication of the solid waste generation problem coupled with the other environmental objectives provided in Minn. Stat. ch. 116F mandate the

flexibility contained in the statute and the regulations.

Id. The court was impressed with the fact that the types of factors listed in the MPCA's criteria called for the type of information which was within the knowledge of the packaging industry. The Court stated:

> Additionally, while plaintiffs may not be able to predict the importance the agency will assign to each of the criteria . . . until the MPCA actually begins to review packages, plaintiffs, because of the criteria, will be aware of the general boundaries of the MPCA's consideration. The packaging industry will, for example, know that the MPCA is concerned with whether components of the package might have potential for biological harm, the kinds of resources used in the package, the potential for recycling of the package, the energy needed to produce the package, and the effect the package might have upon generation of solid waste. These are factors about which the packaging industry should have information or which should be part of any conscientious decision involving the material components of a package.

Id.

The principles which emerge from the court's decision in Can Manufacturers are also applicable to the proposed rules establishing criteria for the "significant investment" determination. As in the case of the MPCA's Regulations, the significant investment determination which the Commission is called upon to make by Minn. Stat. section 216B.241, subd. 2 (1986) involves the exercise of a significant amount of discretion and the need for flexibility.

The criteria established by the proposed rule involve evaluation of information of the type which utilities are uniquely knowledgeable. Therefore, the proposed criteria provide the utilities with sufficient guidance to design a conservation improvement program which is likely to be approved by the Commission. The Commission's approach to drafting the criteria is therefore reasonable.

B. Reasonableness of Proposed Rule Part 7840.1150

The following discussion addresses the specific provisions of proposed rule part 7840.1150. This rule governs the approval, disapproval, or modification of a conservation improvement program or modified program regarding significant investments in and expenditures for energy conservation improvements.

The existing conservation improvement program rules contain the procedure for reviewing proposed programs. See Minn. Rules, chapter 7840. Under these rules, utilities must annually file their energy conservation proposals with the Commission. Interested persons have an opportunity to comment on the proposed program and submit proposed modifications to the Commission. The utility, any other interested person, and the Commission itself may propose modifications to a utility's proposed program. The Commission considers all of the information on the proposed program and the proposed modifications to the program when deciding whether the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements.

Proposed subpart 1 lists nine criteria to be examined when the Commission evaluates whether a program or modified program results in significant investments in and expenditures for energy conservation improvements.

The nine criteria will be considered in analyzing the appropriateness of the program or modified program. Not only is the money expended by the utility considered, but also the benefits and advantages that result from the money expended. The future benefits are considered because they are the return on the funds invested in the program or modified program. The value of an investment is partially measured by the future return it provides. Therefore, considering the cost as well as the benefits of a program or modified program is a reasonable approach to use when determining whether a program or modified program will result in significant investments in or expenditures for energy conservation improvements. This approach is also consistent with the Commission's recognition that utilities and their circumstances differ so that a pure cost analysis is insufficient.

The reasonableness of each criterion of proposed subpart 1 will be discussed in turn. As noted earlier, the comments received in response to the Commission's Notice to Solicit Outside Opinion support the criteria recommended by the Task Force. The Task Force recommendations are found in items B, C, D, E, and F of the proposed rule.

Item A requires the Commission to consider the impact of the program or modified program on short-term and long-term peak and average energy consumption. This item must be a factor in the Commission's determination of significant investments or expenditures for several reasons.

Minn. Stat. section 216B.241, subd. 1, clause (b) (1986) defines energy conservation improvement as:

> the purchase or installation of any device, method, or material that increases the efficiency in the use of electricity or natural gas ....

Examining the effect of a conservation improvement program on energy consumption is a reliable and practical means of measuring the "efficiency in the use of electricity or natural gas".

Moreover, it makes sense to determine whether energy has been conserved by considering the amount of energy consumption estimated to occur after the energy conservation program has been implemented. Reductions in short-term and long-term peak and average energy consumption indicate that the program will meet the objective of conserving energy. Therefore, item A is reasonable because it ensures that the program or modified program will result in a significant investment or expenditure by the utility in energy conservation improvements.

Item B requires the Commission to consider the total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply or energy.

This item comes from Minn. Stat. section 216B.241, subd. 2 (1986), which states in part:

> The commission may order a utility to make an energy conservation improvement investment or expenditure whenever the commission finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy.

The statute makes it clear that an important factor for the Commission to consider in reviewing a program is the energy cost savings to the utility compared to the cost of producing or purchasing the same amount of new energy.

And, if the cost to conserve the energy is less than the cost to acquire new energy, the program is worthwhile and efficient in resource utilization. Therefore, item B is reasonable because it recognizes an important fact to consider in determining if a program or modified program will result in a significant investment in and expenditure for energy conservation.

Item C requires the Commission to consider the short-term and long-term impact of the program or modified program on utility rates.

Minn. Stat. section 216B.241, subd. 2 (1986) states in part that:

> Investments and expenditures made pursuant to an order shall be treated for ratemaking purposes in the manner prescribed in section 216B.16, subdivision 6b.

Minn. Stat. section 216B.16, subd. 6b (1986) states:

> All investments and expenses of a public utility as defined in section 216B.241, subdivision (1), clause (c), incurred in connection with energy conservation improvements shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility furnishing utility service.

These statutes recognize that energy conservation programs will have an effect on utility rates. The costs associated with providing programs must be considered by the Commission when it sets rates for a utility. Therefore, it is reasonable to evaluate the impact on utility rates as one factor in determining whether a conservation improvement program will result in significant investments in and expenditures for energy conservation improvements.

Item D requires the Commission to consider the total number of low income and rental customers expected to be affected by the program or modified program.

Minn. Stat. section 216B.241, subd. 2 (1986) states in part that:

> The Commission shall give special consideration to the needs of renters and low income families and individuals.

The statute requires that special consideration be given to the needs of these groups because the Minnesota Legislature recognized that renters and low-income families and individuals face barriers which hamper their energy conservation efforts. Renters may lack the financial incentive to conserve because their landlords receive the direct benefit of energy savings from conservation measures. Low-income customers may lack the financial resources to implement the measures. Therefore, these customers, as a group, have a greater-than-average need for conservation services offered by the utilities.

Item D of the proposed rule requires the Commission to consider the number of renters and low-income families and individuals expected to be assisted by the program or modified program. That number, which implies achievement of a certain level of energy savings, provides a quantified indication of how well the needs of low-income and rental customers, as a group, will be met by

the program or modified program. Therefore, item D is a reasonable addition to the criteria in the proposed rule.

The Commission notes that the current rules also address the needs of renters and low-income families and individuals. Minn. Rules, part 7840.0500, states what a public utility must include in its energy conservation improvement program filing. Item C requires a statement of the anticipated percentage of use of each project among low-income families and individuals, and renters. Item H requires an explanation of how the proposed residential projects provide special consideration for renters and low-income customers. The Commission meets its legislative mandate to give special consideration to renters and low-income families and individuals by examining the information provided by the utilities, by examining the total number of customers expected to be affected by the program, and by modifying the program where appropriate.

Item E requires the Commission to consider the total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues.

This item is reasonable because it provides a measure of the level of expenditures made by a utility for energy conservation improvements. A specific percentage is not required because utilities vary in size and circumstance. Therefore, a determination as to what percentage of gross revenues constitutes a significant investment in and expenditure for energy conservation improvements will vary depending on the particular utility and the other criteria in the rule.

Item F requires the Commission to consider the total number of customers expected to participate in the program or modified program expressed as a percentage of the total number of customers in a utility's service area.

The relative number of customers participating in the program is another reasonable indication of whether a utility has a significant investment in energy conservation improvements. In order to be beneficial and result in energy conservation, customers must participate in the program. Expressing participation as a percentage of the customers served by a utility is reasonable because it gives meaning to the number of participants.

Item G requires the Commission to consider the diversity of customer classes expected to participate in the program or modified program.

As with item F, this item is a reasonable indication of significant investment. The greater the number of customer classes expected to participate in the program, the greater is

the total potential customer participation and the potential energy savings from the program. It is also reasonable to consider diversity because diversity promotes fairness by ensuring that the program or modified program is offered to more than a select group of customers.

Item H requires the Commission to consider the benefits of the program or modified program to participants.

Minnegasco, in its comments received February 13, 1986, suggested the Commission consider the benefit to participating and non-participating customers such as lower heating bills, greater comfort, greater gas availablity, and so on. The Commission agrees with Minnegasco that this is an important consideration.

The energy conservation programs rely upon customer participation for their success. Customers will participate and conserve energy only if they expect to benefit from the energy conservation improvement program. Further, these benefits may not be captured in the other criteria. Therefore, customer benefit is a reasonable criterion for determining whether a program results in significant investments in and expenditures for energy conservation improvements.

Item I requires the Commission to consider any other facts and circumstances concerning a particular utility which are relevant to determining the overall importance of the investment in energy conservation improvements.

Otter Tail Power Company recommended adding this criterion in its comments, received February 18, 1986. Otter Tail Power Company stated that it did not think a party in a particular proceeding should be limited to the criteria recommended by the Task Force in an argument that a particular investment is or is not significant. However, the company recognized that an additional criterion would be relevant only if there was a showing that the criterion was rationally related to the ultimate determination of significance.

The Commission agrees that item I is needed to cover situtations where the prior eight criteria do not cover the particular facts and circumstances surrounding a program or modified program. It is impossible to predict all the events that may impact the development of a conservation improvement program. Each utility and each program is unique. To consider only the prior eight criteria could deprive the Commission of other, as yet unknown, pertinent factors that merit consideration.

In addition to the nine criteria contained in the proposed rule, the Commission considered adding a criterion suggested by the City of Richfield in its February 13, 1986 comments. The City of Richfield recommended the Commission consider the extent to which

a municipality or group of municipalities has participated in the program design, and desires and is capable of program delivery. The City of Richfield recommended this criterion because it indicates that a program which provides significant investment by the utility, when coordinated with significant local investment, has the greatest ability to reduce fuel consumption and reach target populations such as lower income elderly and single parent households.

The Commission has several concerns with this criterion. First, although the approach suggested by the City of Richfield encourages worthwhile municipal participation, it has the adverse effect of concentrating the funds available for energy conservation in those municipalities which provide the most participation. This contradicts the purpose behind other criteria in the proposed rule.

For instance, item B considers the total energy cost savings to the utility. Item F examines the total number of customers expected to participate in the program or modified program. Item G examines the diversity of customer classes expected to participate. Item H considers the benefits of the program or modified program to participants. Item I includes other facts and circumstances concerning a particular utility that are relevant to determining the overall importance of the investment.

These criteria evaluate the program or modified program in terms of the overall benefit to all the utility's customers. Introducing consideration of individual municipalities would fragment the overall approach used in the proposed rule. That is, energy conservation improvement funds would not be spread uniformly throughout the utility's service area and the utility's customers would not benefit equally from the program or modified program.

Low-income and rental customers are an exception to this overall approach. They are given special consideration under item D because the statute requires them to be so treated. See Minn. Stat. section 216B.241 (1986). No similiar statutory provision exists for municipalities. In addition, all low-income and rental customers are treated equally throughout a utility's service area. For the reasons given above, the proposed rule is reasonable without giving special consideration to the individual contribution a municipality makes to a program or modified program.

Proposed subpart 1 also states that the public utility must provide the information required by the criteria in its filing. In its comments, Minnegasco stated that the relevant data can and should be included in the utility's filing. In its February 12, 1986 comments, the Minnesota Department of Public Service also agreed that the utilities should be required to quantify the

proposed rule criteria in the filings rquired by Minn. Rules, part 7840.0500. However, some of the commenters stated that the existing rule part 7840.0500, Conservation Improvement Program Filing, would include the information listed in the significant investment criteria. See comments of Minnesota Power, received February 13, 1986, and Northern States Power Company, received February 13, 1986.

The Commission does not agree that existing rule part 7840.0500 includes the necessary information required by the proposed rule in every instance. For example, item A of part 7840.0500 requires a utility to file a comprehensive description of the proposed program, including a description of each project making up the program. However, the description may or may not include the number of customers expected to participate in the program (item F of the proposed rule). The Commission needs the information required by the proposed rule to effectively consider the criteria. It is reasonable to ensure that all necessary information will be available to the Commission by requiring a utility to include the information in its filing.

The Commission considered amending part 7840.0500 in this rulemaking. The Commission chose instead to conduct a separate rulemaking to amend its existing conservation improvement procedural rules, Minn. Rules, chapter 7840, which include part 7840.0500. The proposed rule was completed before the procedural amendments to chapter 7840. To more speedily comply with the requirement of Hanna Mining Company v. Minnesota Public Utilities Commission, supra, the Commission began this rulemaking. However, the amendments to the procedural rules of chapter 7840 will be consistent with the proposed rule.

In requiring the utilities to file the necessary information, the Commission continues to recognize that it is not prohibited from considering sources other than the utilities. The proposed rule requires the utilities to submit the information because they have ready access to the data and, therefore, are the most logical source. However, this does not preclude other sources from supplying data or the Commission from relying on data from other sources.

For the above reasons, it is reasonable to state in proposed rule part 7840.1150, subpart 1, that a utility's filing must include the information in items A through I for considering whether a program or modified program results in significant investments in and expenditures for energy conservation improvements.

Proposed subpart 2 addresses the effect of a finding by the Commission that a program or modified program will result in significant investments in and expenditures for energy conservation improvements. If the Commission makes such a determination, it must approve the program or modified program.

This is the logical consequence of a finding of significant investments in and expenditures for energy conservation improvements and, therefore, is reasonable.

As stated earlier, the utility, any other party or interested person, or the Commission itself may propose modifications to a utility's proposed program. However, the Commission has the sole responsibility for determining whether the proposed program or a proposed modification to the program will result in significant investments or expenditures. Upon making this determination, the Commission must approve the proposed program or modified program.

Proposed subpart 3 governs the effect of a finding by the Commission that a program or modified program will not result in significant investments in and expenditures for energy conservation improvements. If the Commission makes such a determination, it must disapprove the proposed program or modified program and order a program or modified program that will result in significant investments in and expenditures for energy conservation improvements.

Minn. Stat. section 216B.241, subd. 2 (1986) requires the Commission to ensure that every public utility with a certain level of operating revenues operate programs which make significant investments in and expenditures for energy conservation improvements. Subpart 3 is reasonable because it enables the Commission to satisfy its statutory duty by requiring the Commission to order programs that result in significant investments in and expenditures for energy conservation improvements.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. section 14.115, subd. 2 (1986) requires the Commission, when proposing rules which may affect small business, to consider the following methods for reducing the impact on small businesses:

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

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

(c) the consolidation or simplification of compliance for reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

Minn. Stat. section 14.115, subd. 1 (1986) defines small business as:

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

The Commission believes that the public utilities affected by the rule do not fall within the statutory definition of small business. The proposed rule only applies to public utilities with operating revenues in excess of $50,000,000. See Minn. Stat. section 216B.241, subd. 2 (1986). Therefore, the public utilities affected by the rule have gross annual sales in excess of $4,000,000.

Furthermore, the Commission notes that in Minn. Stat. ch. 216B (1986), it has been authorized by the legislature to regulate public utilities in Minnesota. Some of the basic tenets of utility regulation are that utilities are:

- affected with a deep public interest;

- obligated to provide satisfactory service to the entire public on demand; and

- 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. Minn. Stat. section 14.115, subd. 7 (1986) establishes exceptions to the general obligations created by the statute and applies to rules promulgated by the Commission. In pertinent part, it states:

> 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.

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 exclusive. For the foregoing reasons, Minn. Stat. section 14.115 (1986) is not applicable to this rulemaking procedure.

VI. CONCLUSION

Based on the foregoing, proposed Minn. Rules, part 7840.1150, is both needed and reasonable.

M E Hennen

Mary Ellen Hennen
Executive Secretary

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rule Governing the Determination of Significant Investment for Conservation Improvement Programs, Minn. Rules, part 7840.1150.

DOCKET NO. G,E-999/R-85-847

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING

STATE OF MINNESOTA)
) ss.LIST
COUNTY OF RAMSEY)

Johnene Bednarek, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. sections 14.14, subd. 1a and 14.22 (1986) that their names be placed on the Minnesota Public Utilities Commission's rulemaking mailing list is accurate, complete, and current as of this 5th day of October, 1988.

That on the 5th day of October, 1988, 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 Mail or in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Johnene Bednarek

Subscribed and sworn to before me
this 31st day of January, 1989.

Sharon L. Juen
Notary Public

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

Disk 0002

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ST. PAUL AMERICAN INDIAN CENTER
341 University Ave.
St. Paul, MN 55103

Mr. Oung Tran, Dir.
CENTRE FOR ASIANS AND PACIFIC ISLANDERS
1304 E. Lake St.
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Mr. Ying Vang, Dir.
LAO FAMILY COMMUNITY CENTER
976 W. Minnehaha Ave.
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Ms. Terry Barnes, Heat Share Coordinator
HEAT SHARE/SALVATION ARMY
2830 Cedar Avenue So.
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Ms. Sharon Nelson, Coordinator
ST. PAUL HEAT SHARE
401 W Seventh St.
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7046.0040 GENERATOR ~~SURCHARGE~~ STATEWIDE PROGRAM FEE.

Subpart 1. **In general.** All generators in Minnesota are subject to an annual ~~surcharge~~ statewide program fee equal to ~~45~~ 68 percent of the annual fee or flat annual fee, whichever applies. Payment must be made as provided in subparts 2 and 3.

Subp. 2. **Nonmetropolitan area generators.** Nonmetropolitan area generators shall pay the ~~surcharge~~ statewide program fee to the commissioner at the time of payment of the annual fee or flat annual fee. A nonmetropolitan area generator who fails to pay the annual ~~surcharge~~ statewide program fee is considered delinquent and subject to the late fee penalty provided in part 7046.0031, subpart 7.

Subp. 3. **Metropolitan area generators.** Metropolitan area generators shall pay the ~~surcharge~~ statewide program fee with the license fee to the county in which the generating site is located. The metropolitan area counties (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington) that are responsible for collecting the ~~surcharge~~ statewide program fee shall remit the ~~surcharge~~ statewide program fee to the commissioner not later than the last day of the month following the month of collection.

7046.0050 GENERATOR FEE EXEMPTIONS.

Subp. 3. **Wastes generated as a result of response action.** A waste that is generated as a result of a response action is exempt from the generator fee.

Subp. 4. **Certain nonmetro area generators.** Small quantity nonmetropolitan area generators whose sole hazardous wastes are degreasing or drycleaning solvent related wastes reclaimed off-site under a maintenance agreement, lead acid batteries, gasoline tank bottoms, and scrap metal are not subject to annual fees for those calendar years for which they submit accurate disclosures under part 7045.0240, ~~or annual reports by March 1, under part 7045.0296,~~ but rather are subject to a flat annual fee of $25. For the purposes of this part, a maintenance agreement is a written agreement acceptable to the commissioner between a generator and a transporter and a reclaimer under which waste is removed from the generator's site on a regularly scheduled basis for reclamation by distillation.

If a small quantity nonmetropolitan area generator, who qualifies for this exemption, fails to submit the annual report by March 1 under part 7045.0296, the generator shall pay a full annual fee. If the generator is also subject to retroactive fees, the retroactive fees must be based on the flat annual fee of $25.

Subp. 5. **Wastes generated as a result of household hazardous waste collections.** A waste that is generated as a result of a household hazardous waste collection program under *Minnesota Statutes*, section 115A.95, is exempt from the generator fee.

7046.0070 APPEAL PROCEDURE.

A generator who believes that the fee requested by the commissioner is in error may appeal the fee levy. Within ten days of receipt of the fee statement from the commissioner, the generator shall provide written notice of the error in fee calculation, the fee the generator has calculated, and the method used by the generator in calculating the fee. ~~If the commissioner finds, upon reviewing the data, that the new data presented by the generator is correct, no penalty fee will be assessed. However, if the commissioner finds that the original calculated fee was correct, the generator shall be assessed any applicable penalty as provided in part 7046.0031, subpart 7 from the date of the commissioner's decision regarding the fee adjustment appeal.~~ After review of the appeal, the commissioner shall send the generator a decision letter regarding the appeal. In the decision letter, the commissioner shall specify the fee to be remitted by the generator. The generator shall submit the specified fee within 30 days of receipt of the commissioner's decision letter or by the original due date, whichever is later. A generator who fails to submit the specified fee by the required date is delinquent and must pay the late fee penalty, specified in part 7046.0031, subpart 7.

Public Utilities Commission

Proposed Permanent Rules Governing the Determination of Significant Investment for Conservation Improvement Programs

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* sections 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in *Minnesota Statutes* sections 216B.08 and 216B.241 (1986).

All persons have until 4:30 p.m. on November 9, 1988, to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed,

the reason for the comment, and any change proposed. PLEASE USE DOCKET NO. G,E-999/R-85-847 ON ALL CORRESPONDENCE.

Any person may make a written request for a public hearing on the rule within the comment period. If 25 or more persons submit a written request for a public hearing within the comment period, a public hearing will be held unless a sufficient number withdraw their requests in writing. 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 Commission will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Caroline Heil
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-9617

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

The proposed rule, if adopted, will establish criteria for the Commission to determine whether a proposed conservation improvement program or modified program results in significant investments in and expenditures for energy conservation improvements. The proposed rule is published below. One free copy of the rule is available upon request from the Commission by contacting the Commission's receptionist, Dawn Davison, at the above address or by calling (612) 296-7124.

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 the Commission by contacting the Commission's receptionist, Dawn Davison, at the above address or by calling (612) 296-7124.

You are hereby advised, pursuant to *Minnesota Statutes* section 14.115 (1986), "Small business considerations in rulemaking," that the proposed rule will not affect small businesses.

The adoption of this rule by the Commission will not require the expenditure of public money by local public bodies or have a direct impact on agricultural land. Therefore, *Minnesota Statutes* section 14.11 (1986) is not applicable to this rulemaking proceeding.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. Any person 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 rule submitted to the Attorney General, must submit a written request to Caroline Heil at the above address.

Mary Ellen Hennen
Executive Secretary

Rules as Proposed (all new material)

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

A. impact of the program or modified program on short-term and long-term peak and average energy consumption;

B. total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

C. short-term and long-term impact of the program or modified program on utility rates;

D. total number of low-income and rental customers expected to be affected by the program or modified program;

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.

E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;

G. diversity of customer classes expected to participate in the program or modified program;

H. benefits of the program or modified program to participants; and

I. other facts and circumstances concerning a particular utility that are relevant to determining the overall importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Housing Finance Agency

Adopted Permanent Rules Relating to Urban Indian Housing Program

The rule proposed and published at *State Register*, Volume 13, Number 2, pages 80-81, July 11, 1988 (13 S.R. 80) is adopted as proposed.

Department of Jobs and Training

Adopted Permanent Rules Relating to Youth Employment Program

The rules proposed and published at *State Register*, Volume 12, Number 49, pages 2658-2660, June 6, 1988 (12 S.R. 2658) are adopted with the following modifications:

Rules as Adopted

3300.0601 SUPPORT SERVICES.

Contractors may provide or arrange for support services to eligible youth, using funds allocated under this act. The cost of the support services must not exceed 15 percent of the contract. The services may include transportation, meals, career information training, work-related protective devices, basic skills training, counseling services, reasonable and necessary safety equipment and materials, required uniforms, and other normal expenses associated with employment and training funded under the act. Contractors shall not be required to provide support services to eligible youth when funds received under the act have been exhausted.

(3d)

CERTIFICATE OF RESOLUTION ADOPTING RULE

Docket No. P-999/R-85-847

I, Mary Ellen Hennen, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission (Commission), an agency 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 Commission duly and properly called and held on the 31st day of January, 1989, that a quorum was present at said meeting, that a majority of those present voted on the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Public Utilities Commission (Commission) hereby approves and adopts the rule governing the determination of significant investment for energy conservation improvement programs pursuant to the authority vested in the Commission by Minn. Stat. section 216B.241 (1988).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Secretary is authorized to make any form changes in the rules that the Revisor of Statutes requires the Commission to make in order to obtain the Revisor's Certificate as required by Minn. Stat. section 14.28 (1988).

BE IT FURTHER RESOLVED, that the Commission adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule and that the Executive Secretary is hereby authorized to sign the above-mentioned document on behalf of the Commission and 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 31st day of January, 1989.

Mary Ellen Hennen
Executive Secretary

RESOLUTION ADOPTING RULE

Docket No. G,E-999/R-85-847

BE IT RESOLVED, that the Minnesota Public Utilities Commission (Commission) hereby approves and adopts the rule governing the determination of significant investment for energy conservation improvement programs pursuant to the authority vested in the Commission by Minn. Stat. section 216B.241 (1988).

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BE IT FURTHER RESOLVED, that the Commission adopts the attached Findings of Fact, Conclusions, and Order Adopting Rule and that the Executive Secretary is hereby authorized to sign the above-mentioned document on behalf of the Commission and to perform the necessary acts to provide that the rule shall have the force and effect of law.

Barbara Beerhalter
Officer of the Commission

Attest by one other Commission member

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150.	ISSUE DATE: February 1, 1989 DOCKET NO. G,E-999/R-85-847 FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE

The above-entitled matter came on for decision before the Minnesota Public Utilities Commission (Commission) on the 31st day of January, 1989. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Commission, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Commission, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Commission's intent to adopt the above rule without a public hearing was published in the State Register on October 10, 1988, and was sent by mail to all persons on the list maintained by the Commission pursuant to Minn. Stat. sections 14.14, subd. 1a and 14.22 (1988) on October 5, 1988.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on November 9, 1988.

4. During the comment period the Commission received two requests for public hearing from the Minnesota Department of Jobs and Training and Interstate Power Company, neither of which were subsequently withdrawn. Therefore, the Commission did not receive requests for a public hearing from 25 or more persons which were not withdrawn.

5. The Commission received one request by the Minnesota Department of Public Service for notice of submission of the adopted rule to the Attorney General.

6. During the comment period the Commission received four written comments from the Minnesota Department of Jobs and Training, Interstate Power Company, Minnegasco, and the Minnesota Department of Public Service. During the comment period the Commission received one oral comment from Otter Tail Power Company.

The Commission also received a late-filed written comment from Northern States Power Company responding to the DPS's written comments.

Each comment is discussed below.

a. Minnesota Department of Jobs and Training (DJT)

The Economic Opportunity Office of the DJT stated that the proposed rule does not succeed in defining significant investments nor does it provide guidance for determining whether the proposed program's investments or expenditures are significant.

The DJT strongly recommended amending the rule to include a definition of significant or a policy statement that guides the interpretation of significance, and a description of how each of the nine criteria, separately or as a whole, will impact the Commission's determination of significance.

The Commission finds that it adopted the approach recommended by the Task Force formed to examine a number of CIP issues, including determination of significant investment. The Task Force consisted of three representatives of state government, six utility representatives, and six representatives of community-based groups and local units of government. The Task Force recommended that significant investment be determined by evaluating a set of criteria without giving a pre-determined weight to each criterion. Moreover, the Commission has used this approach in successfully reviewing CIP projects for a number of years.

The Commission explained the reasonableness of its approach in pages 5 through 7 of the Statement of Need and Reasonableness, issued October 3, 1988:

The Commission's selection of qualitative, as opposed to hard-and-fast quantitative, criteria to determine whether a utility program results in "significant investments in and expenditures for energy conservation improvements" is reasonable in light of the difficultly of formulating a quantitative standard that can be fairly applied to all utilities.

Customer needs will change; knowledge of which conservation programs are effective will increase; and the ability of utilities to deliver programs will most likely change. In addition, what is significant for one utility may be insignificant to another because of differences in conservation potential, rates, size of utility, types and sizes of customers, and the different value of conservation to different utilities. Adopting the same standard for every utility cannot take these variables into effect. The Commission must be able to determine significant investment at levels appropriate for each utility.

The Commission recognizes that the proposed criteria are not precise "design" criteria which a utility can use to guarantee approvability of a program. However, the rule establishes a clear procedure for making a significant investment determination and a clear list of criteria which are relevant to the determination and which give the utilities guidance in formulating their programs. As discussed below, this type of approach to standard setting has been found by the Minnesota Supreme Court to provide sufficiently clear guidance to regulated persons.

The Minnesota Supreme Court has recognized that circumstances exist where quantitative standards are impossible to formulate and have upheld against a challenge of unconstitutional vagueness rules which are similar in nature to the rule proposed here. In Can Manufacturers Institute, Inc. v. State, 289 N.W.2d 416 (Minn. 1979), the court considered the claims of the packaging industry that the Minnesota Pollution Control Agency (MPCA) rules entitled "Regulations for Packaging Review" (hereinafter "Regulations") were so vague and imprecise that prudent persons could not discern how to comply

with the regulatory scheme and that, therefore, the Regulations were unconstitutionally vague. ...

The Regulations did not establish quantitative standards for distinguishing a "good" package from a "bad" package; such standards were found by the MPCA to be impossible to formulate given the complexity of the subject area. Rather, the Regulations set out a review procedure and ten criteria that the MPCA would consider in reviewing a package. There was no indication as to what weight would be given each criterion. The court recognized, "[i]t is possible that the relative weights could change for different types of packages" and, "[i]t is unlikely that the regulations could be significantly more precise in this type of regulatory scheme." 289 N.W.2d at 423. ...

The principles which emerge from the court's decision in Can Manufacturers are also applicable to the proposed rules establishing criteria for the "significant investment" determination. As in the case of the MPCA's Regulations, the significant investment determination which the Commission is called upon to make by Minn. Stat. section 216B.241, subd. 2 (1986) involves the exercise of a significant amount of discretion and the need for flexibility.

For these reasons, the Commission finds that the approach used in the proposed rule should not be changed in the manner suggested by the DJT.

The DJT was also very concerned that the proposed rule does not provide enough consideration for low-income customers. The DJT strongly recommended that an investment be significant only if:

1. low-income customers are not excluded from the program either explicitly or implicitly, that is, by virtue of their inability to pay;

2. low-income customers can expect benefits from the program at least equal to those expected for other customers.

The Commission finds that the standards recommended by the DJT would result in some form of income assistance to insure that low-income customers are not excluded

from the programs, by virtue of their inability to pay, and to insure that low income customers receive the same benefits from the programs as other customers. The other customers would ultimately finance this assistance through their utility rates. The Commission does not have a legislative directive to make income assistance a goal in determining whether a utility has made significant investment for energy conservation improvements. Absent legislative direction, the Commission must follow the mandate currently expressed in Minn. Stat. section 216B.241, subd. 2 (1988).

Minn. Stat. section 216B.241, subd. 2 (1988) states:

> The commission shall nevertheless insure that every public utility with operating revenues in excess of $50,000,000 operate one or more programs, under periodic review by the commission, which make significant investments in and expenditures for energy conservation improvements. <u>The commission shall give special consideration to the needs of renters and low income families and individuals.</u> (Emphasis supplied.)

The statute requires "special consideration" of the needs of low-income customers. It does not require that an investment be considered significant only if the needs of low-income customers are addressed in every instance. The DJT's recommendation would result in the Commission basing its determination of significant investment upon only the needs of low-income customers. For example, the DJT's suggestion would prevent the Commission from approving CIP programs for commercial and industrial customers of the utilities. This is contrary to the stated intent of Minn. Stat. section 216B.241, subd. 2 (1988).

Moreover, the statute requires "special consideration" of the needs of renters, as well as the needs of low-income customers. The needs of renters may differ from the needs of low-income customers. The Commission must give special consideration to both groups. Therefore, the DJT's suggested standard would not satisfy Minn. Stat. section 216B.241, subd. 2 (1988).

The proposed rule requires the Commission to consider information that illustrates whether or not the needs of low-income customers are being met. Item D of the proposed rule requires the Commission to consider the number of low-income customers expected to be affected by the CIP program. Items A and H require the

Commission to consider the energy savings from those projects and the benefits to participants. The number of low-income customers expected to be assisted and the implied achievement of a certain level of energy savings and other benefits provide a objective indications of how well the needs of low-income customers are being met. Further, item I allows other objective measures to be used, if relevant, in determining significant investment.

b. Otter Tail Power Company (Otter Tail)

Otter Tail expressed concern in its oral comment that the proposed rule was not specific enough, but did not propose alternative language.

The Commission addressed this issue in pages 5 to 7 of its Statement of Need and Reasonableness, quoted earlier. For the reasons given there, the Commission finds that the proposed rule establishes a clear procedure for making a significant investment determination and a clear list of criteria which are relevant to the determination and which give the utilities guidance in formulating their CIP programs.

c. Interstate Power Company (Interstate)

Interstate suggested modified language for subparts 2 and 3 of the rule.

The originally proposed subpart 2 states:

> Subp. 2. Approval. On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the program or modified program.

The originally proposed subpart 3 states:

> Subp. 3. Disapproval and modification. On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

Interstate suggested modifying subparts 2 and 3 as follows:

> Subp. 2. Approval. On determining that the proposed program or modified program will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy, the commission may approve the proposed or modified program.
>
> Subp. 3. Disapproval and modification. On determining that the proposed program or modified program will not result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy, the commission may disapprove the proposed program or modified program and order a program that will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy.

The changes repeat one of the factors used in determining significant investment. See subpart 1, item B. The changes also make Commission approval, disapproval, or modification discretionary.

The Commission finds that highlighting one of the factors (item B) would imply that that factor carried more weight than the other eight factors in the determination of significant investment. This was not the intent of the rule. The Commission chose a variety of criteria because of the difficulties associated with choosing one criterion that could be fairly applied in all circumstances. This approach was also recommended by the Task Force which examined the issue.

Interstate's suggestion also intertwines two separate tests: significant investments and cost effectiveness. Cost effectiveness corresponds to item B while significant investments comprises all nine rule factors, of which cost effectiveness is only one. Both standards lose coherency when blurred in this manner.

The Commission further finds that Interstate's other suggestion, that Commission approval, disapproval, or modification be discretionary, is inconsistent with Minn. Stat. section 216B.241, subd. 2 (1988). Subparts 2 and 3 of the proposed rule require the Commission to

approve programs that result in significant investments and to disapprove or modify programs that do not. The proposed rule is consistent with Minn. Stat. section 216B.241, subd. 2 (1988), which states:

> The commission shall nevertheless insure that every public utility with operating revenues in excess of $50,000,000 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 rule should not attempt to do less than what the statute requires.

d. Minnegasco

Minnegasco suggested modifying three items in the proposed rule, items A, B and E:

Proposed item A states:

> A. impact of the program or modified program on short-term and long-term peak and average energy consumption;

Minnegasco seeks to clarify the time periods referred to in item A by including "peak hours, peak day and annual average energy consumption."

The Commission finds that a clarifying change should be made to the rule so that modified item A would read:

> A. impact of the program or modified program on:
>
> (1) short-term peak, including peak hours and peak day,
>
> (2) long-term peak, and
>
> (3) average energy consumption, including annual average energy consumption;

The amended language is reasonable because it illustrates the types of peak and average energy consumption data that will be examined by the Commission. This will assist the utilities by providing additional direction to them.

However, it does not preclude the Commission from considering other types of short-term peak, such as monthly peak, or other types of average energy consumption, such as 5 year average energy consumption. The modified language recognizes that the appropriate types of data may vary with the particular CIP program and utility involved.

Therefore, the Commission's modification to item A is needed and reasonable.

Proposed item B states:

> B. total cost to the utility of the energy saved by the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

Minnegasco seeks to clarify that item B includes more than just the cost of the energy saved in "total cost to the utility". Minnegasco was concerned that "total cost to the utility" not exclude CIP program cost.

Minnegasco suggested modifying item B to read:

> B. total cost to the utility of the program or modified program compared to the cost to the utility to produce or purchase an equivalent amount of the energy which was conserved.

The Commission finds that item B should be modified to address Minnegasco's concern. However, the Commission finds that instead of Minnegasco's suggested language, item B should be modified to read:

> B. total cost to the utility of a program or modified program, resulting in energy savings, compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

This modification is consistent with Minn. Stat. section 216B.241, subd. 2 (1988) which states:

> The commission may order a utility to make an energy conservation improvement investment or expenditure whenever the commission finds that

the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. (Emphasis supplied.)

The originally proposed item B was an attempt to be faithful to the statute without paraphrasing or duplicating the statutory language. Proposed item B was intended to capture the statute's consideration of "improvement" which "will result in energy savings at a total cost to the utility". Item B was not intended to limit the scope of the statute to the cost "of the energy saved". For instance, the total cost of energy savings can include other costs, such as CIP program costs, in addition to the cost "of the energy saved" referred to in proposed item B.

When a program CIP program is filed, each proposed cost item is carefully reviewed by the Commission. Since determinations of "cost" vary depending on the particular facts of the case and the item and arguments presented, it is not feasible to identify in a rule the costs applicable to each specific case. Therefore, the Commission finds that individual cost items should not be specifically identified in the rule. The Commission also notes that Minnegasco did not make such a request in its comments, presumably for the same reason.

The Commission also finds that its language is more appropriate than Minnegasco's suggested language. Minnegasco's suggestion does not refer to "energy savings" even though the statute does. Nor does Minnegasco's suggestion refer to "new supply of energy" even though that language is in the statute. Minnegasco's language could create confusion, which is exactly what the utility and the Commission are trying to prevent.

In this instance, a slight paraphrasing of the statutory language is necessary so that the reader can understand item B. As Minnegasco demonstrated, confusion results when other language is substituted for the statutory language. However, the Commission notes that if the statute were duplicated word for word, item B would not be grammatically correct. The Commission's modification to item B is the closest possible paraphrase of the statute.

Finally, the Commission's modification to item B is consistent with state law.

Minn. Stat. section 14.07, subdivision 3 (1988) states that the Office of the Revisor of Statutes "shall minimize duplication of statutory language". Since the statutory language is used only once in the proposed rule and is not used elsewhere in the CIP rule chapter 7840, the duplication has been minimized as required by subdivision 3 of Minn. Stat. section 14.07 (1988).

Subdivision 5 of Minn. Stat. section 14.07 was repealed in 1984. Subdivision 5 had required the Office of the Attorney General to determine that duplication of the language is crucial to the ability of a person affected by a rule to comprehend its meaning and effect. That law was repealed because state agencies often found it necessary to duplicate statutory language under the "crucial to comprehension" test in former subdivision 5.

For these reasons, the Commission's modification to item B is needed and reasonable.

Minn. Rules, part 2010.1000, of the Office of the Attorney General requires it to disapprove a rule that is substantially different from the proposed rule as noticed.

The Commission finds that the modifications to items A and B do not affect classes of persons who could not reasonably have been expected to comment on the proposed rule as originally noticed because the same gas and electric utilities and interested persons are affected and they were noticed that they would be affected. Similarly, the impact of the program on energy consumption and the cost-effectiveness of the program were raised by items A and B and the substance of these items has not been changed. Therefore, the modifications to items A and B do not introduce significant new subject matter. Finally, the modifications to items A and B are clarifying changes rather than major substantive changes that were not raised by the proposed rule as originally noticed in such a way as to invite reaction.

Proposed item E states:

> E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

Minnegasco recommended quantifying the total dollars spent on energy conservation in terms of cost per Mcf saved.

The Commission finds that the information requested is already a part of the rule and, therefore, item E does not need to be modified. That is, the dollar amount of the cost of energy saved can be computed from the information considered in items A and B.

Item B considers the total cost to the utility and item A considers the energy savings. To determine the total dollars spent in terms of cost per Mcf saved, the amount in item B is divided by the appropriate information from amount item A. Therefore, the Commission will have the information suggested by Minnegasco available to it.

Moreover, judgments about conservation projects and programs should not be based solely on short-term comparisons of conservation costs and energy costs. In the long run, both the energy savings from conservation and the energy costs are likely to change. This is particularly evident in the electric utility industry, where the absence of conservation implies future construction of large, expensive generating facilities, which has the effect of raising the cost of energy.

e. Department of Public Service (DPS)

The DPS recommended that in addition to the nine criteria in the proposed rule, two additional criteria be added:

1. Utility forecasts, including (if available) End-Use Energy Analyses and Load Shape Analyses. For electric utilities, the Minnesota-Wisconsin Power Suppliers Group Advanced Forecast, submitted annually to the DPS and the Minnesota Environmental Quality Board (EQB) will fulfill this criterion; for gas utilities, the information submitted annually to the DPS and maintained in the Regional Energy Information System (REIS) will fulfill this criterion; and

2. Avoided Cost Data, as contained in the Cogeneration and Small Power Production Tariff annual filings for electric utilities pursuant to Minnesota Rules, part 7835.0300 and, for gas utilities, an estimate of the Company's entitlement costs as used in analyses of cost-effectiveness.

The Commission finds that the suggested criteria should not be added to the proposed rule for the following reasons.

First, the suggested criteria are not criteria in the same sense as the other criteria in the proposed rule. The suggested additions are data sources rather than criteria for decision-making. As data sources, they do not constitute factors that would provide guidance to the Commission in determining significant investment. For instance, the forecasts submitted by electric utilities consist of hundreds of numbers and many pages of discussion of assumptions and methodology. The Commission does not believe this data is capable of being used as a concise, understandable criterion for decision-making purposes.

Second, the information provided by the suggested additions provide information on criteria that are already considered under the proposed rule. Utility forecasts (#1 above) give information on a utility's capacity and any likely capacity deficits. Proposed item A in the rule is the "capacity" criterion. The information suggested by the DPS on utility forecasts could be considered in conjunction with item A. Avoided cost data (#2 above) give information on the costs incurred by the utility. Proposed item B in the rule is the "cost effectiveness" criterion specified by the statute. Therefore, the information suggested by the DPS on avoided costs could be considered in conjunction with item B.

The data sources recommended by the DPS are available to the Commission for consideration in conjunction with items A and B. The DPS may also highlight the data during the CIP review process.

Moreover, under the current CIP rules, the Commission may require from the utility any additional information that it determines is necessary. See Minn. Rules, part 7840,0500, item L. These rules are being looked at for possible amendment and the Commission may wish to consider adding these data sources to the utility's filing requirements under part 7840.0500.

f. Northern States Power Company (NSP) Response to DPS Comments

In addition to the four timely-filed written comments discussed above, NSP filed written comments with the Commission on December 12, 1988.

The Commission finds that NSP's comments were untimely because they were filed after the 30-day comment period specified in the notice of rulemaking expired on November 9, 1988. NSP filed its late comments in response to the DPS's timely filed comments.

The Commission will not consider NSP's comments because it finds that it is not required by the Administrative Procedure Act, Minn. Stat. chapter 14 (1988) to consider late-filed comments.

7. The Commission adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Commission hereby incorporates the Statement of Need and Reasonableness into these findings except as modified in Finding No. 6.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Public Utilities Commission duly acquired and has jurisdiction over this proceeding pursuant to Minn. Stat. section 216B.241 (1988).

2. The Commission published and served due, timely, and adequate notice of the intent to adopt the rule without a public hearing.

3. The Commission has complied with all relevant legal and procedural requirements of statute and rule.

4. The modifications to the proposed rule are supported by the record and do not result in a substantial change in the proposed rule.

ORDER

1. The Commission hereby adopts Minn. Rules, part 7840.1150, governing the determination of significant investment for conservation improvement programs.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rule Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150.

DOCKET NO. G,E-999/R-85-847

DECLARATION OF COUNSEL

I, Jon Kingstad, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is 0729.

Jon Kingstad
Special Assistant
Attorney General

MINNESOTA PUBLIC UTILITIES COMMISSION

Proposed Rule Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150, Docket No. G,E-999/R-85-847.

Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General

Pursuant to your request and in accordance with Minn. Stat. section 14.26 (1988):

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on this date, February 6, 1989 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 for a hearing 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 October 10, 1988, has been modified. A copy of the rule as modified is enclosed with this notice. As you requested, a copy of the supporting documents is also enclosed.

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 the submission of the rule to the Attorney General. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The Attorney General standards for review are set forth in Minn. Rules, part 2010.1000. You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
515 Transportation Building
John Ireland Boulevard
St. Paul, MN 55155
Telephone: (612) 297-2040

Mary Ellen Hennen
Executive Secretary

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

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of Proposed Rule Governing the Determination of Significant Investment for Conservation Improvement Programs, Minn. Rules, part 7840.1150.	DOCKET NO. G,E-999/R-85-847 AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULE ADOPTED WITHOUT PUBLIC HEARING TO ATTORNEY GENERAL

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

Caroline Heil, being duly sworn, deposes and says:

That on the 6th day of February, 1989, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General by depositing in the State of Minnesota Central Mail System or in the United States mail for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, the postage prepaid, on all persons and associations who requested notice that the rules in the above-captioned matter have been submitted to the Attorney General.

Caroline Heil

Subscribed and sworn to before me
this 6th day of February, 1989.

Sharon L. Juen
Notary Public

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

Comms.
Sue H.
Margie
Sue M.
Dave J.
Roselew
Caroline
Diane S.
Rick L

(31)

MINNESOTA
Department of Public Service

Energy Division
(612) 296-5120

900 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

January 24, 1989

RECEIVED
JAN 25 1989
MINNESOTA PUBLIC
UTILITIES COMMISSION

Ms. Caroline Heil
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101

Re: Notice of Intent to Adopt Rules Without a Public Hearing Regarding Proposed Permanent Rules Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150, Docket No. G, E - 999/R-85/847

Dear Ms. Heil:

Pursuant to the above subject matter, the Department of Public Service requests that it receive notification of the date of submission to the Attorney General of the adopted rule and supporting documents and a copy of the rule submitted to the Attorney General.

Thank you for your attention to this matter.

Sincerely,

Marsha Battles-Jenks

Marsha Battles-Jenks
Assistant Commissioner
Energy Division

MBJ:sh

MINNESOTA public utilities COMMISSION

RECEIVED
FEB 08 89
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

February 6, 1989

Ms. Christi Eller, Assistant Attorney General
Office of the Attorney General
515 Transportation Building
John Ireland Boulevard
St. Paul, MN 55155

Re: In the Matter of the Proposed Rule Governing the Determination of Significant Investment for Energy Conservation Improvement Programs, Minn. Rules, part 7840.1150, Docket No. G,E-999/R-85-847.

Dear Ms. Eller:

On January 31, 1989, the Minnesota Public Utilities Commission adopted the above-captioned rule governing the determination of significant investment for energy conservation improvement programs. Enclosed for your review are the following:

1. Rule as adopted (original and three copies).

2. Findings of Fact, Conclusions, and Order Adopting Rule.

3. Resolution Adopting Rule and Certificate of Resolution Adopting Rule.

4. Notice of Intent to Solicit Outside Opinion (10 S.R. 1478).

5. Copies of written comments received pursuant to Notice of Intent to Solicit Outside Opinion.

6. Authorization to Proceed with Adoption of Rule Without Public Hearing and Certificate of Authorizing Resolution.

7. Notice of Intent to Adopt Rule Without a Public Hearing and rules as published (13 S.R. 930, October 10, 1988).

8. Comments received during the comment period.

9. Notice of Intent to Adopt Rule Without a Public Hearing, as mailed.

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10. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.

11. Rule as proposed with the Revisor of Statutes certificate of approval for publication.

12. Statement of Need and Reasonableness.

13. Declaration of Counsel.

14. Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General.

15. Affidavit of Mailing of Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General.

Very truly yours,

Caroline Heil

Caroline Heil
Rules Attorney
(612) 296-9617

Enclosures