

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: November 13, 1991

TO: JULIE JORDAN
Department of Natural Resources
Division of Minerals
P.O. Box 567
Hibbing, MN 55746



FROM: CHARLENE HATCHER
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-9422

SUBJECT: In the Matter of the Adopted Rule Relating to Energy Information Reporting

The above-referenced rule has been approved as to its legality by the Attorney General on November 8, 1991.

Enclosed is your 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, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

CH:jj
Enclosures
cc: Amy V. Kvalseth
William Brown, Chief Judge
MaryAnn Hruby

ATTY GENERAL

15 NOV 91 3:25

CH
10/25/91

RULE REVIEW CHECKLIST

File No. 6862
DATE RECEIVED 10-25-91
REVIEW DATE 11-4-91
DUE DATE 11-8-91
(DIS)APPROVED 11-8-91
WITHDRAWN _____

Docket No. 05.0009.0730
ADOPTED W/O HEARING _____
EMERGENCY RULE _____
TO REVISOR ON 10/29/91
REVISOR (DIS)APPROVED _____
FILED W/SEC. OF STATE 11/13/91
RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)
April 29, 1991 Date published in State Register
_____ Comments

_____ ~~Petition for Adoption~~ of a Rule

_____ Board's Authorizing Resolution
_____ Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
216C.10 Statutory Authority
has a statement Small Business Statement
NA Expenditure of public money statement
July 29, 1991 Signature

_____ Statement of Need and Reasonableness (if applicable)
_____ Small Business Statement
_____ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
August 19, 1991 Dated 30/25 days before ~~adoption~~
_____ Notice attached indicates it is attached
_____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
August 19, 1991 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ ~~Effective date of law requiring rule~~ (14.12) (both rules amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
_____ effective date of statutory authority (§ 14.29) (emergency rules)

_____ ~~Resolution Adopting~~
October 10, 1991 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Oct 10, 1991 Date

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Amy Koralesh Name of SAAG representing agency

_____ Notice of Submission to Attorney General (if applicable)

_____ Affidavit of Mailing Notice to Attorney General (if applicable)

Rules acl

Department of Public Service

Adopted Permanent Rules Relating to Energy Information Reporting

Rules as Adopted

7610.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. [See repealer.]

[For text of subps 4 to 8, see M.R.]

Subp. 8a. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 9. [See repealer.]

[For text of subp 10, see M.R.]

Subp. 10a. **Interruptible load.** "Interruptible load" means the amount of electric power made available under agreements permitting curtailment or cessation of delivery by the supplier.

[For text of subp 11, see M.R.]

Subp. 12. and 13. [See repealer.]

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Municipal power agency.** "Municipal power agency" means a municipal corporation incorporated under Minnesota Statutes, sections 453.51 to 453.62. For purposes of these parts, a municipal power agency may elect to supply in aggregate the data required by these parts for its members. Data submitted in this fashion must be in the format specified by the commissioner.

[For text of subps 19 to 26, see M.R.]

Subp. 26a. **Schedule L purchase.** "Schedule L purchase" means the amount of interruptible load replacement energy that is planned to be purchased for the purpose of serving interruptible load.

[For text of subps 27 to 35, see M.R.]

7610.0110 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0100 to 7610.0700 is to implement the forecasting, statistical, and

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informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. Parts 7610.0100 to 7610.0700 are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, clause (1), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. **Scope.** Each electric utility serving Minnesota shall submit the information required by parts 7610.0100 to 7610.0700 to the commissioner in the form specified by the commissioner.

7610.0130 ANNUAL REPORTING DATES.

Subpart 1. **Annual.** Utilities listed under part 7610.0300 shall file the information required by parts 7610.0100 to 7610.0700 by July 1 of each year. All other electric utilities shall file only the information required by parts 7610.0120, 7610.0170, and 7610.0600, items B to J, by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. and 3. [See repealer.]

7610.0170 FEDERAL REPORTS FILED BY UTILITIES.

A utility shall identify to the commissioner the energy-related forms and reports that it regularly files with the Federal Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, a utility shall make copies of the forms or reports available to the commissioner.

7610.0300 WHO MUST FILE.

The following utilities must file the information required by parts 7610.0100 to 7610.0700: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power

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Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules that have identical data requirements. For these cases, references to the material substituted and a copy of the appropriate reference material must be submitted to meet the reporting requirements.

7610.0310 CONTENT OF HISTORICAL DATA AND FORECAST.

The following data must be provided:

A. the annual electrical consumption by ultimate consumers and number of customers at year's end within the utility's system and for its Minnesota service area only for the past calendar year, the present calendar year, and the subsequent 14 years, for each of the following categories:

(1) farm, which for reporting purposes means a tract of land used primarily for agricultural purposes, including irrigation and drainage pumping;

(2) nonfarm residential, including electricity supplied through a single meter for both residential and commercial uses reported according to its principal use and apartment buildings reported as residential even if not separately metered;

(3) commercial, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, water pumping other than pumping for <u>agricultural</u> irrigation, and other utilities;

(4) industrial and mining, including

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manufacturing industries, construction operations, and petroleum refineries, except that mining must be reported as a separate category if annual sales are greater than 1,000 gigawatt hours;

(5) street and highway lighting;

(6) other ultimate consumers, including municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, and other consumers not reported in subitems (1) to (5); and

(7) the sum of subitems (1) to (6);

B. the annual system consumption and generation data for the last year, the present year, and the 14 subsequent years for each of the following categories:

(1) annual total electrical consumption in megawatt hours by ultimate consumers within the utility's Minnesota service area;

(2) annual total electrical consumption in megawatt hours by the utility's ultimate consumers outside its Minnesota service area;

(3) the number of megawatt hours the utility has received or expects to receive from other systems for sale to its ultimate consumers or to other utilities;

(4) the number of megawatt hours the utility has delivered or expects to deliver to other systems for resale;

(5) total annual net generation of electrical energy by the utility in megawatt hours;

(6) electrical energy loss in megawatt hours due to transmission line and substation losses; and

(7) total semiannual electrical consumption by the utility's ultimate consumers during May through October and November through April;

C. an estimate of the demand for power by ultimate consumers in the utility's system for each of the categories listed in item A at the time of the last annual system peak demand;

D. the utility's system peak demand by month for the last calendar year;

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E. the utility's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

F. the utility's seasonal participation purchases and participation sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

G. for the summer season and for the winter season of the last year, the present year, and the 14 subsequent years, the load and generation capacity data requested in subitems (1) to (13), including anticipated purchases, sales, capacity retirements, and capacity additions, including those that may depend upon certificates of need not yet issued:

(1) seasonal maximum demand;

(2) schedule L purchase at the time of seasonal system demand;

(3) seasonal system demand;

(4) annual system demand;

(5) firm purchases - total;

(6) firm sales - total;

(7) seasonal adjusted net demand, which is subitem (3) minus subitem (5) plus subitem (6);

(8) annual adjusted net demand, which is subitem (4) minus subitem (5) plus subitem (6);

(9) net generating capability;

(10) participation purchases - total;

(11) participation sales - total;

(12) adjusted net capability, which is subitem (9) plus subitem (10) minus subitem (11);

(13) net reserve capacity obligation;

(14) total firm capacity obligation, which is subitem (7) plus subitem (13); and

(15) surplus or deficit (-) capacity, which is subitem (12) minus subitem (14);

H. for the present calendar year and the subsequent 14 years, a list in megawatts of proposed additions and

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retirements in generating capability; and

I. the utility's method of determining its system reserve margin and the appropriateness of the margin.

7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS.

Utilities required to provide forecasts by category of consumption under part 7610.0310, item A, may request in writing that the department accept alternative definitions for one or more of the categories defined in part 7610.0310, item A. A utility must provide the alternative definition or definitions in writing. This must be filed with each subsequent forecast following approval by the department. If the department concludes that a previously accepted alternative definition is no longer acceptable, the department must inform the utility in writing at least six months before the reporting date for the next annual forecast.

7610.0320 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** An applicant may use the forecast methodology that yields the most useful results for its system. However, the applicant shall detail in written form the forecast methodology employed to obtain the forecasts provided under parts 7610.0300 to 7610.0315, including:

[For text of items A to D, see M.R.]

E. forecast confidence levels or ranges of accuracy for annual peak demand and annual electrical consumption; and

F. a brief analysis of the methodology used, including its strengths and weaknesses, its suitability to the system, cost considerations, data requirements, past accuracy, and any other factors considered significant by the utility~~;--and~~.

~~G.--an-explanation-of-any-discrepancies-that-appear between-the-forecasts-presented-by-the-utility-in-part-7610.0310 and-those-contained-in-parts-7610.0200-to-7610.0220-this-year-or in-the-past-years.~~

Subp. 2. **Data base for forecasts.** The utility shall discuss in written form the data base used in arriving at the forecast presented in ~~parts-7610.0200-to~~ part 7610.0310,

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including:

[For text of items A and B, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Subject of assumption.** The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, the expected conversion from other fuels to electricity or vice versa, future prices of electricity for customers in the utility's system and the effect that such price changes will likely have on the utility's system demand, the assumptions made in arriving at any data requested in ~~parts 7610.0200 to~~ part 7610.0310 that is not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation on long term electrical demand, the projected effect of new conservation programs that the utility deems likely to occur through future state and federal legislation on long term electrical demand, and any other factor considered by the utility in preparing the forecast. In addition the utility shall state what assumptions were made, if any, regarding current and anticipated saturation levels of major electric appliances and electric space heating within the utility's service area. If a utility makes no assumptions in preparing its forecast with regard to current and anticipated saturation levels of major electrical appliances and electric space heating it shall simply state this in its discussion of assumptions.

[For text of subp 5, see M.R.]

7610.0400 PRESENT FACILITIES.

A utility required to report under part 7610.0300 shall provide the following information on each power plant serving or capable of serving its Minnesota service area as of January 1 of the current year:

[For text of item A, see M.R.]

B. the statutory or home rule charter city or town and the county in which the plant is located;

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[For text of items C and D, see M.R.]

E. if coal is a fuel source, the average Btu content of the coal;

[For text of items F and G, see M.R.]

H. the type of unit for each unit of generating equipment in the plant; and

I. if available, for base load plants provide the capacity factor, operating availability, and forced outage rate.

7610.0410 FUTURE FACILITY ADDITIONS.

A utility required to report under part 7610.0300 shall estimate the additional power plants or additions to existing plants necessary to provide for the energy growth predicted by the forecasts in parts 7610.0300 to 7610.0320. A utility shall supply the following information about each additional plant or addition:

[For text of items A to E, see M.R.]

F. the estimated type and amount of fuel to be used to operate the plant on an annual basis under conditions set forth in item E; and

G. the type of unit or units proposed for the plant.

7610.0420 FUTURE FACILITY RETIREMENTS.

A utility required to report under part 7610.0300 shall list the planned facility retirements that will take place within the next 15 years. The utility shall provide the following information about a facility retirement: the location and type of the plant; the forecasted retirement date; and the plant's actual summer and winter capacity.

7610.0430 FUEL REQUIREMENTS AND GENERATION BY FUEL TYPE.

[For text of subpart 1, see M.R.]

Subp. 2. **Estimated quantity necessary.** Each utility shall estimate the quantities of the fuel which will be necessary for use by its Minnesota power plants to provide for the electrical energy growth predicted by the forecast projected in parts ~~7610.0200~~ 7610.0300 to 7610.0320. Each utility shall also

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estimate by fuel type the net megawatt hours electricity which will be produced by its Minnesota power plants under the forecast. A forecast of net generation from Minnesota hydropower plants shall also be provided. In preparing such estimates, each utility shall consider increases in fuel use by existing facilities and possible conversions between fuel types.

7610.0600 OTHER INFORMATION REPORTED ANNUALLY.

A utility shall provide the following information for the last calendar year:

A. the demand in megawatts by hour over a 24-hour period for:

(1) the 24-hour period during the summer season when the megawatt demand on the system was the greatest; and

(2) the 24-hour period during the winter season when the megawatt demand on the system was the greatest;

B. the names, addresses, and the kilowatt hours of electricity consumed by customers of the utility who annually consume over 10,000 megawatt hours;

C. a detailed map, on which the scale is shown, of the utility's Minnesota service area, identifying power plants, principal substations, and transmission lines over 200 kilovolts, identified by voltage;

D. a listing of the purchases and sales for resales the utility had with other utilities, including the names of the other utilities and megawatt hours purchased or sold for resale during the last year;

E. its present rate schedules as of June 1 of the present year;

F. a copy of report form EIA-861 filed with the Energy Information Administration of the United States Department of Energy;

G. for rural electric cooperatives, part D. of the financial and statistical report to the United States Department of Agriculture;

H. for utilities that are not members of the MWPSG,

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the total megawatts of generation capacity, the megawatt hours generated during the last calendar year, the amount of fuel used to generate the electricity, and the average Btu content of the coal used for electric generation;

[For text of item I, see M.R.]

J. its deliveries to ultimate consumers and revenues for the last calendar year broken down by categories determined by the commissioner.

7610.0700 QUARTERLY REPORTS OF ENERGY DELIVERED TO ULTIMATE CONSUMERS.

Subpart 1. **Content.** Utilities with sales to ultimate consumers of over 2,000 gigawatt hours annually, shall report total sales and number of customers by customer class, within Minnesota and outside of Minnesota, for each quarter of the previous year.

Customer class will be defined by standard industrial classification (SIC) codes, listed in the Standard Industrial Classification Manual, 1987 edition, published by the federal Office of Management and Budget, Executive Office of the President, Washington D.C., as amended and supplemented from time to time. This manual, with future amendments and supplements to it, is incorporated by reference and is available through the Minitex interlibrary loan system and at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN. The manual is not subject to frequent change.

Subp. 2. [See repealer.]

7610.0800 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7610.0800 to 7610.1230, the following definitions shall apply.

Subp. 2. [See repealer.]

[For text of subps 3 to 5, see M.R.]

Subp. 6. [See repealer.]

[For text of subp 7, see M.R.]

Subp. 7a. **Department.** "Department" means the Minnesota Department of Public Service.

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[For text of subps 8 to 15, see M.R.]

Subp. 16. **Large energy facility.** "Large energy facility" means any pipeline for transporting natural or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (a).

[For text of subps 17 to 24, see M.R.]

7610.0810 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0800 to 7610.1230 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. These parts are adopted under the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

[For text of subp 2, see M.R.]

7610.0820 ANNUAL REPORTING DATES.

Subpart 1. **Gas utilities.** A utility and interstate gas pipeline company shall file with the commissioner the information required by parts 7610.0850 to 7610.1230 by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. and 3. [See repealer.]

7610.0840 FEDERAL OR STATE DATA SUBSTITUTION.

Upon written request by a utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in place of data required by parts 7610.0800 to 7610.1230 if the data required by both agencies is

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substantially the same.

7610.0850 REGISTRATION.

A gas utility serving ultimate consumers and an interstate gas pipeline company serving a utility in Minnesota must file a registration statement with the commissioner. A utility or interstate pipeline company that begins operation in the state shall file a registration statement with the commissioner within 30 days after beginning operation. The registration statement must be on forms issued by the commissioner and available from the department. The registration statement must contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of officers of the utility or interstate pipeline company, and the name, address, and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

7610.0860 FEDERAL REPORTS: UTILITY, PIPELINE COMPANY.

A utility and interstate pipeline company shall identify to the commissioner the forms and reports pertaining to gas supply and demand that it regularly filed with the Federal Energy Regulatory Commission, the federal Department of Energy, and other federal agencies. Upon request of the commissioner, a utility or pipeline company shall make copies of any forms or reports available to the commissioner.

7610.0910 OVERALL SUPPLY AND DEMAND.

The basic forecast and current data shall contain the following data and forecasts for the last calendar year, the present year, and the subsequent five years:

A. annual sales to ultimate consumers within the utility's Minnesota service area;

B. other deliveries of gas to commercial consumers in Minnesota;

C. other deliveries of gas to industrial consumers in Minnesota;

D. the annual volume of gas delivered or expected to

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be delivered to other utilities for resale;

E. the annual volume of gas used in the operation of the utility within its Minnesota service area;

F. the annual volume of gas used in the utility's Minnesota service area but unaccounted for in items A to E;

G. the total annual gas consumption, for all purposes, in the utility's Minnesota service area, with total consumption equaling the sum of items A to F, excluding gas held in storage at year's end;

H. the total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;

I. the total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;

J. the total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;

K. the total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;

L. the design-day maximum gas demand volume for the utility's Minnesota service area firm customers;

M. the maximum winter peak-day volume of gas sent out or expected to be sent out in the utility's Minnesota service area;

N. the design-day availability of each type of gas and the maximum one-day volume of gas the supplies will provide;

O. the amount of substitute natural gas the utility can produce from the feedstock it will have in storage at the beginning of the winter heating season for use in its Minnesota service area;

P. the amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;

Q. the amount of natural gas the utility will have in

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underground storage for use at the beginning of the winter heating season; and

R. the type and amount of fuel used or to be used in Minnesota to produce substitute natural gas.

7610.0914 SALES BY CUSTOMER CATEGORY.

Subpart 1. **Sales of 3,000,000 Mcf or more.** Utilities with annual Minnesota sales during the last calendar year of 3,000,000 Mcf or greater shall provide historic and forecast data on sales to ultimate customers and the number of customers during the last calendar year, the present year, and the subsequent first through the fifth, tenth, and 15th years for:

A. residential firm sales;

B. commercial firm sales;

C. commercial interruptible sales;

D. industrial firm sales;

E. industrial interruptible sales; and

F. total annual gas consumed in Minnesota, which is the sum of items A to E.

Subp. 2. **Sales of less than 3,000,000 Mcf.** Utilities with annual Minnesota sales during the last calendar year of less than 3,000,000 Mcf shall provide data on sales to ultimate customers and the number of customers for the categories listed in subpart 1, items A to F, for the last calendar year only.

7610.0920 LAST CALENDAR YEAR HISTORICAL DATA.

For the last calendar year, historical data must be supplied. For each other reporting year, the forecasts must be made using the utility's or pipeline company's best estimate for each of the items requested. Utilities must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur. The assumptions and factors used in deriving the forecasts must be stated in writing. The utility shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. The utility shall comment on possible deviations from the forecast and what

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factors might create those deviations. A utility required to file a forecast documentation under part 7610.1010 need not file forecast documentation required in this part.

7610.1000 PEAK-DAY FORECAST.

Utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year must file a peak-day consumption forecast. A utility required to file a forecast under this part shall identify or estimate the demand for gas on the peak sendout day during the last calendar year, the current year, and the subsequent five years for the following categories of demand:

A. residential firm sales;

B. commercial industrial firm sales;

C. commercial industrial interruptible sales;

D. other deliveries to ultimate customers;

E. own company gas;

F. gas unaccounted for;

G. gas delivered to other utilities for sale;

H. total peak-day gas consumed in Minnesota; and

I. total peak-day consumption in Minnesota.

7610.1010 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** A utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year shall describe the forecast methodology employed by providing the following documentation:

[For text of items A to G, see M.R.]

[For text of subps 2 to 4, see M.R.]

7610.1130 OTHER INFORMATION REPORTED BY UTILITIES.

Subpart 1. **General data.** Gas utilities must also report:

A. the total monthly consumption of gas during the last calendar year in the following classifications:

(1) residential firm;

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(2) commercial industrial firm;

(3) commercial industrial interruptible;

(4) electric generation;

(5) other deliveries to ultimate consumers;

(6) gas to storage;

(7) other dispositions and losses; and

(8) level of contract demand;

B. additional municipalities or geographic areas outside the utility's current service area that it expects to serve and the year when service will begin;

C. the total number of customers and total sales during the last calendar year to:

(1) firm commercial industrial customers that use more than 200 Mcf on peak day; and

(2) interruptible commercial industrial customers that use more than 200 Mcf on peak day;

[For text of items D and E, see M.R.]

Subp. 2. **Customer information.** For the last calendar year, a utility shall provide a list of customers and their addresses who have gas requirements in excess of 200 Mcf on their peak day each year. For a customer so identified, the utility shall list:

A. annual actual sales;

B. annual estimated curtailment;

C. annual estimated requirements, which should equal the sum of items A and B;

D. alternative fuel used; and

E. curtailment priority rank.

7610.1200 BASIC FORECAST AND CURRENT STATISTICS FOR INTERSTATE GAS PIPELINE COMPANIES.

[For text of subpart 1, see M.R.]

Subp. 2. **Contents of report.** The basic forecast and current data report must contain the following data for each year cited in subpart 1:

A. the annual sales and deliveries to Minnesota gas

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utility distribution companies for resale;

B. the annual sales and deliveries to ultimate consumers in Minnesota, excluding sales and deliveries that are transported in part by Minnesota distribution utilities; and

C. the maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served.

Subp. 3. **Basis of forecasts.** In meeting the requirements of subpart 1, historical data for the last calendar year must be supplied.

For each other reporting year, the forecasts must be made using the interstate pipeline company's best estimate for each of the items. Interstate pipeline companies must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur. An interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. A utility company shall comment on possible deviation from the forecast and what factors might create the deviation.

7610.1210 MAP OF PRESENT FACILITIES.

An interstate pipeline company shall provide a map, on which the general scale is shown, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.

7610.1220 MAP OF FUTURE FACILITIES.

An interstate pipeline company shall provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, additional distribution utility companies to be served, and additional interconnections with other interstate natural gas

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pipeline companies.

7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINE COMPANIES.

Each interstate pipeline company shall file a copy of its annual FERC form 2 with the department.

7610.1300 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 5a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 6 to 17, see M.R.]

7610.1330 ANNUAL REPORTING DATES.

Subpart 1. **Prime petroleum supplier, pipeline company.** A prime petroleum supplier and pipeline company shall file with the commissioner or its trade association, as applicable, the information required by parts 7610.1300 to 7610.1500 by July 1 of each reporting year. For good cause shown, the department may grant a prime petroleum supplier an extension from the deadline following receipt of a written request from the company.

Subp. 2. and 3. [See repealer.]

7610.1360 REGISTRATION.

A prime petroleum supplier or petroleum pipeline company that begins operations in the state shall file a registration statement with the commissioner within 30 days after beginning operation. The registration statement must be on forms issued by the commissioner. The registration statement must contain the name and headquarters address of the prime petroleum supplier or petroleum pipeline company, the names and addresses of officers of the supplier or company, and the name, address, and telephone number of a person who may be contacted for information about the prime petroleum supplier or petroleum pipeline company.

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by Revisor _____

7610.1380 HISTORICAL SUPPLY DATA.

Each prime petroleum supplier shall submit annually to the commissioner the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area. This data must be submitted for the last calendar year only.

7610.1400 ANNUAL FORECASTS.

Each prime petroleum supplier that operates a refinery located in Minnesota or an adjacent state must submit annually to the commissioner five-, ten-, and 15-year forecasts of crude inputs and production at its Minnesota area refinery.

7610.1410 CONTENT OF FORECASTS.

The energy forecast required under part 7610.1400 must contain the following data for each reporting year:

A. the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area; and

B. the annual volume of crude oil in number of barrels available to the supplier's refinery.

7610.1420 REPORTING YEARS.

The data required in part 7610.1410 shall be supplied for the following years:

A. the last calendar year;

B. the present calendar year;

C. the year five years after the present calendar year;

D. the year ten years after the present calendar year; and

E. the year 15 years after the present calendar year.

7610.1430 CRITERIA FOR FORECAST.

For the last calendar year, historical data must be

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by Revisor _____

supplied. If recorded figures are not available, estimates must be used and be identified as estimates. For each other reporting year, the forecast must be made using the supplier's best estimates of the amount of each petroleum product that will be supplied. These estimates must be based on the factors that the supplier considers most likely to occur in its Minnesota service area. The data for each reporting year must be calculated by applying these factors to the data for the last calendar year for which actual data required in part 7610.1410 is available.

7610.1500 PRESENT FACILITIES.

A prime petroleum supplier or pipeline company shall provide to the commissioner the following information on facilities that it owns in Minnesota as of January 1 of the current year:

A. for storage tanks at any one site in excess of 1,000,000 gallons:

(1) the location and address of the site;

(2) the total storage capacity for the site; and

(3) the total storage capacity for the site by product stored; and

B. a map depicting the location of pipelines from their origin to their termination in Minnesota.

REPEALER. Minnesota Rules, parts 7610.0100, subparts 3, 9, 12, and 13; 7610.0130, subparts 2 and 3; 7610.0200; 7610.0210; 7610.0220; 7610.0700, subpart 2; 7610.0800, subpart 2; 7610.0820, subparts 2 and 3; 7610.0900; 7610.1120; 7610.1300, subparts 2 and 4; 7610.1330, subparts 2 and 3; 7610.1510; 7610.1520; 7610.1600; and 7610.1610, are repealed.

TERM CHANGES.

Subpart 1. **Agency to department.** The term "department" or similar form of that term will be substituted for "agency" or similar form of that term wherever it appears in Minnesota Rules, parts 7610.0140; 7610.0160; 7610.0830; 7610.1340; and

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7610.1600, subpart 3.

Subp. 2. Gender-neutral terms. Appropriate terms that are gender-neutral will be substituted for "him," "he," and "his" where they appear in Minnesota Rules, parts 7610.0110, subpart 2; 7610.0810, subpart 2; 7610.1300, subpart 12; and 7610.1320.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 13 1991
Secretary of State

Approved
by Revisor _____

APPROVED AS TO FORM AND LEGALITY

November 8, 1991

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Charlene M. Hatcher
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

NOV 13 1991

Joan Anderson Growe
Secretary of State

8:30a RC

EXHIBIT ____

Stat. Authority 216C.10

The commissioner may:

(1) adopt rules under Chapter 14 as necessary to carry out the purposes of sections 216C.05 to 216C.30 and when ~~xxx~~ necessary for the purposes of section 216C.15, adopt emergency rules under sections 14.29 to 14.36.

end of comment period listed as ~~216C.10~~ September 18, 1991

Rules 7610.0820

subl lines 14-16- "for good cause shown" what is good cause?

STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BUSINESS REGULATION SECTION
1100 BREMER TOWER
SEVENTH PLACE & MINNESOTA ST.
ST. PAUL, MN 55101
TELEPHONE: (612) 296-9412
FACSIMILE: (612) 296-7438

October 25, 1991

Ms. Patricia S. Nolte
Legal Assistant
Office of the Attorney General
525 Park, Suite 500
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Energy Information Reporting, Minn. Rules Parts 7610.0100 & 7610.1500.

Dear Ms. Nolte:

On October 10, 1991, the Minnesota Department of Public Service adopted the above-captioned rules governing energy information reporting. Enclosed for your review are the following:

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

2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).

3. Notice of Intent to Solicit Outside Opinion (15 S.R. 2353, Monday, 29 April 1991).

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

5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (16 S.R. 356, Monday, 19 August 1991).

6. Comments received during the comment period.

7. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.

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

9. Rules as proposed.

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10. Statement of Need and Reasonableness.

11. Declaration of Counsel.

A Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General and an Affidavit of Mailing of Notice of Submission of Rule Adopted Without Public Hearing to the Attorney General are not included because no one requested a Notice of Submission.

Very truly yours,

Amy V. Kvålseth

Amy V. Kvålseth
Special Assistant
Attorney General

COUNSEL FOR THE MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

AVK:kkw:ak3

cc: Melinda Reyes

RECEIVED
91 APR 23 AM 8:50
ADMINISTRATION
HEARINGS

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Laura Plummer, Rules and Bulletins Division, Department of Human Services, 444 Lafayette Road, St. Paul, MN 55155-3816. Oral statements will be received during regular business hours over the telephone at 612-297-1217 and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Public Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 22 April 1991

Laura Plummer
Rules and Bulletins Division

Department of Natural Resources

Minerals Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Adoption of Rules Relating to Nonferrous Metallic Mineral Mineland Reclamation

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources (Department) is extending the period in which it will accept information or opinions from sources outside the Department in preparing to promulgate rules relating to the reclamation of nonferrous metallic mineral minelands. A Notice of Intent to Solicit Outside Opinion Regarding Proposed Adoption of Rules Relating to Nonferrous Metallic Mineral Mineland Reclamation was published in the *State Register* on March 18, 1991 (15 S.R. 2111). All persons were informed that the Department would accept oral and written statements of information and comments on the proposed adoption of rules until May 1, 1991. The Department is now extending the period in which it will accept information and comments until August 1, 1991. Written statements, or requests for copies of the draft rules, shall be addressed to:

Julie Jordan
Department of Natural Resources
Division of Minerals
P.O. Box 567
Hibbing, Minnesota 55746

Oral statements will be received during regular business hours over the telephone at (218) 262-6767 and in person at the above address.

William C. Brice, Director
Division of Minerals

Department of Public Service

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rule Changes to the Existing Energy Information Reporting Rules

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (department) is seeking information or opinions from outside sources in preparation to amend those portions of *Minnesota Rules*, Chapter 7610, relating to energy information reporting. The promulgation of this proposed rule change is authorized by *Minnesota Statutes*, section 216C.10.

The proposed amendment to the rule would streamline the reporting process and bring reporting requirements in line with current data collection. The changes will include the deletion of information requirements that the department believes are too burdensome for the electric utilities, natural gas utilities, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the department. Other deletions will also be made because certain information requirements are no longer necessary for the department to adequately fulfill its legislatively mandated energy data collection, analysis and forecasting responsibilities.

Any person who would like a copy of the draft revisions to *Minnesota Rules*, Chapter 7610, or the Statement of Need and Reasonableness that explains each rule change should submit a request at the address listed below. All interested or affected parties are requested to submit information or comment regarding the proposals. Statements of information and comment may be made orally or in writing (preferred) until June 12, 1991. Oral statements will be received during regular business hours over the telephone at (612) 296-9325 or in person at the address listed below. Written statements of information and comments should be addressed to:

Melinda Reyes
Minnesota Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101

Any written material received by the Department of Public Service shall bcome part of the record to be submitted to the Attorney General or administrative law judge in the event that the proposed rule amendments are adopted.

Dated: 22 April 1991

Krista L. Sanda
Commissioner

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, St. Paul, MN 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. More specific information about these vacancies may be obtained from the agencies listed below.

The application deadline is May 21, 1991.

Emergency Response Commission
90 Bigelow Bldg., 450 Syndicate St., St. Paul 55104. 612-643-3000
Laws of 1989, Chapter 315

APPOINTING AUTHORITY: Governor. COMPENSATION: Per diem plus expenses.
VACANCY: One member: fire marshal representative.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-one members, including the commissioners of the Departments of Public Safety, Health, Agriculture, the commissioner of the Pollution Control Agency; and seventeen members (four from outside the metro area) to be appointed by the governor to include one representative each of: fire chiefs, professional firefighters, volunteer firefighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business.

Advisory Task Force on Divestment, State Board of Investment
55 Sherburne Ave., St. Paul 55155. 612-296-3328
Minnesota Statutes 15.059

APPOINTING AUTHORITY: State Board of Investment. COMPENSATION. None.
VACANCY: Three members: please see the description of this new task force.

The task force is charged with monitoring implementation of the Resolution of the Minnesota State Board of Investment on South Africa. The task force consists of eight members, three members appointed by the State Board of Investments through the Open Appointments process: one member from the Minnesota corporate community, one member from a Minnesota public employee labor group, and one member from a public employee retirement group. Meetings occur once a year, two hours in length, at the State Board of Investment.

Minnesota Racing Commission
11000 W. 78th St., Suite 201, Eden Prairie 55344. 612-341-7555
Minnesota Statutes 240.02

APPOINTING AUTHORITY: Governor. Senate confirmation. COMPENSATION: $35 per diem.
VACANCY: Three members

Date: May 24, 1991
Comments/Questions Received from: J.W. Boriack
Exxon Corp.
Received by: Melinda M. Reyes
Department of Public Service

During the phone call received from Exxon Corp. on the date shown above, four questions were asked about the rules and an overall comment about the proposed changes to the rules was given by Mr. Boriack. The general comment on the rules and the questions as well as the Department's response to these questions are given below:

A. Questions

1) Do the sections of the rules addressed to prime petroleum suppliers apply to Exxon Corp.?

Response: Yes, they do. Refer to the definition of prime petroleum supplier in part 7610.1300, subp. 12 of the rules which verify that the rules apply to Exxon Corp. Another indication is that if Exxon Corp. files EIA form 782-C, (which it does) then it is required to comply with the Department's rules on Energy Information Reporting.

2) Which part of the rules apply to Exxon Corp.?

Response: Part 7610.1410, subp. A and B.

3) Are the data requirements contained in EIA form 782-C the same as the data requirement of the Department?

Response: Yes, it is. The information requested part 7610. 1410, subp. A and B of the Energy Information Rules are identical to the data request on EIA form 782-C except that the Department will be requesting for annual data while the EIA form requests for monthly data.

4) When should Exxon Corp. start sending the required information?

Response: If the rules are adopted as proposed, then Exxon should start sending the information on July 1, 1992. The Department will send Exxon the forms to fill out.

B. Comments

The rules are fine by them since the data requests are the same as EIA form 782-C. All that is needed to comply with the Department's rules was to send in a summary of the EIA form. The data requests from the Department would not involve extra work for them.

Date: May 28, 1991
Comments/Questions Received from: J.W. Boriack
Exxon Corp.

Mr. Boriack called on this day to ask if the Energy Information Reporting rules state that the information Exxon Corp. would file is considered confidential.

The response to this question is given in the attached letter dated May 28, 1991.

Post-It™ brand fax transmittal memo 7671 | # of pages ▸ 6

To J. W. BORIACK	From MELINDA REYES
Co. EXXON CORP.	Co. DEPT. OF PUBLIC SERVICE
Dept. 713-680 5634	Phone # (612) 296-9325
Fax # (713) 680-~~8860~~ 6860	Fax #

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
FAX (612) 297-1959

May 28, 1991

J.W. Boriack
Exxon Corp.
P.O. Box 2169
Houston, TX 77252

Dear Mr. Boriack:

Enclosed is a complete copy of the rules that refer to prime petroleum suppliers and petroleum pipeline companies. This copy does not show the changes that we are proposing. Please refer to the copy which we mailed to you earlier to determine which portions of the attached rules still apply.

The current rules do not have a section which states the confidentiality of the information you will be filing with us. This is because the confidentiality of the information is covered under Minnesota Statues section 13.68 (copy attached). This statute prohibits the Department of Public Service from releasing the individual sales or production data provided to the department by petroleum suppliers.

Sincerely,

MM Reyes

Melinda M. Reyes
Energy Economist

Enclosures

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(3) theoretical storage capability of the facility in MCF of converted substitute natural gas;

(4) the estimated actual storage in converted MCF of substitute natural gas that will be available at the beginning of each heating season not including required reserves; and

(5) the maximum daily volume of substitute natural gas in MCF that will be available to be withdrawn from the facility and injected into the pipeline.

D. Based on your 15 year forecast, provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, any additional distribution utility companies to be served and any additional interconnections with other interstate natural gas pipeline companies.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINE COMPANIES.

Each interstate pipeline company shall file a copy of its annual FPC forms 2 and 16 with the agency.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

PRIME PETROLEUM SUPPLIERS AND PETROLEUM PIPELINE COMPANIES

7610.1300 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7610.1300 to 7610.1610, the following definitions shall apply.

Subp. 2. **Agency.** "Agency" means the Department of Public Service.

Subp. 3. **Aviation gasoline.** "Aviation gasoline" means all of the various grades of aviation gasoline as defined in American Society for Testing and Materials (ASTM) D 910-70.

Subp. 4. **Construction.** "Construction" means significant physical alteration of a site to install or enlarge a large energy facility but does not include activities incident to preliminary engineering or environmental studies.

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Public Service.

Subp. 6. **End user.** "End user" means any person who is an ultimate consumer of a petroleum product other than a wholesale purchaser consumer.

Subp. 7. **Jet fuel.** "Jet fuel" means those fuels commonly known as kerosene base jet fuel and naphtha base jet fuel.

Subp. 8. **Large energy facility.** "Large energy facility" means any facility on a single site designed for or capable of storing more than 1,000,000 gallons of crude petroleum, petroleum fuels, oil, or derivatives thereof, or any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 9. **Middle distillate.** "Middle distillate" means any derivative of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel that has a 50 percent boiling point in the ASTM D86 standard distillation test falling between 371 degrees Fahrenheit and 700 degrees Fahrenheit. "Middle distillate" shall not include kerosene based and naphtha based jet fuel, heavy fuel oils grades numbers 4, 5, and 6, intermediate fuel oils that are blends containing number 6 oil, and all specialty items such as solvents, lubricants, waxes, and process oil

Subp. 10. **Motor gasoline.** "Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140 degrees Fahrenheit to 390 degrees Fahrenheit and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

Subp. 11. **Petroleum pipeline company.** "Petroleum pipeline company" means any company that owns or operates in Minnesota any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 12. **Prime petroleum supplier.** "Prime petroleum supplier" means the supplier or producer that makes the first sale of any petroleum product into the state distribution system for consumption within the state. Any supplier or producer that is considered a Minnesota prime supplier by the Federal Energy Agency shall be deemed to be a prime petroleum supplier under these rules. "Prime petroleum supplier" shall not include any licensed petroleum distributor or propane retailer who takes delivery of a product in another state for use in Minnesota, if he has in his possession a letter from his supplier stating that the supplier has or will report the sales of said product to the Federal Energy Agency and the state, or if the total amount of any single product so received by the distributor or retailer is less than 500,000 gallons per year.

Subp. 13. **Propane.** "Propane" means the chemical C_3H_8 in its commercial forms including propane butane mixes in which propane constitutes greater than ten percent of the mixture by weight. Included within the definition of propane is the propane content of natural gas liquids and refinery gas when used for refinery fuel use.

Subp. 14. **Residual fuel oil.** "Residual fuel oil" means the fuel oil commonly known as: numbers 4, 5, and 6 fuel oils; bunker C; Navy special fuel oil; crude oil when burned directly as a fuel; and all other fuel oils which have a 50 percent boiling point over 700 degrees Fahrenheit in the ASTM D-86 standard distillation test.

Subp. 15. **Total petroleum products.** "Total petroleum products" means propane, butane, propane/butane mix, motor gasoline, kerosene, number 2 heating oil, diesel fuel, other middle distillates, aviation gasoline, jet fuel, number 4 for utilities, numbers 5 and 6 for utilities, number 4 for nonutilities, numbers 5 and 6 for nonutilities, bunker C, Navy special, other residuals, lubricants, special naphthas, and solvents.

Subp. 16. **Wholesale purchaser consumer.** "Wholesale purchaser consumer" means any ultimate consumer that, as part of its normal business practices, purchases or obtains a product from a supplier and receives delivery of that product into a storage tank substantially under the control of that consumer at a fixed location; and that: purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971; or purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more multifamily residences; or purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971.

Subp. 17. **Wholesale purchaser reseller.** "Wholesale purchaser reseller" means any firm that purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.

Statutory Authority: *MS s 216C.10*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1310 PURPOSE.

The purpose of parts 7610.1300 to 7610.1610 is to implement the forecasting, statistical, and informational requirements of Minnesota Statutes 1974, sections 116H.10 and 116H.11. These parts are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes 1974, section 116H.08, clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1320 SCOPE.

Each prime petroleum supplier and petroleum pipeline company in the state shall submit the information required by these parts to the commissioner in the form specified by him.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1330 REPORTING DATES.

Subpart 1. **Prime petroleum suppliers.** Except as provided by the commissioner, each prime petroleum supplier shall file with the commissioner or its trade association, as applicable, the information required by parts 7610.1350, 7610.1370 to 7610.1510, and 7610.1610 by July 1 of each reporting year. Except as provided by the commissioner, each prime petroleum supplier shall file with the commissioner the information required by part 7610.1600 on a quarterly basis as follows:

A. Information for the period of January 1 to March 31 shall be filed by April 30.

B. Information for the period of April 1 to June 30 shall be filed by July 31.

C. Information for the period of July 1 to September 30 shall be filed by October 31.

D. Information for the period of October 1 to December 31 shall be filed by January 31 of the following year.

Subp. 2. **Pipeline companies.** Each petroleum pipeline company shall file with the commissioner the information required by parts 7610.1370, 7610.1500, and 7610.1510, by July 1 of each reporting year.

Subp. 3. **Changes.** No changes shall be made in reporting dates set forth in this part unless each prime petroleum supplier or petroleum pipeline company has been given written notice of such change 30 or more days before the effective date of such change.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1340 CORRECTIONS.

Corrections of any report or statement must be filed with the agency within ten days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

7610.1350 FEDERAL OR STATE DATA SUBSTITUTION.

The commissioner may, upon written request, allow any prime petroleum supplier or petroleum pipeline company to substitute data provided to the federal government or another state agency in lieu of data required by these parts if the data required by both agencies is substantially the same.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1360 REGISTRATION.

Each prime petroleum supplier and petroleum pipeline company operating in Minnesota must file a registration statement with the commissioner by July 1, 1975. Any prime petroleum supplier or petroleum pipeline company that commences operations in the state after June 1, 1975, shall file a registration statement with the director within 30 days after commencing operation. Each registration statement shall be on forms issued by the commissioner and shall contain the name and headquarter address of the prime petroleum supplier or petroleum pipeline company, the names and addresses of all officers of the supplier or company, and the name, address, and telephone number of a person who may be contacted for information about the prime petroleum supplier or petroleum pipeline company.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1370 FEDERAL REPORTS FILED BY PRIME PETROLEUM SUPPLIERS AND PETROLEUM PIPELINE COMPANIES.

Each prime petroleum supplier and petroleum pipeline company shall identify to the commissioner all forms and reports pertaining to energy supply and demand that it regularly files with any federal agency. Upon request of the commissioner, each firm shall make copies of any such forms or reports available to the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

FORECASTS

7610.1400 ANNUAL FORECASTS.

Each prime petroleum supplier shall submit annually to the commissioner five, ten, and 15 year forecasts of petroleum supply and demand within its Minnesota service area.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1410 CONTENT OF FORECASTS.

The energy forecast required under part 7610.1400 shall contain the following data for each reporting year:

A. the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area;

B. the annual demand for motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products if sufficient product were available to meet all demands within the supplier's Minnesota service area; and

C. the annual volume of crude oil in number of barrels available to the supplier's refineries located in Minnesota.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

7610.1420 REPORTING YEARS.

The data required in part 7610.1410 shall be supplied for the following years:

A. the last calendar year;

B. the present calendar year;

C. the year five years after the present calendar year;

D. the year ten years after the present calendar year; and

E. the year 15 years after the present calendar year.

In 1975, data shall also be supplied for the calendar year 1973.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

7610.1430 CRITERIA FOR FORECAST.

For the last calendar year and for the year 1973, historical data shall be supplied. If recorded figures are not available, estimates shall be used and shall be identified as such. For each other reporting year, the forecast shall be made using the supplier's best estimates of the amount of each petroleum product that will be supplied or consumed. These estimates shall be based on the factors that the supplier deems most likely to occur in its Minnesota service area. The data for each reporting year shall be calculated by applying these factors to the data for the last calendar year for which actual data required in part 7610.1410 is available. The assumptions and factors used in arriving at the forecast shall be stated in writing. Each prime petroleum supplier shall evaluate the size of the estimating error given the conditions and factors used in the estimate. Each prime petroleum supplier shall comment on probable deviations from the forecast.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

FACILITY REQUIREMENTS

7610.1500 PRESENT FACILITIES.

Each prime petroleum supplier or pipeline company shall provide to the commissioner the following information with regard to any facilities which it owns in Minnesota as of January 1 of the current year:

A. refineries:

(1) the name of the refinery;

(2) the location and address;

(3) the year constructed;

(4) average barrels per day production; and

(5) present maximum barrel per day production capacity;

B. storage tanks at any one site in excess of 1,000,000 gallons:

(1) the location and address of the site;

(2) the total storage capacity for the site; and

(3) the total storage capacity for the site by product stored;

C. pipelines:

(1) a geographical description of the pipeline from its origin to its termination in Minnesota;

(2) the diameter of the pipeline;

(3) whether it is a crude or refined product pipeline; and

(4) the maximum volume in barrels that can be delivered through the pipeline in a single day.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1510 FUTURE FACILITY REQUIREMENTS.

Each prime petroleum supplier and pipeline company shall supply the commissioner with an estimate of the additional Minnesota facilities or additions to existing facilities necessary to provide for the forecast of supply that will be available to its Minnesota service area as projected in part 7610.1410, item A, or, in the case of pipeline companies, the facilities the company estimates will be necessary for the reporting years specified in part 7610.1420. Each prime petroleum supplier or pipeline company shall provide the following information to the commissioner about each additional facility or addition to existing facility:

A. refineries:

(1) the location and address of any new facility or construction of an addition;

(2) the year of anticipated commencement and completion of construction; and

(3) the maximum barrel per day capacity of the facility after completion;

B. storage tanks:

(1) the location and address of any new storage tank location with a storage capacity of over 1,000,000 gallons or an addition to an existing storage tank location with a storage capacity of over 1,000,000 gallons; and

(2) the total storage capacity of the site by product stored;

C. pipelines:

(1) a geographical description of any new pipeline from its origin to its termination in Minnesota;

(2) the diameter of the new pipeline;

(3) whether the new facility will transport crude or refined product; and

(4) maximum volume of product that can be delivered through the pipeline in a single day.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1520 REFINERY FUEL REQUIREMENTS.

Each prime petroleum supplier shall identify for each of its Minnesota refineries the annual volume of each petroleum product used in the refinery process for each of the requested forecasting years in part 7610.1420.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

ADDITIONAL INFORMATION REQUIRED

7610.1600 PETROLEUM DELIVERED TO CUSTOMERS.

Subpart 1. **Quarterly report.** Beginning in the year 1976, each prime petroleum supplier shall report quarterly its volume of each of the following petroleum products delivered to its customers: motor gasoline, middle distillates, residual fuel oil, jet fuel, aviation gasoline, and propane by a customer class/geographic area combination. Geographic areas shall be defined by the customer's zip code. Customer class shall be defined by standard industrial classification (SIC) codes with extensions for more detailed breakdown of households and governmental units. In each customer class/geographic area combination the supplier shall report the number of customers and the total gallons of product consumed; this information shall be in the form determined by the commissioner.

Subp. 2. **Alternate form.** Upon written application, the commissioner may allow a prime petroleum supplier to report information required under subpart 1 in a different form.

Subp. 3 **tax information.** In lieu of the data described in subpart 1, each prime petroleum supplier may submit to the agency the manifest data required to be filed with the commissioner of revenue by part 8125.0200, subpart 3, if the manifest data covers the product classes listed in subpart 1. The manifest data shall be in the form determined by the commissioner.

Subp. 4. **1975.** The commissioner may, after an evaluation of the data availability, level of automation, and homogeneity of accounts of any supplier, require said supplier to report the information required by this part for the third and fourth quarters of 1975. Third quarter statistics for such suppliers shall be filed by October 31, 1975. No prime petroleum supplier shall be required to report in 1975 unless it has been notified in writing by the commissioner of its obligation 30 or more days prior to the reporting dates.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

7610.1610 OTHER INFORMATION REPORTED ANNUALLY.

Each prime petroleum supplier shall provide to the commissioner the name and address of the 25 largest wholesale purchaser consumers during the last calendar year and the type and volume of product sold to each in that year.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

CHAPTER 7615
DEPARTMENT OF PUBLIC SERVICE
ENERGY DIVISION
PETROLEUM SET-ASIDE PROGRAM

7615.0100 DEFINITIONS.
7615.0120 AUTHORITY.
7615.0130 PURPOSE.
OBLIGATIONS OF PRIME SUPPLIER
7615.0200 MONTHLY REPORTS.
7615.0210 PRIME SUPPLIER'S REPRESENTATIVE.
7615.0220 NONPUBLIC DATA.
APPLICATIONS, CRITERIA, APPEALS, AND HEARINGS
7615.0300 APPLICATIONS.
7615.0310 EVALUATION CRITERIA FOR MIDDLE DISTILLATES.
7615.0320 EVALUATION CRITERIA FOR MOTOR GASOLINE.
7615.0330 APPLICATION PROCESSING PROCEDURES.
7615.0340 APPEALS PROCESS.
7615.0350 HEARINGS.

7615.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7615.0100 to 7615.0350 the terms defined in this chapter have the meanings given them.

Subp. 2. **Agriculture.** "Agriculture" means certain activities in food production, processing, and sales as set out in the Standard Industrial Classification Manual, 1972 edition.

A. Included activities are:

(1) activities listed in Division A, Agriculture, Forestry, and Fishing, except those excluded by item B;

(2) activities listed in Division D, Manufacturing, including grain and seed drying under Major Group 20, Food and Kindred Products, except those excluded by item B;

(3) activities listed in codes 1475, 2141, 2411, 2421, 2873, 2874, 2875, 2879, and 5462; and

(4) activities of potash mining listed in code 1474, dicalcium phosphate production listed in code 2819, farm to market hauling and log trucking listed in code 4212, and farm irrigation systems listed in code 4971.

B. Excluded activities are:

(1) classification codes 0742, 0752, 0781, 0782, 0849, and nonfood producing activities in codes 0271 and 0279 within Division A, Agriculture, Forestry, and Fishing; and

(2) classification codes 2047, 2067, and 2085 within Major Group 20, Food and Kindred Products in Division D, Manufacturing.

Subp. 3. **Assignment.** "Assignment" means an order by the office or the board to a prime supplier to release state set-aside product to a specific person.

Subp. 4. **Average product use.** "Average product use" means the volume of product purchased during the same month last year.

Subp. 5. **Board.** "Board" means the state set-aside appeals board.

Subp. 6. **Cargo and freight hauling.** "Cargo and freight hauling" means hauling by any truck with a gross vehicle weight of 20,000 pounds or more and the shipping of goods by rail or water.

Subp. 7. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Public Service.

Subp. 8. **Current month requirement.** "Current month requirement" means the volume of product needed by an end user to meet its supply need for the present month.

Subp. 9. **Decision.** "Decision" means the ruling of the board about any appeal.

Subd. 3. **Public data.** The following data maintained by the ombudsman are classified as public, pursuant to section 13.02, subdivision 15: client name, client location; and the inmate identification number assigned by the department of corrections.

History: *1981 c 311 s 33,39; 1982 c 545 s 24*

13.67 EMPLOYEE RELATIONS DATA.

The following data collected, created, or maintained by the department of employee relations are classified as nonpublic data pursuant to section 13.02, subdivision 9:

(a) The commissioner's plan prepared by the department, pursuant to section 3.855, which governs the compensation and terms and conditions of employment for employees not covered by collective bargaining agreements until the plan is submitted to the legislative commission on employee relations;

(b) Data pertaining to grievance or interest arbitration that has not been presented to the arbitrator or other party during the arbitration process;

(c) Notes and preliminary drafts of reports prepared during personnel investigations and personnel management reviews of state departments and agencies;

(d) The managerial plan prepared by the department pursuant to section 43A.18 that governs the compensation and terms and conditions of employment for employees in managerial positions, as specified in section 43A.18, subdivision 3, and for employees in the career executive service pursuant to section 43A.18, subdivision 3, clause (c), until the plan is submitted to the legislative commission on employee relations; and

(e) Claims experience and all related information received from carriers and claims administrators participating in either the state group insurance plan or the public employees insurance plan as defined in chapter 43A, and survey information collected from employees and employers participating in these plans, except when the department determines that release of the data will not be detrimental to the plan.

History: *1981 c 311 s 34,39; 1982 c 545 s 24; 1984 c 436 s 29; 1988 c 670 s 2*

13.68 ENERGY AND FINANCIAL DATA AND STATISTICS.

Subdivision 1. **Nonpublic data.** Energy and financial data, statistics, and information furnished to the director of public service development by a coal supplier or petroleum supplier, or information on individual business customers of a public utility pursuant to section 216C.16 or 216C.17, either directly or through a federal department or agency are classified as nonpublic data as defined by section 13.02, subdivision 9.

Subd. 2. **Energy audit data.** Data contained in copies of bids, contracts, letters of agreement between utility companies and third party auditors and firms, and in utility statements or documents showing costs for employee performance of energy audits which are received by the director of public service in order to arbitrate disputes arising from complaints concerning the award of contracts to perform energy conservation audits are classified as protected nonpublic data not on individuals as defined by section 13.02, subdivision 13.

History: *1981 c 85 s 1; 1981 c 311 s 39; 1981 c 356 s 248; 1982 c 545 s 7,24; 1983 c 231 s 1; 1983 c 289 s 115 subd 1; 1Sp1985 c 13 s 78; 1987 c 312 art 1 s 10 subds 1,2*

13.69 PUBLIC SAFETY DATA.

Subdivision 1. **Classifications.** The following data collected and maintained by the state department of public safety are classified as private, pursuant to section 13.02, subdivision 12: medical data on driving instructors, licensed drivers, and applicants for parking certificates and special license plates issued to physically handicapped persons. The following data collected and maintained by the state department of public safety are classified as confidential, pursuant to section 13.02, subdivision 3: data concerning an individual's driving ability when that data is received from a member of the individual's family.

13.02 COLLECTION, SECURITY, AND DISSEMINATION OF RECORDS; DEFINITIONS.

Subdivision 1. **Applicability.** As used in this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of the department of administration.

Subd. 3. **Confidential data on individuals.** "Confidential data on individuals" means data which is made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data.

Subd. 4. **Data not on individuals.** "Data not on individuals" means all government data which is not data on individuals.

Subd. 5. **Data on individuals.** "Data on individuals" means all government data in which any individual is or can be identified as the subject of that data, unless the appearance of the name or other identifying data can be clearly demonstrated to be only incidental to the data and the data are not accessed by the name or other identifying data of any individual.

Subd. 6. **Designee.** "Designee" means any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.

Subd. 7. **Government data.** "Government data" means all data collected, created, received, maintained or disseminated by any state agency, political subdivision, or statewide system regardless of its physical form, storage media or conditions of use.

Subd. 8. **Individual.** "Individual" means a natural person. In the case of a minor or an individual adjudged mentally incompetent, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Subd. 8a. **Not public data.** "Not public data" means any government data which is classified by statute, federal law, or temporary classification as confidential, private, nonpublic, or protected nonpublic.

Subd. 9. **Nonpublic data.** "Nonpublic data" means data not on individuals that is made by statute or federal law applicable to the data: (a) not accessible to the public; and (b) accessible to the subject, if any, of the data.

Subd. 10. **Person.** "Person" means any individual, partnership, corporation, association, business trust, or a legal representative of an organization.

Subd. 11. **Political subdivision.** "Political subdivision" means any county, statutory or home rule charter city, school district, special district and any board, commission, district or authority created pursuant to law, local ordinance or charter provision. It includes any nonprofit corporation which is a community action agency organized pursuant to the economic opportunity act of 1964 (Public Law Number 88-452) as amended, to qualify for public funds, or any nonprofit social service agency which performs services under contract to any political subdivision, statewide system or state agency, to the extent that the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with state agencies, political subdivisions or statewide systems.

Subd. 12. **Private data on individuals.** "Private data on individuals" means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of that data.

Subd. 13. **Protected nonpublic data.** "Protected nonpublic data" means data not on individuals which is made by statute or federal law applicable to the data (a) not public and (b) not accessible to the subject of the data.

Subd. 14. **Public data not on individuals.** "Public data not on individuals" means data which is accessible to the public pursuant to section 13.03.

Subd. 15. **Public da**
which is accessible to th

Subd. 16. **Responsil**
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the individual responsibl
on individuals, governm
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Subd. 17. **State ager**
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Subd. 18. **Statewide**
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divisions or any combin

Subd. 19. **Summary**
derived from data on ind
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an individual is ascertair

History: *1974 c 479 s*
s 1-5; 1978 c 790 s 1; 197
2-6,39; 1982 c 545 s 1,24,

13.03 ACCESS TO GO

Subdivision 1. **Public**
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tion 13.06, or federal law
on individuals, as privat
agency, political subdivis
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Subd. 2. **Procedures.**
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A responsible author

Subd. 3. **Request for**
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not assess a charge or rec
responsible authority or
a person requests copies o
ble authority may require
and retrieving governmen
certifying, compiling, and
but may not charge for

Date: May 31, 1991
Comments/Questions Received from: David Jacobson
Public Utilities Commission
Received by: Melinda M. Reyes
Department of Public Service

Comments:

1) p. 3, lines 2-8 of the Energy Information Rules

Identifies this section as a potential source of problem:

by allowing utilities to substitute the extended forecast or the certificate of need application interchangeably to satisfy those portions of both sets of rules that have identical requirements, the Department is also changing PUC rules regarding this matter. PUC does not want the Advance Forecast Report to be submitted in lieu of the certificate of need application.

Response: The above cited portion of the rule was written when both the Advance Forecast and certificate of need application were handled by the Minnesota Energy Agency. It was convenient then to let one requirement to be submitted in lieu of the other.

Now, with the Advance Forecast and certificate of need being handled by different agencies, this clause is no longer applicable. It is not the Department's intention to affect the PUC's handling of the certificate of need process. If this clause can give rise to problems, then we will delete it, since the contents of the clause no longer apply anyway.

2) pp. 3-4, portions referring to the different sector categories

Identifies the changes the Department is making as possible source of problem:

current classification is consistent with PUC sector classifications. By changing the classification, utilities might submit the Department's new classification when they file the certificate of need application. PUC does not want this to happen.

Response: Informal conversation with utilities in the course of the Advance Forecast has indicated that these new categories of customers are preferable to the current category. In a recent meeting with M/WPSG, there were no objections to the new categories. So we decide to keep the proposed changes.

Communications on the Energy Information Reporting Rule Change.

Received by: Greg Holman
Department of Public Service

Re: Draft Rules and Solicitation of Outside Opinion
Communications received after April 22, 1991 State Register Notice and mailing and before May 23, 1991

- Call from an analyst at Amoco on clarification of change to refinery production. Explained to him that we did not want production with Minnesota but total refinery production. He said that was fine and to send the forms to the contact person we had used for the rules notice.

- Call from Paul Kwiecinski at Dairyland Power Coop. Suggested we change p. 7, line 32 of the rules to <u>may</u> form <u>will</u> take place.

- Call from Bill Pritchard at United Power Assoc. Asked if we could send a copy of the rules to Bruce Hauschultz. Follow-up correspondence from me stating the copy was sent beforehand.

- Call from Bruce Hauschultz about attending a M/WPSG Administrative Committee meeting to discuss the rules. He followed up with a FAX of the meeting announcement.

- Jeff Struch form Ottertail Power Co. called to ask about handling of internal and nonbilled sales for the reporting requirements. I mentioned we were doing the rule change, and he made general point that it would be good to follow EEI definition on sector breakdowns.

- Chuck Cosgrove called to ask if SMMPA was included in the quarterly SIC data requirement. I explained that they were not.

6/3/91
- Call from a representative of East River Coop Assoc. in Madison, SD. Wanted to Know how rules might apply to East River. Answer was very limited change were relevant only to their three retail members in Minnesota.

6/7/91
- Paul Ahern asked about whether there had been much comment on the parts of the rules for electric utilities. I sent him the Administrative Committee meeting memo with a cover letter.

6/18/91
- Called Dave Jacobson at the PUC about not deleting the last 2 sentences of part 7610.0300 as he had discussed with Melinda. After a little discussion, he agreed it might be more trouble to remove it than was justified by the limited scope of the language.

6/25/91
- Jane Doyon at NSP called from the reception area to find out if it was too late to comment on the draft rules, and said she might not have any comments to forward. I gave her a copy of the memo to the M/WPSG Administrative Committee summarizing their meeting on the rules. (memo dated 6/14/91)

7/1/91
- Doug Hackman form NSP had stopped by for a follow up on the 1991 Advance Forecast. We talked about his letter. He said he had not gotten a copy of the 6/14/91 memo to the Administrative Committee. I said I could send it to him.

7/2/91
- Called Doug Hackman at NSP to note that we would not add the first line of the MAPP data to the rules, but their are reporting it under that format would be fine.

Otter Tail
POWER COMPANY

215 SOUTH CASCADE STREET
P.O. BOX 496
FERGUS FALLS, MN 56538-0496
218-739-8200

May 8, 1991

SUBJECT: M/WPSG ADMINISTRATIVE COMMITTEE MEETING

A meeting has been scheduled for 2 p.m., on May 14, 1991, at the Thunderbird Motel. The meeting will be held in Room 305, which is the Mandan Room.

The agenda of this meeting includes:

- A report by Greg Holman of the Minnesota Department of Public Service on proposed changes to the rules requiring the filing of the Advance Forecast.
- A review of the narrative of the common section of the Advance Forecast. This draft was faxed to the Administrative Committee Members on May 7, 1991.
- Other items of interest that any participant would like to discuss.

Richard J. Steidl, P.E.
Chairman, M/WPSG Administrative Committee
gs
Joe
J. Suter - IPW
R. Basara - MP
Robert
B. Hauschultz - UPA
A. Tschepen ~~CP~~ mpc
C. Sans Crainte - DPC
S. Caskey - NSP
F. Whitney - SMMPA
D. Hackman - NSP
G. Holman - MN DPS
Jim Herbert - CP

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
FAX (612) 297-1959

May 22, 1991

To : M/WPSG Administrative Committee

From : Greg Holman GH
Phone: (612) 297-2293

RE: Changes to Energy Information Reporting Rules Discussed During Meeting of May 14, 1991

Listed below for your review are the changes we are planning to make to the Energy Information Reporting Rules based on the concerns you have brought up during our meeting. The changes are also written in on the attached draft rule changes.

p. 4, lines 11 and 12

The phrase "utility uses other than for generation or transmission losses" will not be added as planned. This intended clarification is unnecessary.

p. 4, line 32

The word "generation" will be deleted. Generation losses are accounted for by reporting net generation under line 29, page 4.

p. 4, lines 34 and 35

The summer season will be listed as the period May through October and the winter season as the period November through April.

p. 5, lines 20 to 36

The line items for the load and generating capability data will be revised to be consistent with the line items currently used in the MAPP Load and Capability Report.

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p. 7, line 28 to p. 7 line 14

Our data collection on current generating facilities will be done for each generating unit rather than for each plant. This change in practice will not require any changes in the rule language.

p. 7, lines 8 and 9

The phrase "and name plate megawatt rating for each unit of generating equipment in the plant" will be deleted. Instead, we will rely solely on utility reporting of summer and winter capacity.

p. 7, lines 12 to 14

We will continue to request data on capacity factor, operating availability and forced outage rate. Our proposed rule change to receive data on total hours of operation, hours available for operation and hours unavailable due to forced outages will be eliminated.

Thank you for taking the time to meet with us and discuss the changes we are making to the Energy Reporting Rules. Your comments are very helpful.

attachment

Department of Public Service

Proposed Permanent Rules Relating to Energy Information Reporting by Electrical Utilities

Rules as Proposed

DRAFT

7610.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. [See repealer.]

[For text of subps 4 to 6, see M.R.]

Subp. 7. [See repealer.]

[For text of subp 8, see M.R.]

Subp. 8a. Department. "Department" means the Minnesota Department of Public Service.

Subp. 9. [See repealer.]

[For text of subp 10, see M.R.]

Subp. 11. to 13. [See repealer.]

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Municipal power agency.** "Municipal power agency" means a municipal corporation incorporated ~~pursuant to~~ under Minnesota Statutes, sections 453.51 to 453.62. For purposes of these parts, a municipal power agency may elect to supply in aggregate the data required by these parts for its members. ~~All~~ Data submitted in ~~such~~ this fashion ~~shall~~ must be in the format specified by the ~~director~~ commissioner.

[For text of subps 19 to 21, see M.R.]

Subp. 22. [See repealer.]

[For text of subps 23 to 35, see M.R.]

7610.0110 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0100 to 7610.0700 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. ~~These~~ Parts 7610.0100 to 7610.0700 are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes, section 216C.10,

clause ~~(a)~~ (1), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. Scope. Each electric utility serving ~~the state~~ of Minnesota shall submit the information required by these parts 7610.0100 to 7610.0700 to the commissioner in the form specified by ~~him~~ the commissioner.

7610.0130 ANNUAL REPORTING DATES.

Subpart 1. Annual. ~~Except as provided by the commissioner, each generating and transmission~~ A utility shall file with the commissioner the information required by parts ~~7610.0120, 7610.0170, and 7610.0200 to 7610.0600~~ 7610.0100 to 7610.0700 by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

~~Except as provided by the commissioner, each distribution only utility shall file with the commissioner only the information required by parts 7610.0120, 7610.0170, and 7610.0600 by July 1 of each year.~~

Subp. 2. and 3. [See repealer.]

7610.0170 FEDERAL REPORTS FILED BY UTILITIES.

~~Each~~ A utility shall identify to the commissioner ~~all~~ the forms and reports that it regularly files with the Federal Power Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, ~~each~~ a utility shall make copies of ~~any such~~ the forms or reports available to the commissioner.

7610.0190 WHO MUST FILE.

The following utilities must file an extended forecast: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and

Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules that have identical data requirements. For these cases, references to the material substituted and a copy of the appropriate reference material must be submitted to meet the reporting requirements.

7610.0310 CONTENT OF ~~EXTENDED~~ HISTORICAL DATA AND FORECAST.

The following data ~~shall~~ must be provided:

A. the annual electrical consumption by ultimate consumers and number of customers at year's end within the utility's system and for its Minnesota service area only for the past calendar year, the present calendar year, and the subsequent 14 years, for each of the following categories:

(1) farm, ~~excluding irrigation and drainage pumping~~ which for reporting purposes~~, any~~ means a tract of land used primarily for agricultural purposes~~)~~;

~~(2)~~, including irrigation and drainage pumping;

~~(3)~~ (2) nonfarm residential ~~(~~, including electricity supplied through a single meter for both residential and commercial uses reported according to its principal use and apartment buildings reported as residential even if not separately metered~~)~~;

~~(4)~~ (3) commercial ~~(~~, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, and water pumping other than pumping for irrigation, and other utilities~~)~~;

~~(5) mining;~~

~~(6)~~ (4) industrial ~~(~~and mining, including ~~all~~

manufacturing industries, construction operations, and petroleum refineries~~)~~, except that mining must be reported as a separate category if annual sales are greater than 1,000 gigawatt hours;

~~(7)~~ (5) street and highway lighting;

~~(8) electrified transportation (including energy supplied for the propulsion of vehicles, but not energy supplied for office buildings, depots, signal lights, or other associated facilities that shall be reported as commercial or industrial);~~

~~(9)~~ (6) other ~~(~~ultimate consumers, including municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, ~~utility uses other than for generation or transmission losses,~~ and ~~all~~ other consumers not reported in subitems (1) to ~~(8)~~ (5); and

~~(10)~~ (7) the sum of subitems (1) to ~~(9)~~ (6);

B. the annual system consumption and generation data for the last year, the present year, and the 14 subsequent years for each of the following categories:

(1) annual total electrical consumption in megawatt hours by ultimate consumers within the utility's Minnesota service area;

(2) annual total electrical consumption in megawatt hours by the utility's ultimate consumers outside its Minnesota service area;

(3) the number of megawatt hours the utility has received or expects to receive from other systems for sale to its ultimate consumers or to other utilities;

(4) the number of megawatt hours the utility has delivered or expects to deliver to other systems for resale;

(5) total annual net generation of electrical energy by the utility in megawatt hours;

(6) electrical energy loss in megawatt hours due to ~~generation~~, transmission line, and substation losses; and

(7) total semiannual electrical consumption by the utility's ultimate consumers during ~~April~~ MAY through ~~September~~ OCTOBER and ~~October~~ NOVEMBER through ~~March~~ APRIL;

C. an estimate of the demand for power by ultimate

consumers in the utility's system for each of the categories listed in item A at the time of the last annual system peak demand;

~~C~~ D. the utility's system peak demand by month for the last calendar year;

~~D~~ E. the utility's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~E~~ F. the utility's seasonal participation purchases and participation sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~F~~ G. for the summer season and for the winter season of the last year, the present year, and the 14 subsequent years, the load and generation capacity data requested in subitems (1) to (13), including ~~all~~ anticipated purchases, sales, capacity retirements, and capacity additions, including those that may depend upon certificates of need not yet issued:

(1) seasonal system demand;

(2) annual system demand;

(3) total seasonal firm purchases;

(4) total seasonal firm sales;

(5) seasonal adjusted net demand ~~(~~, which is subitem (1) minus subitem (3) plus subitem (4)~~)~~;

(6) annual adjusted net demand ~~(~~, which is subitem (2) minus subitem (3) plus subitem (4)~~)~~;

(7) net generating capacity;

(8) total participation purchases;

(9) total participation sales;

(10) adjusted net capability ~~(~~, which is subitem (7) plus subitem (8) minus subitem (9)~~)~~;

(11) net reserve capacity obligation;

(12) total firm capacity obligation ~~(~~, which is subitem (5) plus subitem (11)~~)~~; and

(13) surplus or deficit (-) capacity ~~(~~, which is

WILL BE REVISED TO BE CONSISTENT WITH MAPP LINE ITEMS

subitem ~~(ii)~~ (10) minus subitem ~~(13)~~ (12);

~~G~~ H. for the present calendar year and the subsequent 14 years, ~~each utility shall provide~~ a list in megawatts of proposed additions and retirements in generating capability; and

~~H~~ I. the utility's method of determining its system reserve margin and the appropriateness of the margin.

7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS.

Utilities required to provide forecasts by category of consumption under part 7610.0310, item A, may request in writing that the department accept alternative definitions for one or more of the categories defined in part 7610.0310, item A. A utility must provide the alternative definition or definitions in writing. This must be filed with each subsequent forecast following approval by the department. If the department concludes that a previously accepted alternative definition is no longer acceptable, the department must inform the utility in writing at least six months before the reporting date for the next annual forecast.

7610.0320 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** ~~Each~~ An applicant may use the forecast methodology that yields the most useful results for its system. However, the applicant shall detail in written form the forecast methodology employed to obtain the forecasts provided under parts ~~7610.0200~~ 7610.0190 to ~~7610.0310~~ 7610.0315, including:

[For text of items A to G, see M.R.]

[For text of subps 2 to 5, see M.R.]

7610.0400 PRESENT FACILITIES.

~~Each~~ A utility required to report under part ~~7610.0130~~, ~~subpart 1, item A~~ 7610.0190 shall provide the following information ~~with regard to~~ on each power plant serving or capable of serving its Minnesota service area as of January 1 of the current year:

[For text of item A, see M.R.]

B. ~~its location and address~~ the statutory or home rule charter city or town and the county in which the plant is located;

[For text of items C and D, see M.R.]

E. ~~the annual heat rate of the plant~~ if coal is a fuel source, the average Btu content of the coal;

[For text of items F and G, see M.R.]

H. the type of unit ~~and name plate megawatt rating for each unit of generating equipment in the plant~~; and

I. ~~if available,~~ for all base load plants provide, if available, the ~~capacity factor, operating availability, and~~ forced outage rate ~~total hours of operation, hours available for operation, and hours unavailable due to forced outages for the previous calendar year~~.

Retain:
- capacity factor
- operating availability
- forced outage rate

7610.0410 FUTURE FACILITY ADDITIONS.

~~Each~~ A utility required to report under part ~~7610.0300~~ 7610.0190 shall estimate the additional power plants or additions to existing plants necessary to provide for the energy growth predicted by the forecasts in parts ~~7610.0200~~ 7610.0190 to 7610.0320. ~~Each~~ A utility shall supply the following information about each additional plant or addition:

[For text of items A to E, see M.R.]

F. the estimated type and amount of fuel to be used to operate the plant on an annual basis under conditions set forth in item E; and

G. ~~the estimated heat rate of the plant, and~~

H. the type of unit or units proposed for the plant.

7610.0420 FUTURE FACILITY RETIREMENTS.

~~Each~~ A utility required to report under part ~~7610.0300~~ 7610.0190 shall list any the planned facility retirements that will take place within the next 15 years. ~~Each~~ The utility shall provide the following information about ~~each~~ a facility retirement: the location and type of the plant; the forecasted retirement date; and the plant's actual summer and

winter capacity.

7610.0600 OTHER INFORMATION REPORTED ANNUALLY.

~~Each~~ A utility shall provide the following information for the last calendar year:

A. ~~a table and a graphed curve of~~ the demand in megawatts by hour over a 24-hour period for:

(1) the 24-hour period during the summer season when the megawatt demand on the system was the greatest; and

(2) the 24-hour period during the winter season when the megawatt demand on the system was the greatest;

B. the names, addresses, and the kilowatt hours of electricity consumed by customers of the utility who annually consume over ~~600,000 kilowatt~~ 10,000 megawatt hours;

C. ~~the names and addresses of the utility's suppliers of primary fuels, providing for each supplier of primary fuels the type of fuel purchased;~~

~~B.~~ a detailed map, on which the scale is ~~indicated~~ shown, of the utility's Minnesota service area, identifying power plants, principal substations, and transmission lines over 200 kilovolts, identified by voltage;

~~E~~ D. a listing of the purchases and sales for resales the utility had with other utilities, including the ~~name~~ names of ~~any such utility~~ the other utilities and megawatt hours purchased or sold for resale during the last year;

~~F~~ E. its present rate schedules as of June 1 of the present year;

~~G~~ F. a copy of ~~whichever of the following reports it files~~ report form EIA-861 filed with ~~either~~ the Energy Information Administration of the United States Department of Energy ~~or the United States Department of Agriculture:~~;

~~(1) P.P.C. Form Number 12, or~~

~~(2)~~ G. for rural electric cooperatives, part D. of the financial and statistical report to the United States Department of Agriculture;

H. for ~~distribution only~~ utilities that are not

members of the MWPSG, the total megawatts of generation capacity, the megawatt hours generated ~~on-an-emergency-standby basis-and~~ during the last calendar year, the amount of fuel used to generate ~~such~~ the electricity, and the average Btu content of the coal used for electric generation;

[For text of item I, see M.R.]

J. its deliveries to ultimate consumers and revenues for the last calendar year broken down by categories determined by the ~~director-(this-item-is-not-applicable-to-electric utilities-completing-part-7610.0310,-item-A)~~ commissioner.

7610.0700 QUARTERLY REPORTS OF ENERGY DELIVERED TO ULTIMATE CONSUMERS.

Subpart 1. Content. ~~Beginning-in-the-year-1976-all~~ Utilities, ~~except-municipal-utilities-with-sales-of-under 20,000,000-kilowatt~~ with sales to ultimate consumers of over 2,000 gigawatt hours annually, shall report ~~quarterly-the kilowatt-hours-delivered-each-month-during-the-preceding-quarter to-ultimate-consumers,-broken-down-by-customer-class/geographic area-combination:~~ total sales and number of customers by customer class, within Minnesota and outside of Minnesota, for each quarter of the previous year.

~~A.--Geographic-areas-will-be-defined-by-the-customer's county.~~

B. Customer class will be defined by standard industrial classification (SIC) codes ~~with-extensions-for-more detailed-breakdown-of-households-and-governmental-units~~, listed in the Standard Industrial Classification Manual, 1987 edition, published by the federal Office of Management and Budget, Executive Office of the President, Washington D.C., as amended and supplemented from time to time. This manual, with future amendments and supplements to it, is incorporated by reference and is available through the Minitex interlibrary loan system and at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN. The manual is not subject to frequent change.

~~C.--in-each-customer-class/geographic-area-combination~~

~~the utility shall report the number of customers and the total kilowatt-hours consumed.~~

Subp. 2. [See repealer.]

7610.0800 DEFINITIONS.

Subpart 1. **Scope.** For purposes of ~~these rules~~ parts 7610.0800 to 7610.1230, the following definitions shall apply.

Subp. 2. [See repealer.]

[For text of subps 3 to 5, see M.R.]

Subp. 6. [See repealer.]

[For text of subp 7, see M.R.]

Subp. 7a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 8 to 15, see M.R.]

Subp. 16. [See repealer.]

[For text of subps 17 to 24, see M.R.]

7610.0810 PURPOSE AND SCOPE.

Subpart 1. Purpose. The purpose of parts 7610.0800 to ~~7610.1210~~ 7610.1230 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. These parts are adopted ~~pursuant to~~ under the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, ~~paragraph~~ clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

[For text of subp 2, see M.R.]

7610.0820 ANNUAL REPORTING DATES.

Subpart 1. Gas utilities. ~~Except as provided by the commissioner or in these parts, each~~ A utility and interstate gas pipeline company shall file with the commissioner the information required by parts 7610.0850~~, 7610.0860 to 7610.1110,~~ and ~~7610.1210 by November 1, 1977, and~~ to 7610.1230 by July 1 of each year thereafter. For good cause shown, the department may

grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. and 3. [See repealer.]

7610.0840 FEDERAL OR STATE DATA SUBSTITUTION ~~FOR ENERGY AGENCY DATA REQUIREMENTS~~.

Upon written request by ~~any~~ a utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in ~~lieu~~ place of data required by ~~these~~ parts 7610.0800 to 7610.1230 if the data required by both agencies is substantially the same.

7610.0850 REGISTRATION.

~~Each~~ A gas utility serving ultimate consumers and ~~each~~ an interstate gas pipeline company serving ~~any~~ a utility in Minnesota must file a registration statement with the commissioner. ~~Any~~ A utility or interstate pipeline company that ~~commences~~ begins operation in the state ~~after June 17, 1975~~ shall file a registration statement with the commissioner within 30 days after ~~commencing~~ beginning operation. ~~Each~~ The registration statement ~~shall~~ must be on forms issued by the commissioner and available from the ~~agency and shall~~ department. The registration statement must contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of ~~all~~ officers of the utility or interstate pipeline company, and the name, address, and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

7610.0860 FEDERAL REPORTS ~~FILED BY GAS UTILITIES AND INTERSTATE GAS~~: UTILITY, PIPELINE ~~COMPANIES~~ COMPANY.

~~Each~~ A utility and interstate pipeline company shall identify to the commissioner ~~all~~ the forms and reports pertaining to gas supply and demand that it regularly filed with the Federal ~~Power~~ Energy Regulatory Commission, the federal ~~Bureau of Mines~~ Department of Energy, and other federal agencies. Upon request of the commissioner, ~~any~~ a utility or

pipeline company shall make copies of any forms or reports available to the commissioner.

7610.0910 ~~CONTENT OF ANNUAL REPORT~~ OVERALL SUPPLY AND DEMAND.

The basic forecast and current data shall contain the following data and forecasts for ~~each year cited in part 7610.0900~~ the last calendar year, the present year, and the subsequent five years:

A. annual sales to ultimate consumers within the utility's Minnesota service area;

B. other deliveries of gas to commercial consumers in Minnesota;

C. other deliveries of gas to industrial consumers in Minnesota;

D. the annual volume of gas delivered or expected to be delivered to other utilities for resale;

~~C~~ E. the annual volume of gas used in the operation of the utility within its Minnesota service area;

~~D~~ F. the annual volume of gas used in the utility's Minnesota service area but unaccounted for in items A to ~~C~~ E;

~~E~~ G. the total annual gas consumption, for all purposes, in the utility's Minnesota service area ~~,~~, with total consumption ~~equals items A plus B plus C plus D equals item E~~ equaling the sum of items A to F, excluding gas held in storage at year's end;

~~F~~ H. the total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;

~~G~~ I. the total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;

~~H~~ J. the total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;

~~I~~ K. the total annual volume of gas received or estimated to be received from the interstate pipeline company

11/89

M/WPSG MEMBERS

names of recipients for 5-22-91 memo.

Cooperative Power
14615 Lone Oak Road
Eden Prairie, Minnesota 55344-2287

Jim Herbst

Dairyland Power Cooperative
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La Crosse, Wisconsin 54601

C. V. Sans Crainte

Interstate Power Company
1000 Main Street
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Dubuque, Iowa 52004-0769

Joe Suter

Minnesota Power Company
30 West Superior Street
Duluth, Minnesota 55802

Robert Basara

Minnkota Power Cooperative
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Grand Forks, North Dakota 58206-1318

A. Tschepen

Northern States Power Company
414 Nicollet Mall
Minneapolis, Minnesota 55401

Steve Caskey
Doug Hackman

Otter Tail Power Company
215 South Cascade Street
Fergus Falls, Minnesota 56537

Richard Steidl

United Power Association
Elk River, Minnesota 55330

Bruce Hagschulz

Southern Minnesota Municipal
Power Agency
500 Southwest First Avenue
Rochester, Minnesota 55902

Frank Courtney

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
FAX (612) 297-1959

June 7, 1991

Mr. Paul Ahern
Northern States Power
414 Nicollet Mall
Minneapolis, Minnesota 55401

Dear Mr. Ahern,

Enclosed is the memo I discussed with you that summarized changes to the draft rules following a meeting with the M/WPSG Administrative Committee. Steve Caskey and Doug Hackman were at the meeting for NSP. I have also enclosed a copy of the announcement for the comment period.

Please call me at 297-2293 if you have any other questions about the rule changes.

Sincerely,

Greg Holman, Supervisor
Energy Data and Analysis

Enclosures

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Northern States Power Company

414 Nicollet Mall
Minneapolis, Minnesota 55401-1927
Telephone (612) 330-5500

June 26, 1991

Mr. Greg Halmen
Department Of Public Service
790 American Center Building
150 East Kellogg Boulevard
St Paul, MN 55101-1496

MN Advance Forecast

Comments to the rule changes to the Advance process.

Load and capability data should be consistent with MAPP format. (Page 5 - 7610:0310G) Also comments from MWPSC Administrative Committee Meeting should be incorporated in process.

D L Hackman
Administrator
Planning Support Services

Hackman/Disk
kl

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
FAX (612) 297-1959

July 1, 1991

Mr. Doug Hackman
Northern States Power Co.
414 Nicollet Mall
Minneapolis, Minnesota 55401-1927

Dear Mr. Hackman,

This letter is a follow up to your June 26, 1991 letter on the Advance Forecast rule changes and our conversation this morning.

The enclosed memo summarizes modifications to the draft changes based on our meeting with the M/WPSG Administrative Committee. The changes will include modifying the rules for consistency with MAPP reporting requirements.

Sincerely,

Greg Holman, Supervisor
Energy Data and Analysis

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MINNESOTA ENVIRONMENTAL QUALITY BOARD
300 Centennial Building · 658 Cedar Street · St. Paul, Minnesota 55155
612-296-2603

June 3, 1991

To: Greg Holman
Office of Energy Analysis and Support
Minnesota Department of Public Service

From: George Durfee
Power Plant Siting Program
Environmental Quality Board

Subject: Proposed Changes in Energy Information Reporting Rules, Including the Advance Forecast

We have reviewed your proposed amendments to the rules relating to energy information reporting. The amendments appear reasonable and generally "housekeeping" in nature. We have no specific comments.

Thank you for the opportunity to review and comment on the draft rule amendments.

Minnesota Valley Electric Cooperative

20425 Johnson Memorial Drive, P.O. Box 125

Jordan, MN 55352

(612) 492-2313 FAX (612) 492-8274

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Roger Geckler

RECEIVED

JUN 25 1991

DEPT. OF PUBLIC SERVICE

June 24, 1991

Ms. Melinda M. Reyes
Minnesota Department of Public Service
790 American Center
150 East Kellogg Blvd
St. Paul, Mn. 55101-1496

Dear Ms. Reyes,

Thank you for advising of plans to change the permanent rules relating to energy information reporting. Minnesota Valley's Finance Manager, Ms. Jeannie Robbins, has since reviewed the proposed changes and the "Statement of Need and Reasonableness". Her evaluation is attached.

The bottom line, Ms. Reyes, is that it appears the proposed changes will not streamline the reporting process and that a substantial amount of additional data will be required. Some of the information may be readily available, but other information, particularly the 14 year historical data, forecast of generation capacity changes, etc. would be burdensome.

In the event you feel the proposed changes have been misinterpreted, please contact Ms. Robbins directly. Otherwise we respectfully request the proposed changes be reconsidered.

Sincerely,
THE MINNESOTA VALLEY ELECTRIC COOPERATIVE

Roger W. Geckler
General Manager

RWG:wjb

cc: Ms. Robbins

DEPARTMENT OF PUBLIC SERVICE
PROPOSED RULE CHANGES

Current Reporting Requirements

Sec. 7610.012, 7610.017, 7610.060
Registration Stmt(Name, address, Board Officers)
Copy of Federal Form 7 and 7A
Name and address of customers consuming 10,000 megawatts
Service area map
Megawatt hrs purchased and sold for year
Rate schedule
Dept of Energy Report EIA 861

Proposed Reporting Requirements

Sec. 7610.0100-7610.0700
Same as above plus:

Number of consumers at year end for present year and the subsequent 14 years by category farm, irrigation, non-farm, commercial, industrial, street/highway lighting, and other

Megawatt hours used and sold present year and subsequent 14 years

Line loss in megawatt hours

Consumption April-Sept and October-March of ultimate consumers by category

Demand by month and summer/winter peak for present year and 14 years subsequent

Forecasts of future generation capacity changes

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
FAX (612) 297-1959

June 28, 1991

Mr. Roger W. Geckler
Minnesota Valley Electric Cooperative
20425 Johnson Memorial Drive, P.O. Box 125
Jordan, MN 55352

Dear Mr. Geckler:

I have spoken to Ms. Jeannie Robbins about your comments to the proposed changes to the Energy Information Reporting Rules.

There were two points made in our conversation. First, there was a misunderstanding on Minnesota Valley's part about the effect of the proposed reporting requirements. According to Ms. Robbins, part 7610.0130, subp.1, was interpreted to mean that all utilities, including Minnesota Valley are required to file the information requested in parts 7610.0100 to 7610.0700 of the rules. I called Ms. Robbins to clarify that only part 7610.0600 applies to Minnesota Valley. Second, the cause of the misunderstanding is probably the proposed changes in part 7610.0130, subp. 1, and other parts of the rule which made it unclear which utilities should file which part of the rule. In order to eliminate this confusion, the department will reword the proposed language in parts 7610.0130, subp. 1 and 7610.0190 to read as follows:

"7610.0130 ANNUAL REPORTING DATES.

Subpart 1. Annual. Utilities listed under part 7610.0190 shall file the information required by parts 7610.0100 to 7610.0700 by July 1 of each year. All other electric utilities shall file only the information required in part 7610.0600 by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility."

"7610.0190 WHO MUST FILE.

The following utilities must file the information required by parts 7610.0100 to 7610.0700: Northern States Power Company,

Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association, Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled..."

Thank you for reviewing the proposed changes to the Energy Information Reporting Rules. Your comments have provided additional insights into how we can further improve our efforts of streamlining the reporting process.

Sincerely,

MM Reyes

Melinda M. Reyes
Energy Economist

Enclosures

cc: Ms. Jeannie Robbins

ENRON
Northern Natural Gas Company

P. O. Box 3330 Omaha, Nebraska 68103-0330 (402) 398-7200

Minnesota Department of Public Service
Attention: Melinda M. Reyes
790 American Center
150 East Kellog Boulevard
St. Paul, MN 55101-1496

June 21, 1991

Dear Ms. Reyes:

Please accept for filing and transmission to the Minnesota Department of Public Service (Department) these comments submitted on behalf of Northern Natural Gas Company (Northern) with respect to the proposed changes to be made to the permanent rules relating to energy information reporting.

At the outset, Northern notes that the Department is to be commended for undertaking to reduce the regulatory burden by eliminating unnecessary reporting. It no doubt would have been simpler for the Department to go on receiving information which it no longer really needs rather than make the effort to more carefully tailor reporting requirements to those needed to carry out the mandate of chapter 216C. The current undertaking is an encouraging sign of reasoned regulation.

Northern here comments in support of the reduced reporting requirements for interstate pipelines proposed by the Department. Northern maintains, however, that the Department should eliminate altogether the reporting requirements for interstate pipelines, because, as more fully explained below,

(1) the Department has the authority to eliminate interstate pipeline reporting requirements -- the Department is not required by the legislative mandate of chapter 216C to compile information from interstate pipelines operating in Minnesota;

(2) the kind of infromation sought by the Department is better obtained from the gas distribution utilities' reports; and

(3) in the event the Department requires information from Northern (which, Northern submits is not likely to be very often), the Department may better obtain such

information by making special inquiry to Northern at that time.

Northern suggests that the Department consider eliminating the reporting requirements for interstate pipelines, at least for the time being, rather than continuing to collect information which will not help the Department in discharging its duties. If the Department is unwilling to accept this approach, Northern requests that, at a minimum, the Department consider the arguments below in reducing the reporting requirements even beyond the level currently proposed by the Department.

1. The Department is not required by Chapter 216C to gather information from interstate pipelines.

The Department has the authority in this proceeding to eliminate the reporting requirements of interstate pipelines altogether. Specifically, subdivision 2 of Section 216C.17 requires the submission of certain information by "each utility, coal supplier, petroleum supplier, and large energy facility." There is no requirement that such data be gathered from interstate pipeline companies. The Department has not been required to gather information from interstate pipelines, like Northern, in order to fulfill the legislative mandate. The Department should reduce its burden, as well as Northern's burden, by eliminating the reporting requiremnts in its regulations which apply to interstate pipelines.

2. The information the Department needs is better obtained from the information provided by the local distribution companies.

The Department's information requirements concern two areas: forecasts of gas consumption in Minnesota and descriptions of existing or planned facilities. With respect to the forecasts, the Department may obtain the information it needs by aggregating the forecasts of the reporting LDCs. Northern's sales and transportation services are provided into LDC facilities. The LDCs are therefore closer to the market as the direct provider of service to gas consuming parties. Northern's contact with the market is indirect. The LDCs should therefore be in a position to better assess changes in gas consumption. Moreover, LDCs are more likely than Northern to have such information segregated for Minnesota consumption. Northern, on the other hand, is more concerned with overall market growth and decline and with the growth or decline of the market in certain operationally distinct zones which can and do transcend state boundaries. The data available to Northern to satisfy the Department's reporting requirements is thus likely to be based on information more indirect than that reported by the LDCs and is not likely to be maintained in a manner which allows reporting for the state of Minnesota. The Department should therefore eliminate the duplication caused by interstate pipeline reporting.

Additionally, information about Northern's current and planned facilities is available from existing sources. Northern's existing facilities are described and mapped in Northern's Gas Tariff on file with the Federal Energy Regulatory Commission (FERC). This tariff and other facilites maps are in the possession of nearly every Minnesota LDC as well. In addition Northern files its plans to build additional facilities with the FERC (or reports minor facilities changes as part of its reporting in connection with its blanket certificate). The Department has a duty under section 216C.17 to coordinate its reporting with that reporting already made to federal agencies. Important facility expansions are also within the knowledge of the LDCs subject to the Department's jurisdiction. Consequently, this reporting requirement is unnecessarily duplicative as well.

3. Information needed by the Department can be better obtained by informal inquiry.

Northern respectfully submits that the Department would be better served by obtaining information from Northern by informal inquiry when the Department has a specific need for information from Northern to serve the legislative mandate of chapter 216C. This approach is far preferable to requiring the submission of reports every year which are of dubious value to the Department and which needlessly consume the resources of the Department and of Northern.

In summary, the Department would be better served by utilizing information it recieves from the LDCs under its jurisdiction to satisfy its information requirements. The Department has the authority to eliminate altogether the interstate pipeline company reporting requirements and the Department should exercise its authority to do exactly that.

Respectfully submitted,

Steven J. Kean

Steven J. Kean
Senior Counsel
(402)398-7088

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
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July 10, 1991

Mr. Steven J. Kean
Northern Natural Gas Company
P.O. Box 3330
Omaha, Nebraska 68103-0330

RE: Response to Comments on the Energy Information Reporting Rules

Dear Mr. Kean:

We have addressed the following issues raised in your letter of June 21, 1991:

Comment #1:
"The Department is not required by Chapter 216C to gather information from interstate pipelines."

The authority of the Department to collect energy statistics from interstate pipeline companies is given in Minnesota Statutes Chapter 216C.17, subd. 2 which states that: "In addition to supplying the current statistical and short range forecasting information the commissioner requires, each utility, coal supplier, petroleum supplier and large energy facility in the state shall prepare and transmit to the commissioner by July 1 of each year, a report specifying in five, ten, and 15 year forecasts the projected demand for energy within their respective service areas and the facilities necessary to meet the demand."

Northern falls under the category "large energy facility" which is defined in part 7610.0800, subp. 16 of the Energy Information Reporting Rules and page 2 of the Interstate Pipeline Co. Report Forms as "... any pipeline for transporting natural gas or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minnesota Statutes, section 84.57."

On the copy of the draft rules we sent you, we had proposed to repeal part 7610.0800, subp. 16. As given in the statement of

need and reasonableness, this was because the term "large energy facility" was not being used in any portion of the rules except to define a term in part 7610.0800, subp. 6 which we are also proposing to repeal. However, your comment #1 has shown the necessity of keeping part 7610.0800, subp. 16 because of its value in identifying the reporting entities covered by Minnesota Statutes Chapter 216C.17, subd. 2. Please be advised then that we will not be repealing part 7610.0800, subp. 16 from the proposed rules. However, we have found the need to revise the language in the concluding part of the definition by changing "Minnesota Statutes, section 84.57" to "Minnesota Statutes, section 103I.681, subd. 1(a)". This change is needed because Minnesota Statutes, section 84.57 has been repealed and recodified at Minnesota Statutes, section 103I.681, subd. 1(a) (refer to Minnesota Statutes, 1990 for reference). The correct statute number must be cited to maintain accuracy in the statement of the rule.

Comment #2:

"The information the Department needs is better obtained from the information provided by the local distribution companies."

According to Northern, the "information" being referred to in this comment consists of two areas: (1) forecasts of gas consumption in Minnesota; and (2) descriptions of existing or planned facilities.

It is true that data on annual sales to Minnesota gas utilities are available by aggregating data from LDCs on volume of gas received from pipelines. However, historical consumption data and forecasts are not available from LDCs in cases where sales and deliveries are obtained by end users via direct hookups with interstate pipelines. This information is needed by the department because it completes the accounting of total natural gas consumption in the state. In addition, the supply forecasts provide information on anticipated changes in relative importance of the various interstate pipelines in meeting Minnesota's natural gas supply needs.

It is true that a map of existing facilities is available in FERC Form No. 2. The Department agrees that to avoid duplication of requirements filed with regulatory agencies, interstate pipelines can file the map given in FERC Form No. 2 in order to meet the requirement for a map of current facilities in part 7610.1210. However, since the FERC Forms provided to the department by interstate pipelines do not contain a map of future facilities, we will still require interstate pipelines to comply with the requirements of filing a map of future facilities in part 7610.1220. We believe that it will be more efficient to obtain an

advance indication of any future facility plans in Minnesota by receiving a map noting the plans with each annual filing. Monitoring more extensive filings provided to FERC would be more time consuming and provide a level of information gathering beyond the department's needs. In addition, we believe that eliminating the current requirement for filing detailed data on pipeline facilities and its place requiring only a map of current and future facilities serves the goal of reducing the regulatory burden to interstate pipelines.

Comment #3:
"Information needed by the Department can be better obtained by informal inquiry."

In order to fulfill its legislatively mandated energy data collection, analysis, and forecasting responsibilities, the department believes that it is necessary to obtain the information requested from interstate pipelines in part 7610.1200 to 7610.1220 for each reporting year. We believe that it will save time and effort for both the department and Northern if we require the submission of these data annually rather than request these through informal inquiry each year.

The data collected from interstate pipelines is of great value to the department. Actual data and forecasts of sales to gas utilities and end users and information on current and planned facilities are helpful in analyzing the relationship between consumption and supply of gas in the state, and the supply relationship between pipelines and natural gas utilities.

Thank you for reviewing the changes we are proposing to the Energy Information Reporting Rules. Your comments have provided additional insights into how we can further improve our efforts of streamlining the reporting process.

Sincerely,

Melinda M. Reyes
Energy Economist

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Department of Public Service

Proposed Permanent Rules Relating to Energy Information Reporting by Electrical Utilities

Rules as Proposed

7610.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. [See repealer.]

[For text of subps 4 to 8, see M.R.]

Subp. 8a. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 9. [See repealer.]

[For text of subp 10, see M.R.]

Subp. 10a. **Interruptible load.** "Interruptible load" means the amount of electric power made available under agreements permitting curtailment or cessation of delivery by the supplier.

[For text of subp 11, see M.R.]

Subp. 12. and 13. [See repealer.]

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Municipal power agency.** "Municipal power agency" means a municipal corporation incorporated ~~pursuant to~~ under Minnesota Statutes, sections 453.51 to 453.62. For purposes of these parts, a municipal power agency may elect to supply in aggregate the data required by these parts for its members. ~~All~~ Data submitted in ~~such~~ this fashion ~~shall~~ must be in the format specified by the ~~director~~ commissioner.

[For text of subps 19 to 26, see M.R.]

Subp. 26a. **Schedule L purchase.** "Schedule L purchase" means the amount of interruptible load replacement energy that is planned to be purchased for the purpose of serving interruptible load.

[For text of subps 27 to 35, see M.R.]

7610.0110 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0100 to

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7610.0700 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. ~~These~~ Parts 7610.0100 to 7610.0700 are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, clause ~~(a)~~ (1), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. **Scope.** Each electric utility serving ~~the state of~~ Minnesota shall submit the information required by ~~these~~ parts 7610.0100 to 7610.0700 to the commissioner in the form specified by ~~him~~ the commissioner.

7610.0130 ANNUAL REPORTING DATES.

Subpart 1. **Annual.** ~~Except as provided by the commissioner, each generating and transmission utility~~ Utilities listed under part 7610.0300 shall file ~~with the commissioner~~ the information required by parts ~~7610.0120, 7610.0170, and 7610.0200~~ 7610.0100 to ~~7610.0600~~ 7610.0700 by July 1 of each year. All other electric utilities shall file only the information required by parts 7610.0120, 7610.0170, and 7610.0600, items B to J, by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

~~Except as provided by the commissioner, each distribution only utility shall file with the commissioner only the information required by parts 7610.0120, 7610.0170, and 7610.0600 by July 1 of each year.~~

Subp. 2. and 3. [See repealer.]

7610.0170 FEDERAL REPORTS FILED BY UTILITIES.

~~Each~~ A utility shall identify to the commissioner ~~all~~ the forms and reports that it regularly files with the Federal ~~Power~~ Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, ~~each~~ a

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utility shall make copies of ~~any such~~ the forms or reports available to the commissioner.

7610.0300 WHO MUST FILE.

The following utilities must file ~~an extended forecast~~ the information required by parts 7610.0100 to 7610.0700: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules that have identical data requirements. ~~In such~~ For these cases, references to the material substituted and a copy of the appropriate reference material ~~shall~~ must be submitted to meet the reporting requirements.

7610.0310 CONTENT OF ~~EXTENDED~~ HISTORICAL DATA AND FORECAST.

The following data ~~shall~~ must be provided:

A. the annual electrical consumption by ultimate consumers and number of customers at year's end within the utility's system and for its Minnesota service area only for the past calendar year, the present calendar year, and the subsequent 14 years, for each of the following categories:

(1) farm, ~~excluding irrigation and drainage pumping~~ ~~(~~ which for reporting purposes~~,~~ ~~any~~ means a tract of land used primarily for agricultural purposes~~)~~;

~~(2)~~, including irrigation and drainage pumping;

~~(3)~~ (2) nonfarm residential ~~(~~, including electricity supplied through a single meter for both residential and commercial uses reported according to its principal use and apartment buildings reported as residential even if not separately metered~~)~~;

~~(4)~~ (3) commercial ~~(~~, including wholesale and retail trade; communications industries; public and private

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office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, and water pumping other than pumping for irrigation, and other utilities~~)~~;

~~(5) mining;~~

~~(6)~~ (4) industrial ~~(~~and mining, including ~~all~~ manufacturing industries, construction operations, and petroleum refineries~~)~~, except that mining must be reported as a separate category if annual sales are greater than 1,000 gigawatt hours;

~~(7)~~ (5) street and highway lighting;

~~(8) electrified transportation (including energy supplied for the propulsion of vehicles, but not energy supplied for office buildings, depots, signal lights, or other associated facilities that shall be reported as commercial or industrial);~~

~~(9)~~ (6) other ~~(~~ultimate consumers, including municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, and ~~all~~ other consumers not reported in subitems (1) to ~~(8))~~ (5); and

~~(10)~~ (7) the sum of subitems (1) to ~~(9)~~ (6);

B. the annual system consumption and generation data for the last year, the present year, and the 14 subsequent years for each of the following categories:

(1) annual total electrical consumption in megawatt hours by ultimate consumers within the utility's Minnesota service area;

(2) annual total electrical consumption in megawatt hours by the utility's ultimate consumers outside its Minnesota service area;

(3) the number of megawatt hours the utility has received or expects to receive from other systems for sale to its ultimate consumers or to other utilities;

(4) the number of megawatt hours the utility has delivered or expects to deliver to other systems for resale;

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(5) total annual net generation of electrical energy by the utility in megawatt hours;

(6) electrical energy loss in megawatt hours due to transmission line and substation losses; and

(7) total semiannual electrical consumption by the utility's ultimate consumers during May through October and November through April;

C. an estimate of the demand for power by ultimate consumers in the utility's system for each of the categories listed in item A at the time of the last annual system peak demand;

~~C~~ D. the utility's system peak demand by month for the last calendar year;

~~D~~ E. the utility's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~E~~ F. the utility's seasonal participation purchases and participation sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~F~~ G. for the summer season and for the winter season of the last year, the present year, and the 14 subsequent years, the load and generation capacity data requested in subitems (1) to (13), including ~~all~~ anticipated purchases, sales, capacity retirements, and capacity additions, including those that may depend upon certificates of need not yet issued:

(1) seasonal maximum demand;

(2) schedule L purchase at the time of seasonal system demand;

(3) seasonal system demand;

~~(2)~~ (4) annual system demand;

~~(3) total seasonal~~ (5) firm purchases - total;

~~(4) total seasonal~~ (6) firm sales - total;

~~(5)~~ (7) seasonal adjusted net demand ~~,~~ which is subitem ~~(1)~~ (3) minus subitem ~~(3)~~ (5) plus subitem ~~(4)~~ (6);

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~~(6)~~ (8) annual adjusted net demand ~~,~~ which is subitem ~~(2)~~ (4) minus subitem ~~(3)~~ (5) plus subitem ~~(4)~~ (6);

~~(7)~~ (9) net generating ~~capacity~~ capability;

~~(8) total~~ (10) participation purchases - total;

~~(9) total~~ (11) participation sales - total;

~~(10)~~ (12) adjusted net capability ~~,~~ which is subitem ~~(7)~~ (9) plus subitem ~~(8)~~ (10) minus subitem ~~(9)~~ (11);

~~(11)~~ (13) net reserve capacity obligation;

~~(12)~~ (14) total firm capacity obligation ~~,~~ which is subitem ~~(5)~~ (7) plus subitem ~~(11)~~ (13); and

~~(13)~~ (15) surplus or deficit (-) capacity ~~,~~ which is subitem ~~(11)~~ (12) minus subitem ~~(13)~~ (14);

~~G~~ H. for the present calendar year and the subsequent 14 years, ~~each utility shall provide~~ a list in megawatts of proposed additions and retirements in generating capability; and

~~H~~ I. the utility's method of determining its system reserve margin and the appropriateness of the margin.

7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS.

Utilities required to provide forecasts by category of consumption under part 7610.0310, item A, may request in writing that the department accept alternative definitions for one or more of the categories defined in part 7610.0310, item A. A utility must provide the alternative definition or definitions in writing. This must be filed with each subsequent forecast following approval by the department. If the department concludes that a previously accepted alternative definition is no longer acceptable, the department must inform the utility in writing at least six months before the reporting date for the next annual forecast.

7610.0320 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** ~~Each~~ An applicant may use the forecast methodology that yields the most useful results for its system. However, the applicant shall detail in written form the forecast methodology employed to obtain the forecasts

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provided under parts ~~7610.0200~~ 7610.0300 to ~~7610.0310~~ 7610.0315, including:

[For text of items A to G, see M.R.]

[For text of subps 2 to 5, see M.R.]

7610.0400 PRESENT FACILITIES.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A~~ 7610.0300 shall provide the following information ~~with regard to~~ on each power plant serving or capable of serving its Minnesota service area as of January 1 of the current year:

[For text of item A, see M.R.]

B. ~~its location and address~~ the statutory or home rule charter city or town and the county in which the plant is located;

[For text of items C and D, see M.R.]

E. ~~the annual heat rate of the plant~~ if coal is a fuel source, the average Btu content of the coal;

[For text of items F and G, see M.R.]

H. the type of unit ~~and name plate megawatt rating~~ for each unit of generating equipment in the plant; and

I. if available, for ~~all~~ base load plants provide the capacity factor, operating availability, and forced outage rate.

7610.0410 FUTURE FACILITY ADDITIONS.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A,~~ 7610.0300 shall estimate the additional power plants or additions to existing plants necessary to provide for the energy growth predicted by the forecasts in parts ~~7610.0200~~ 7610.0300 to 7610.0320. ~~Each~~ A utility shall supply the following information about each additional plant or addition:

[For text of items A to E, see M.R.]

F. the estimated type and amount of fuel to be used to operate the plant on an annual basis under conditions set forth in item E; and

G. ~~the estimated heat rate of the plant; and~~

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H~~,~~ the type of unit or units proposed for the plant.

7610.0420 FUTURE FACILITY RETIREMENTS.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A,~~ 7610.0300 shall list ~~any~~ the planned facility retirements that will take place within the next 15 years. ~~Each~~ The utility shall provide the following information about ~~each~~ a facility retirement: the location and type of the plant; the forecasted retirement date; and the plant's actual summer and winter capacity.

7610.0600 OTHER INFORMATION REPORTED ANNUALLY.

~~Each~~ A utility shall provide the following information for the last calendar year:

A. ~~a table and a graphed curve of~~ the demand in megawatts by hour over a 24-hour period for:

(1) the 24-hour period during the summer season when the megawatt demand on the system was the greatest; and

(2) the 24-hour period during the winter season when the megawatt demand on the system was the greatest;

B. the names, addresses, and the kilowatt hours of electricity consumed by customers of the utility who annually consume over ~~600,000 kilowatt~~ 10,000 megawatt hours;

C. ~~the names and addresses of the utility's suppliers of primary fuels, providing for each supplier of primary fuels the type of fuel purchased;~~

~~B~~. a detailed map, on which the scale is ~~indicated~~ shown, of the utility's Minnesota service area, identifying power plants, principal substations, and transmission lines over 200 kilovolts, identified by voltage;

~~E~~ D. a listing of the purchases and sales for resales the utility had with other utilities, including the ~~name~~ names of ~~any such utility~~ the other utilities and megawatt hours purchased or sold for resale during the last year;

~~F~~ E. its present rate schedules as of June 1 of the present year;

~~G~~ F. a copy of ~~whichever of the following reports it~~

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files report form EIA-861 filed with either the Energy Information Administration of the United States Department of Energy or the United States Department of Agriculture; (1) P.P.C. Form Number 12; or

(2) G. for rural electric cooperatives, part D. of the financial and statistical report to the United States Department of Agriculture;

H. for distribution only utilities that are not members of the MWPSG, the total megawatts of generation capacity, the megawatt hours generated on an emergency standby basis and during the last calendar year, the amount of fuel used to generate such the electricity, and the average Btu content of the coal used for electric generation;

[For text of item I, see M.R.]

J. its deliveries to ultimate consumers and revenues for the last calendar year broken down by categories determined by the director (this item is not applicable to electric utilities completing part 7610.0310, item A) commissioner.

7610.0700 QUARTERLY REPORTS OF ENERGY DELIVERED TO ULTIMATE CONSUMERS.

Subpart 1. Content. Beginning in the year 1976 all Utilities, except municipal utilities with sales of under 20,000,000 kilowatt with sales to ultimate consumers of over 2,000 gigawatt hours annually, shall report quarterly the kilowatt hours delivered each month during the preceding quarter to ultimate consumers, broken down by customer class/geographic area combination: total sales and number of customers by customer class, within Minnesota and outside of Minnesota, for each quarter of the previous year.

A. Geographic areas will be defined by the customer's county.

B. Customer class will be defined by standard industrial classification (SIC) codes with extensions for more detailed breakdown of households and governmental units, listed in the Standard Industrial Classification Manual, 1987 edition,

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published by the federal Office of Management and Budget, Executive Office of the President, Washington D.C., as amended and supplemented from time to time. This manual, with future amendments and supplements to it, is incorporated by reference and is available through the Minitex interlibrary loan system and at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN. The manual is not subject to frequent change.

~~c.--In-each-customer-class/geographic-area-combination the-utility-shall-report-the-number-of-customers-and-the-total kilowatt-hours-consumed.~~

Subp. 2. [See repealer.]

7610.0800 DEFINITIONS.

Subpart 1. **Scope.** For purposes of ~~these-rules~~ parts 7610.0800 to 7610.1230, the following definitions shall apply.

Subp. 2. [See repealer.]

[For text of subps 3 to 5, see M.R.]

Subp. 6. [See repealer.]

[For text of subp 7, see M.R.]

Subp. 7a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 8 to 15, see M.R.]

Subp. 16. **Large energy facility.** "Large energy facility" means any pipeline for transporting natural or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minnesota Statutes, section ~~84.57~~ 103I.681, subdivision 1, paragraph (a).

[For text of subps 17 to 24, see M.R.]

7610.0810 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0800 to ~~7610.1210~~ 7610.1230 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. These parts

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are adopted ~~pursuant to~~ under the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, ~~paragraph~~ clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

[For text of subp 2, see M.R.]

7610.0820 ANNUAL REPORTING DATES.

Subpart 1. **Gas utilities.** ~~Except as provided by the commissioner or in these parts, each~~ A utility and interstate gas pipeline company shall file with the commissioner the information required by parts 7610.0850~~, 7610.0860 to 7610.1110, and 7610.1210 by November 1, 1977, and~~ to 7610.1230 by July 1 of each year ~~thereafter~~. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. and 3. [See repealer.]

7610.0840 FEDERAL OR STATE DATA SUBSTITUTION ~~FOR ENERGY AGENCY DATA REQUIREMENTS~~.

Upon written request by ~~any~~ a utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in ~~lieu~~ place of data required by ~~these~~ parts 7610.0800 to 7610.1230 if the data required by both agencies is substantially the same.

7610.0850 REGISTRATION.

~~Each~~ A gas utility serving ultimate consumers and ~~each~~ an interstate gas pipeline company serving ~~any~~ a utility in Minnesota must file a registration statement with the commissioner. ~~Any~~ A utility or interstate pipeline company that ~~commences~~ begins operation in the state ~~after June 1, 1975,~~ shall file a registration statement with the commissioner within 30 days after ~~commencing~~ beginning operation. ~~Each~~ The registration statement ~~shall~~ must be on forms issued by the commissioner and available from the ~~agency and shall~~ department.

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The registration statement must contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of ~~all~~ officers of the utility or interstate pipeline company, and the name, address, and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

7610.0860 FEDERAL REPORTS ~~FILED BY GAS UTILITIES AND INTERSTATE GAS~~: UTILITY, PIPELINE ~~COMPANIES~~ COMPANY.

~~Each~~ A utility and interstate pipeline company shall identify to the commissioner ~~all~~ the forms and reports pertaining to gas supply and demand that it regularly filed with the Federal ~~Power~~ Energy Regulatory Commission, the federal ~~Bureau of Mines~~ Department of Energy, and other federal agencies. Upon request of the commissioner, ~~any~~ a utility or pipeline company shall make copies of any forms or reports available to the commissioner.

7610.0910 ~~CONTENT OF ANNUAL REPORT~~ OVERALL SUPPLY AND DEMAND.

The basic forecast and current data shall contain the following data and forecasts for ~~each year cited in part 7610.0900~~ the last calendar year, the present year, and the subsequent five years:

A. annual sales to ultimate consumers within the utility's Minnesota service area;

B. other deliveries of gas to commercial consumers in Minnesota;

C. other deliveries of gas to industrial consumers in Minnesota;

D. the annual volume of gas delivered or expected to be delivered to other utilities for resale;

~~C~~ E. the annual volume of gas used in the operation of the utility within its Minnesota service area;

~~D~~ F. the annual volume of gas used in the utility's Minnesota service area but unaccounted for in items A to ~~C~~ E;

~~E~~ G. the total annual gas consumption, for all purposes, in the utility's Minnesota service area ~~.~~, with total

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consumption ~~equals items A plus B plus C plus D equals item E~~ equaling the sum of items A to F, excluding gas held in storage at year's end;

~~F~~ H. the total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;

~~G~~ I. the total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;

~~H~~ J. the total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;

~~I~~ K. the total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;

~~J~~ L. the design-day maximum gas demand volume for the utility's Minnesota service area firm customers;

~~K~~ M. the maximum winter peak-day volume of gas sent out or expected to be sent out in the utility's Minnesota service area;

~~L~~ N. the design-day availability of each type of gas and the maximum one-day volume of gas ~~such~~ the supplies will provide;

~~M~~ O. the amount of substitute natural gas the utility can produce from the feedstock it will have in storage at the beginning of the winter heating season for use in its Minnesota service area;

~~N~~ P. the amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;

~~O~~ Q. the amount of natural gas the utility will have in underground storage for use at the beginning of the winter heating season; and

~~P~~ R. the type and amount of fuel used or to be used in Minnesota to produce substitute natural gas~~;~~ ~~and~~.

~~Q.--the actual historic data and a forecast of direct~~

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~~sales-to-ultimate-customers-and-the-number-of-such-customers-in each-of-the-following-categories:~~

~~(1)-residential-firm;~~

~~(2)-commercial-firm-customers-who-use-less-than 200-MCF-on-peak-day;~~

~~(3)-commercial-firm-customers-who-use-200-MCF-or greater-on-peak-day;~~

~~(4)-commercial-interruptible;~~

~~(5)-industrial-firm-customers-who-use-less-than 200-MCF-on-peak-day;~~

~~(6)-industrial-firm-customers-who-use-200-MCF-or greater-on-peak-day;~~

~~(7)-industrial-interruptible;~~

~~(8)-other-consumers-firm;~~

~~(9)-other-consumers-interruptible;~~

~~(10)-own-company-use;~~

~~(11)-unaccounted-for-gas;~~

~~(12)-gas-delivered-to-other-utilities-for-sale; and~~

~~(13)-total-annual-gas-consumed-in-Minnesota (total-of-subitems-(1)-to-(12)-should-equal-item-E);~~

7610.0914 SALES BY CUSTOMER CATEGORY.

Subpart 1. **Sales of 3,000,000 Mcf or more.** Utilities with annual Minnesota sales during the last calendar year of 3,000,000 Mcf or greater shall provide historic and forecast data on sales to ultimate customers and the number of customers during the last calendar year, the present year, and the subsequent first through the fifth, tenth, and 15th years for:

A. residential firm sales;

B. commercial firm sales;

C. commercial interruptible sales;

D. industrial firm sales;

E. industrial interruptible sales; and

F. total annual gas consumed in Minnesota, which is the sum of items A to E.

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Subp. 2. **Sales of less than 3,000,000 Mcf.** Utilities with annual Minnesota sales during the last calendar year of less than 3,000,000 Mcf shall provide data on sales to ultimate customers and the number of customers for the categories listed in subpart 1, items A to F, for the last calendar year only.

7610.0920 LAST CALENDAR YEAR HISTORICAL DATA.

For the last calendar year, historical data ~~shall~~ must be supplied. For each other reporting year, the forecasts ~~shall~~ must be made using the utility's or pipeline company's best estimate for each of the items requested. ~~The agency recognizes five to 15 year forecasts can be difficult to calculate and subject to considerable error, but~~ Utilities ~~shall~~ must prepare these forecasts to the best of their ability and knowledge. ~~The forecasts shall be~~ based on those assumptions and factors that the reporting utility ~~deems~~ considers most likely to occur. The assumptions and factors used in deriving the forecasts ~~shall~~ must be stated in writing. ~~Each~~ The utility shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. ~~Each~~ The utility shall comment on possible deviations from the forecast and what factors might create ~~such changes~~ those deviations. ~~Any~~ A utility required to file ~~an extended~~ a forecast ~~pursuant to parts 7610.1000 and~~ documentation under part 7610.1010 need not file forecast documentation required in this part.

7610.1000 ~~WHO MUST FILE~~ PEAK-DAY FORECAST.

~~The following utilities must file an extended forecast with documentation: Minnesota Gas Company, North Central Public Service Company, Northern States Power Company, and Peoples Natural Gas Company.~~ Each Utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year must file a peak-day consumption forecast. A utility required to file ~~its extended~~ a forecast ~~pursuant to~~ under this part shall identify or estimate the demand for gas ~~by ultimate consumer categories listed in part 7610.0910, item Q,~~ on the peak sendout day ~~for each of the reporting years cited in part~~

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~~7610.0900~~ during the last calendar year, the current year, and the subsequent five years for the following categories of demand:

A. residential firm sales;

B. commercial industrial firm sales;

C. commercial industrial interruptible sales;

D. other deliveries to ultimate customers;

E. own company gas;

F. gas unaccounted for;

G. gas delivered to other utilities for sale;

H. total peak-day gas consumed in Minnesota; and

I. total peak-day consumption in Minnesota.

7610.1010 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** ~~Each~~ A utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, ~~those utilities required under parts 7610.0900 to 7610.1010 to file forecasts~~ utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year shall describe the forecast methodology employed by providing the following documentation:

[For text of items A to G, see M.R.]

[For text of subps 2 to 4, see M.R.]

7610.1130 OTHER INFORMATION ~~TO BE~~ REPORTED BY ~~GAS~~ UTILITIES.

Subpart 1. **General data.** Gas utilities must also report:

A. ~~an annual load curve for the last calendar year consisting of a single graph and accompanying data table indicating~~ the total monthly consumption of gas during the last calendar year in the following classifications:

(1) residential firm;

(2) commercial industrial firm;

(3) ~~small volume~~ commercial industrial interruptible;

(4) ~~large volume interruptible;~~

~~(5)~~ electric generation;

(5) other deliveries to ultimate consumers;

(6) gas to storage;

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(7) other dispositions and losses; and

(8) level of contract demand;

B. ~~any~~ additional municipalities or geographic areas outside the utility's current service area ~~which~~ that it expects to serve and the year when service will begin;

C. ~~a-list-of-customers-who-will-be-curtailed-or completely-phased-out-in-the-five-years-following-the-year-of filing;~~ the total number of customers and total sales during the last calendar year to:

(1) firm commercial industrial customers that use more than 200 Mcf on peak day; and

(2) interruptible commercial industrial customers that use more than 200 Mcf on peak day;

[For text of items D and E, see M.R.]

Subp. 2. ~~Customers-and-addresses~~ Customer information. For the last calendar year, a utility shall provide a list of customers and their addresses~~:~~

~~A.~~ who have gas requirements in excess of 200 Mcf on their peak day each year. For ~~each~~ a customer so identified, the utility shall list:

~~(1)~~ A. annual actual sales;

~~(2)~~ B. annual estimated curtailment;

~~(3)~~ C. annual estimated requirements ~~(~~, which should equal the sum of ~~subitems-(1)~~ items A and ~~(2)-should equal-subitem-(3))~~ B;

~~(4)~~ D. alternative fuel used; and

~~(5)~~ E. curtailment priority rank.

~~B.--Who-are-small-volume-interruptible-users.--For each-small-volume-interruptible-user-identify-the-volume-of-gas consumed-during-the-last-calendar-year-and-the-curtailment priority-rank.~~

~~C.--Who-are-firm-customers-and-consume-6,000-MCF-or greater-annually.--For-each-customer-so-identified-list-the volume-of-gas-consumed-during-the-last-calendar-year-and-the curtailment-priority-rank.~~

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7610.1200 BASIC FORECAST AND CURRENT STATISTICS FOR INTERSTATE GAS PIPELINE COMPANIES.

[For text of subpart 1, see M.R.]

Subp. 2. **Contents of report.** The basic forecast and current data report ~~shall~~ must contain the following data for each year cited in subpart 1:

A. the annual sales and deliveries to Minnesota gas utility distribution companies for resale;

B. the annual sales and deliveries to ultimate consumers in Minnesota, excluding sales and deliveries that are transported in part by Minnesota distribution utilities; and

C. the maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served.

Subp. 3. **Basis of forecasts.** In meeting the requirements of subpart 1, historical data for the last calendar year ~~shall~~ must be supplied.

For each other reporting year, the forecasts ~~shall~~ must be made using the interstate pipeline company's best estimate for each of the items. ~~The agency recognizes that five to 15 year forecasts can be difficult to calculate and subject to considerable error, but~~ Interstate pipeline companies ~~should~~ must prepare these forecasts to the best of their ability and knowledge. ~~The forecasts shall be~~ based on those assumptions and factors that the reporting utility ~~deems~~ considers most likely to occur. ~~The assumptions and factors used in deriving the forecasts shall be stated in writing.~~ ~~Each~~ An interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. ~~Each~~ A utility company shall comment on possible deviation from the forecast and what factors might create ~~such changes~~ the deviation.

7610.1210 MAP OF PRESENT FACILITIES.

~~Each~~ An interstate pipeline company shall provide ~~the following information with regard to existing facilities serving~~

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its-Minnesota-service-area-as-of-January-1-of-the-current-year:

A.--The-name-and-geographic-location-of-all underground-storage-facilities-owned,-operated,-or-leased-by-the interstate-pipeline-company-in-Minnesota.--For-each-facility include:

(1)-the-total-storage-capacity-in-MCF-of-the facility-minus-the-required-reserves-of-gas;

(2)-the-actual-volume-of-gas-in-storage-in-MCF-at the-beginning-of-the-winter-heating-season,-not-including required-reserves-of-gas;

(3)-the-maximum-single-day-withdrawal-capacity-of the-facility-in-MCF;-and

(4)-the-anticipated-facility-retirement-date.

B.--The-name-and-geographic-location-of-all-liquefied natural-gas-facilities-owned,-operated,-or-leased-by-the interstate-pipeline-company-in-Minnesota.--For-each-facility include:

(1)-the-total-storage-capacity-of-the-facility-in MCF-of-natural-gas-minus-required-reserves;

(2)-the-actual-volume-of-natural-gas-in-MCF-in storage-at-the-beginning-of-the-winter-heating-season-minus-the required-reserves;

(3)-the-maximum-single-day-withdrawal-capacity-in MCF-of-natural-gas;-and

(4)-the-anticipated-facility-retirement-date.

C.--The-name-and-geographic-location-of-all-substitute natural-gas-facilities-owned,-operated,-or-leased-by-the interstate-pipeline-company-in-Minnesota.--For-each-facility include:

(1)-the-maximum-storage-capacity-of-the-facility in-MCF-of-converted-substitute-natural-gas;

(2)-the-maximum-volume-in-storage-in-converted MCF-of-substitute-natural-gas-at-the-beginning-of-the-winter heating-season;

(3)-the-maximum-single-day-withdrawal-capacity-of the-facility-in-MCF-that-can-be-injected-into-the-pipeline;

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~~(4) the anticipated date of facility retirement;~~ and

~~(5) the type of fuel to be converted to substitute natural gas.~~

~~B.~~ a map, on which the general scale is ~~indicated~~ shown, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.

7610.1220 MAP OF FUTURE ~~FACILITY REQUIREMENTS~~ FACILITIES.

~~Each~~ An interstate pipeline company shall ~~estimate the additional facilities or additions to existing facilities necessary to meet the level of gas consumption predicted in its forecast in part 7610.1200. Each interstate pipeline company shall supply the following information regarding its own planned or projected operations or facilities.~~

~~A. The name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:~~

~~(1) the anticipated year and month the facility will be in operation;~~

~~(2) the estimated storage capacity in MCF of the new facility minus necessary reserves of gas;~~

~~(3) the estimated actual storage in MCF that will be available for usage at the beginning of each heating season, not including necessary reserves of gas; and~~

~~(4) the maximum single day withdrawal capacity of the proposed facility.~~

~~B. The name and geographic location of all new underground liquefied natural gas storage facilities or additions to existing facilities. For each facility include:~~

~~(1) the anticipated year and month the facility will be ready for operation;~~

~~(2) the estimated storage capacity in converted~~

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~~MCF of natural gas of the new facility minus any necessary reserves that must be kept in storage;~~

~~(3) the estimated actual storage in converted MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation, not including necessary reserves that must be kept in storage; and~~

~~(4) the maximum single day withdrawal capacity of the proposed facility in converted MCF of natural gas;~~

~~C. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:~~

~~(1) the type of fuel which is to be converted into substitute natural gas;~~

~~(2) the month and year in which the plant is predicted to begin operation;~~

~~(3) the theoretical storage capability of the facility in MCF of converted substitute natural gas;~~

~~(4) the estimated actual storage in converted MCF of substitute natural gas that will be available at the beginning of each heating season not including required reserves; and~~

~~(5) the maximum daily volume of substitute natural gas in MCF that will be available to be withdrawn from the facility and injected into the pipeline.~~

~~D. Based on your 15 year forecast,~~ provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, ~~any~~ additional distribution utility companies to be served, and ~~any~~ additional interconnections with other interstate natural gas pipeline companies.

7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINE COMPANIES.

Each interstate pipeline company shall file a copy of its annual ~~FPC forms~~ FERC form 2 ~~and 16~~ with the ~~agency~~ department.

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7610.1300 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 5a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 6 to 17, see M.R.]

7610.1330 ANNUAL REPORTING DATES.

Subpart 1. **Prime petroleum ~~suppliers~~ supplier, pipeline company.** ~~Except as provided by the commissioner, each~~ A prime petroleum supplier and pipeline company shall file with the commissioner or its trade association, as applicable, the information required by parts ~~7610.1350, 7610.1370 to 7610.1510, and 7610.1610~~ 7610.1300 to 7610.1500 by July 1 of each reporting year. For good cause shown, the department may grant a prime petroleum supplier an extension from the deadline following receipt of a written request from the company. ~~Except as provided by the commissioner, each prime petroleum supplier shall file with the commissioner the information required by part 7610.1600 on a quarterly basis as follows:~~

~~A. Information for the period of January 1 to March 31 shall be filed by April 30.~~

~~B. Information for the period of April 1 to June 30 shall be filed by July 31.~~

~~C. Information for the period of July 1 to September 30 shall be filed by October 31.~~

~~D. Information for the period of October 1 to December 31 shall be filed by January 31 of the following year.~~

Subp. 2. and 3. [See repealer.]

7610.1360 REGISTRATION.

~~Each prime petroleum supplier and petroleum pipeline company operating in Minnesota must file a registration~~

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~~statement with the commissioner by July 1, 1975.~~ ~~Any~~ A prime petroleum supplier or petroleum pipeline company that ~~commences~~ begins operations in the state ~~after June 1, 1975,~~ shall file a registration statement with the ~~director~~ commissioner within 30 days after ~~commencing~~ beginning operation. ~~Each~~ The registration statement ~~shall~~ must be on forms issued by the commissioner ~~and shall~~. The registration statement must contain the name and ~~headquarter~~ headquarters address of the prime petroleum supplier or petroleum pipeline company, the names and addresses of ~~all~~ officers of the supplier or company, and the name, address, and telephone number of a person who may be contacted for information about the prime petroleum supplier or petroleum pipeline company.

7610.1380 HISTORICAL SUPPLY DATA.

Each prime petroleum supplier shall submit annually to the commissioner the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area. This data must be submitted for the last calendar year only.

7610.1400 ANNUAL FORECASTS.

Each prime petroleum supplier ~~shall~~ that operates a refinery located in Minnesota or an adjacent state must submit annually to the commissioner five-, ten-, and 15-year forecasts of ~~petroleum supply and demand within~~ crude inputs and production at its Minnesota ~~service~~ area refinery.

7610.1410 CONTENT OF FORECASTS.

The energy forecast required under part 7610.1400 ~~shall~~ must contain the following data for each reporting year:

A. the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area; and

B. ~~the annual demand for motor gasoline, middle~~

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~~distillates,-jet-fuels,-aviation-gasoline,-residual-fuel-oil,~~ ~~propane,-and-total-petroleum-products-if-sufficient-product-were~~ ~~available-to-meet-all-demands-within-the-supplier's-Minnesota~~ ~~service-area;-and~~

~~C.~~ the annual volume of crude oil in number of barrels available to the supplier's ~~refineries-located-in~~ ~~Minnesota~~ refinery.

7610.1420 REPORTING YEARS.

The data required in part 7610.1410 shall be supplied for the following years:

A. the last calendar year;

B. the present calendar year;

C. the year five years after the present calendar year;

D. the year ten years after the present calendar year; and

E. the year 15 years after the present calendar year.

~~In-1975,-data-shall-also-be-supplied-for-the-calendar-year~~ ~~1973.~~

7610.1430 CRITERIA FOR FORECAST.

For the last calendar year ~~and-for-the-year-1973~~, historical data ~~shall~~ must be supplied. If recorded figures are not available, estimates ~~shall~~ must be used and ~~shall~~ be identified as ~~such~~ estimates. For each other reporting year, the forecast ~~shall~~ must be made using the supplier's best estimates of the amount of each petroleum product that will be supplied ~~or-consumed~~. These estimates ~~shall~~ must be based on the factors that the supplier ~~deems~~ considers most likely to occur in its Minnesota service area. The data for each reporting year ~~shall~~ must be calculated by applying these factors to the data for the last calendar year for which actual data required in part 7610.1410 is available. ~~The-assumptions~~ ~~and-factors-used-in-arriving-at-the-forecast-shall-be-stated-in~~ ~~writing.--Each-prime-petroleum-supplier-shall-evaluate-the-size~~ ~~of-the-estimating-error-given-the-conditions-and-factors-used-in~~

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~~the-estimate.--Each-prime-petroleum-supplier-shall-comment-on probable-deviations-from-the-forecast.~~

7610.1500 PRESENT FACILITIES.

~~Each~~ A prime petroleum supplier or pipeline company shall provide to the commissioner the following information ~~with regard-to-any~~ on facilities ~~which~~ that it owns in Minnesota as of January 1 of the current year:

A. ~~refineries:~~

~~(1)-the-name-of-the-refinery;~~

~~(2)-the-location-and-address;~~

~~(3)-the-year-constructed;~~

~~(4)-average-barrels-per-day-production;-and~~

~~(5)-present-maximum-barrel-per-day-production capacity;~~

~~B.~~ for storage tanks at any one site in excess of 1,000,000 gallons:

(1) the location and address of the site;

(2) the total storage capacity for the site; and

(3) the total storage capacity for the site by product stored; and

~~C.~~ B. ~~pipelines:~~

~~(1)-a-geographical-description-of-the-pipeline~~ a map depicting the location of pipelines from ~~its~~ their origin to ~~its~~ their termination in Minnesota~~;~~.

~~(2)-the-diameter-of-the-pipeline;~~

~~(3)-whether-it-is-a-crude-or-refined-product pipeline;-and~~

~~(4)-the-maximum-volume-in-barrels-that-can-be delivered-through-the-pipeline-in-a-single-day.~~

REPEALER. Minnesota Rules, parts 7610.0100, subparts 3, 9, 12, and 13; 7610.0130, subparts 2 and 3; 7610.0200; 7610.0210; 7610.0220; 7610.0700, subpart 2; 7610.0800, subpart 2; 7610.0820, subparts 2 and 3; 7610.0900; 7610.1120; 7610.1300, subparts 2 and 4; 7610.1330, subparts 2 and 3; 7610.1510; 7610.1520; 7610.1600; and 7610.1610, are repealed.

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TERM CHANGES.

Subpart 1. **Agency to department.** The term "department" or similar form of that term will be substituted for "agency" or similar form of that term wherever it appears in Minnesota Rules, parts 7610.0140; 7610.0160; 7610.0830; 7610.1340; and 7610.1600, subpart 3.

Subp. 2. **Gender-neutral terms.** Appropriate terms that are gender-neutral will be substituted for "him," "he," and "his" where they appear in Minnesota Rules, parts 7610.0110, subpart 2; 7610.0810, subpart 2; 7610.1300, subpart 12; and 7610.1320.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Energy Information Reporting by Electrical Utilities

AGENCY: Department of Public Service

MINNESOTA RULES: Chapter 7610

INCORPORATIONS BY REFERENCE:

Part 7610.0700: Standard Industrial Classification Manual (1987 edition), published by the federal Office of Management and Budget, Executive Office of the President, Washington D.C. Available through the Minitex interlibrary loan system and at the Minnesota State Law Library.

The attached rules are approved for publication in the State Register

Ron Ray

Ron Ray
Senior Assistant Revisor

10/8/91

Statement of Need and Reasonableness

Energy Information Reporting

I. The Commissioner of the Minnesota Department of Public Service presents herein facts and justification establishing the need and reasonableness of proposed amendments to the existing rule provisions contained in Energy Information Reporting. The need to adopt these amended rules arises for the following reasons:

1. There is a need for the commissioner to streamline the reporting process to more adequately and precisely meet the forecasting and current energy statistical requirements mandated by state law.

The information being requested in the existing rule is collected pursuant to Minnesota Statutes, sections 216C.17 and 216C.18 for the purpose of identifying emerging trends and issues in energy demand and supply, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

2. The department proposes to delete some of the information requirements because they are too burdensome to the electric, natural gas, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the department.

3. The department proposes other deletions because certain information requirements are no longer necessary for the department to fulfill its legislatively mandated statistical and forecasting requirements.

4. Finally, certain changes were made to bring reporting requirements in line with actual data collection. An example of this type of change is the elimination of quarterly data reporting for natural gas utilities, interstate pipeline companies, prime petroleum suppliers and petroleum pipeline companies, and most electric utilities because quarterly data has not been collected from these utilities for several years.

It is submitted that the proposed amended rules as a whole are needed and reasonable for the foregoing reasons. Each substantive change in the original rules is explained and justified rule by rule in the paragraphs that follow. It should be noted that nonsubstantive changes in the rules, such as the reordering of items under a rule by a different number or letter, are not explained or justified. Such changes in reordering by number or letter have occurred to make numerical or alphabetical sense. It should also be noted that word and grammatical changes made by the Revisor's Office to conform with form requirements, as required by Minnesota Statutes section 14.07 (1990), are not further explained or justified in this statement of need and reasonableness.

The reasons that each proposed amended rule is reasonable and needed follows.

II. Impact on small business

Pursuant to Minnesota Statutes, section 14.115 (1990), the department, in proposing amendments to the rules, has taken steps to reduce the impact of the rules on small businesses. The proposed amendments to the rules would streamline the reporting process by reducing the reporting requirements and simplifying the reporting process for all those affected by the rules, including small businesses. Rule 7610. 0130 will reduce the reporting requirement for small businesses by eliminating the requirement of filing the following data: (1) a table and graphed curve of demand in megawatts by hour over a 24-hour period during the summer and winter seasons (current part 7610.0600, item A); (2) the names and addresses of the utility's suppliers of primary fuels (current part 7610.0600, item C); and (3) quarterly reports of energy delivered to ultimate consumers (current part 7610.0700). The department has also provided an opportunity for small businesses to participate in the rulemaking process by directly notifying them of the proposed changes to the rules.

III. Need and Reasonableness of Each Change in Rule Provision

A. ELECTRIC UTILITIES

7610.0100 DEFINITIONS

Subpart 3 contains a change in the shorthand term to be used when referring to the Minnesota Department of Public Service. The new term will be "department" instead of "agency". In 1987, Minnesota Laws, chapter 312, article 1, section 7, subdivision 3 defined "department" to mean the Department of Public Service. The definition appears in Minn. Stat. section 216C.01. Chapter 216C concerns the Department of Public Service; Energy Division. As these proposed rules relate to Chapter 216C, there is a need to harmonize terminology. It is reasonable, therefore, to use the term "department" instead of "agency" as the descriptive shorthand term for the Department of Public Service to be used in these rules.

Subparts 9 and 12, which defined the terms "distribution only utility" and "generating and transmission utility" respectively, are deleted. Previously, the distinction between a distribution only utility and a generating and transmission utility was necessary because different forecast filing requirements applied. The proposed changes in parts 7610.0130 and 7610.0200 to 7610.0310 have made the

distinction unnecessary. Under the proposed changes, only the nine utilities which are members of the Minnesota/Wisconsin Power Suppliers Group (M/WPSG) as given in part 7610.0300 must file a forecast. Ten municipal electric utilities who previously filed a forecast no longer need to do so. Due to these changes there is a need to eliminate the definition of terms that are no longer used. The appropriate, reasonable solution is to delete the unused terms.

Subpart 10a will be added to the rules. The term "interruptible load" is defined. This term is used in subpart 26a of this part to define the term "schedule L purchase". There is a need to define the term "interruptible load" because doing so helps clarify the definition given for the term "schedule L purchase" and makes that definition easier to understand. It is reasonable to provide a definition for terms that are used to clarify language used in the rules because doing so ensures accuracy in the statement of the rules.

Subpart 13 which defined the term "heat rate" is deleted. The proposed change in data requirement in part 7610.0400, item E indicates that the average Btu content of coal, if coal is a fuel source, must be filed by utilities in place of the annual heat rate of a power plant. Due to this

change there is a need to eliminate the definition of a term that is no longer used. The appropriate, reasonable solution is to delete the unused term.

In subpart 18 the word "director" was changed to "commissioner" so that the correct title is used when referring to the head of the Department. In 1987, Minn. Laws, chapter 186, section 15, directed the revisor in the next edition of Minnesota Statutes to substitute the term "commissioner" for the term "director" whenever used to refer to the head of the Department of Public Service. Subpart 18 refers to the head of the department and therefore needs to be changed to conform with 1987 Minn. Laws, ch. 186, sec. 15. The appropriate solution, which is reasonable, is to change the designation "director" to "commissioner."

Subpart 26a will be added to the rules. The term "schedule L purchase" is defined. There is a need to define this term because it is used in newly proposed part 7610.0310, item G(2) as a new category for the load and generation capacity data requested in that part. It is reasonable to define this term to make the rules easier to understand. Through the definition, this new category can be distinguished from the other load and generation capacity data listed in items G(1) to G(15) of part 7610.0310.

7610.0110 PURPOSE AND SCOPE

The changes in this part were made by the Revisor's office to conform with form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0130 ANNUAL REPORTING DATES

Subpart 1 contained the phrase "Except as provided by the commissioner, each generating and transmission utility...". The phrase is deleted and replaced with the statement: "For good cause shown, the department shall grant a utility an extension from the deadline following receipt of a written request from the utility". The deleted statement provides for an exception, but does not state specifically the kind of exception the commissioner can make. An exception to a rule must be stated in clear and unambiguous terms. Therefore, there is a need to state the standard for granting an exception in clear terms. It is reasonable to delete the ambiguous statement and replace it with this one that makes the nature of the exception specific and provides a standard.

Subpart 1 also referred to "distribution only utilities" and "generation and transmission utilities". Under the proposed

changes in parts 7610.0130 and 7610.0200 to 7610.0310, utilities are no longer classified according to those categories. Because the distinctions between the two types of utilities are no longer necessary for the reasons stated above under part 7610.0100, subparts 9 and 12, and because their definitions have been deleted from the definitional section, the terms and references to them need to be deleted in this subpart. The reasonable way to meet that need is to delete the references in part 7610.0130, subpart 1, specific to "distribution only utilities" and "generation and transmission utilities".

New language is also added to subpart 1. This new language states utilities listed under part 7610.0300 shall file the information required by parts 7610.0100 to 7610.0700 while all other electric utilities shall file only the information required by parts 7610.0120, 7610.0170 and 7610.0600, items B to J. This additional language is needed because it specifies which parts of the rule apply to which electric utilities. It is reasonable to include clarifying language such as this because it will ensure the filing of accurate data by avoiding confusion among utilities in terms of determining which information they are required to file with the department.

Subparts 2 and 3 which specify the quarterly reporting dates for information submission and the notice requirements if dates are changed are deleted. The reporting dates for quarterly reports contained in subparts 2 and 3 are superseded by the proposed change in subpart 1 which indicate that all reports must be submitted by July 1 of each year. Quarterly data, when required under proposed part 7610.0700 no longer needs to be submitted four times a year; it is only to be submitted once a year by July 1. Because reporting quarterly data four times a year has been eliminated, there is a need to delete those subparts referring to these current quarterly reporting dates. The reasonable solution to meeting this need is to delete those obsolete subparts.

7610.0170 FEDERAL REPORTS FILED BY UTILITIES

The former Federal Power Commission is now called the Federal Energy Regulatory Commission. This section corrects for this name change. Where a commission is erroneously labelled, there is a need to correct the error. It is reasonable to do so.

A change in language is also made in this section to clarify that the energy-related forms and reports which utilities

regularly file with all federal agencies must be identified to the commissioner and copies of these forms or reports be made available to the commissioner upon request. The words "energy-related" were inserted to the first sentence and three federal agencies were cited to clarify this point. It is needed and reasonable to change the language of the rules to clarify a statement being made.

Additionally, in the first paragraph of this part, the word "Each" was replaced with "A"; and "all" with "the". In the second sentence of this part, the word "each" was again replaced with the word "a"; and the words "any such" with "the". These changes were done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0200 ANNUAL DATA AND FORECAST

The department proposes to delete this part. First, part 7610.0200 contains a misstatement in that it says "each utility" must file the basic forecast. In reality, only "generation and transmission only utilities" have been required to file the forecast. Second, the proposed changes to parts 7610.0130, 7610.0200, 7610.0210, and 7610.0310 make this section unnecessary. Who must file will be covered by

part 7610.0300. What data must be filed will be covered by part 7610.0310. There is therefore a need to correct a misstatement and to eliminate redundant parts. To meet this need, the reasonable solution is to eliminate the inaccurate and redundant section.

7610.0210 BASIC FORECAST AND DATA

The contents of this part, with the exception of item G are moved to part 7610.0310 and labelled item B, subitems (1) to (7). The change was made in order to combine the basic forecast and extended forecast requirements into one set of requirements to be reported on one form. Previously, the basic forecast data was filed on the Generation and Transmission Section form, while the extended forecast was filed on the Extended Forecast Section form. Ten municipal electric utilities were required to file the basic forecast data only, while the nine members of the Minnesota/Wisconsin Power Suppliers Group were required to file both basic and extended forecasts. With the proposed changes, only the nine utilities enumerated in part 7610.0300 will be required to file forecasts. Therefore, only one form is required and all requirements may be subsumed under the same heading.

The elimination of forecast reporting requirements for the ten municipal utilities and the combination of the basic

and extended forecast reporting requirements for the nine large utilities are needed to simplify the reporting process. The nine utilities given in part 7610.0300 provide 97 percent of the electricity consumed in the state. A more comprehensive understanding of their operations and future plans is essential to the welfare of the state and for the department to fulfill its legislative mandate to collect data, forecast future electricity usage and identify electric energy trends. The ten municipal electric utilities generate only a very small fraction of electricity consumed in the state. It is reasonable that they be excluded from filing a forecast because the burden to them of filing such information far outweighs the value of the information to the department. It is the department's belief that it can accurately fulfill its legislative mandate without overburdening these small utilities.

The department proposes to delete item G from this part. The information contained in this part is already being requested in part 7610.0310, item G, subitem (1). There is, therefore, a need to eliminate redundant parts. To meet this need, the reasonable solution is to delete the redundant section.

In item H, the requirement of filing data on load factor for the system during the summer and winter seasons is replaced

with the requirement of filing data on total semiannual electrical consumption by the utility's ultimate consumers during May through October and November through April. This change is needed so that the department can have consistent data on summer and winter load factors. There are a number of ways to compute a load factor and utilities use any of these different methods. By combining the new information on semiannual electrical consumption with the seasonal system demand data required in proposed item G subitem (1) of this part, a utility's seasonal load factors can be computed. This approach would provide the department with more complete and consistent data on utility peaking characteristics. It is reasonable to change data requirements for the purpose of obtaining more complete and consistent data.

7610.0220 LAST CALENDAR YEAR HISTORICAL DATA

The department proposes to delete this part. Currently this part is contained in the form Generation and Transmission Section. It will be deleted because it describes the requirements for the basic forecast given in part 7610.0210. This part is similar in substance to part 7610.0320 of the form Extended Forecast Section. Since the department proposes to combine the contents of the Generation and

Transmission Section form with the Extended Forecast Section form, the deletion is made to eliminate redundancy in the statement of requirements. There is a need to eliminate redundant parts. To meet this need, the reasonable solution is to delete the redundant section.

7610.0300 WHO MUST FILE

The department proposes to delete the phrase "an extended forecast" from the first sentence of this part and replace it with "the information required by parts 7610.0100 to 7610.0700." There is a need to remove any reference to "an extended forecast" because of the reason that follows. Previously, a distinction was made between the "basic" forecast and the "extended" forecast. Some utilities have been required to file the basic forecast as contained in the form Generation and Transmission Section of the Rules and Regulations Governing Electric Utility Information Reporting, whereas others have been required to file the extended forecast as contained in the Extended Forecast Section form. Since the department proposes to combine these two forms and will require only one group of utilities to file a forecast (the nine utilities listed in this part), the distinction between basic and extended forecasts is no longer needed. It is reasonable to remove from the rules a

term that has been rendered meaningless because of changes in other parts of the rules. There is a need to add the phrase "the information required by parts 7610.0100 to 7610.0700" because this language specifies which parts of the rule apply to the nine electric utilities listed in this part. It is reasonable to include clarifying language such as this because it will ensure the filing of accurate data by avoiding confusion among utilities in terms of determining which information they are required to file with the department.

7610.0310 CONTENT OF THE EXTENDED FORECAST

The department proposes to change the title of this part to "Content of the Historical Data and Forecast". This change is needed to make the title more descriptive of the data required in this part. The word "historical data" will be included to recognize that in this part, aside from a forecast, historical data is also required. The word "extended" will be deleted from the title. The need for this deletion is given in the statement of need and reasonableness for the changes made in part 7610.0300. It is reasonable to use a title that more accurately conveys the meaning of the contents of the rule.

In the first paragraph of this part, the word "shall" was changed to "must". This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

In the first paragraph of item A, the word "the" was inserted. This change was done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

In item A, subitems (1) to (6), minor consumer categories have been deleted as separate categories. They now appear merged into the principal economic sectors. Irrigation and drainage pumping has been included in the farm category; and mining in the industrial category. However, a provision is made in the proposed changes to report mining as a separate category in cases where it is a significant sector, such as in Minnesota Power. These changes are needed because the customers in these minor categories (except for Minnesota Power mining) consume a very small percentage of the electricity supplied by the utilities submitting a forecast. The department believes that data at the existing level of detail is no longer needed to obtain adequate information about the sectors of the economy contributing to future energy demands in the state. The change is reasonable because it simplifies reporting requirements while enabling the Department to fulfill its data collection function.

The department proposes to add the word "agricultural" to the concluding phrase of item A, subitem (3) to read "... water pumping other than pumping for agricultural irrigation, and other utilities;". This change is needed in order to clarify that the term "irrigation" in this part of the rules refers to irrigation for agricultural purposes. With this change, utilities will be informed clearly that if irrigation is for agricultural purposes, then electricity usage under that activity must not be reported under item A, subitem (3). The description of the category "farm" under item A, subitem (1) of this part states clearly that irrigation for agricultural purposes should be reported under that category. It is reasonable to change the language of the rules to clarify a statement being made and eliminate a source of confusion. This will ensure the filing of accurate reports.

In item A, subitem (1), the words "which" and "means a" were inserted. These changes were done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

In item A, proposed subitems (4) and (6), the word "all" was deleted. This change was done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

Proposed item B was added to this part. It consists of the material previously contained in part 7610.0210, though with some modification, as discussed below. The change is made to merge the forecasting requirements of two forms, the Generation and Transmission Section form and the Extended Forecast Section form. The need and reasonableness of the change are discussed in the statement of need and reasonableness for the changes made in part 7610.0210 above.

In proposed item G, two additional items will be requested as part of the load and generation capacity data being requested by the department and a change in language will be made to current subitems (1) to (13). These changes are needed in order to make the line items on the load and generation capacity data consistent with that being used by the Mid-Continent Area Power Pool (MAPP). The MAPP line items are being used by the nine electric utilities required to file the information requested in this part of the rule. It is reasonable for the department to use the MAPP line items because this will eliminate confusion in terms of identifying the data to be filed, thereby ensuring the filing of accurate information.

In addition, in the first paragraph of proposed item G, the word "all" was deleted. This change was done to meet

the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

In item H, the words "each utility shall provide" are deleted. This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS

The department proposes to add this section to the rule. It provides for the possibility of the department accepting alternative definitions of sector categories upon the submission by a utility of a written request defining the proposed category. This change is needed to enable the department to obtain accurate information about the sectors of the economy contributing to future demand for electricity in the state. It is reasonable to allow for changes in the definition of sector categories if the current definition is no longer consistent with the definition used by utilities in the forecasts. If the department and the utility do not use consistent definitions for each customer category the forecasts by sector filed by utilities will not carry meaningful information.

7610.0320 FORECAST DOCUMENTATION

In the first paragraph of subpart 1, the list of parts of the rules referring to the forecast requirements have been changed. The new list consists of parts 7610.0300, part 7610.0310, and newly proposed part 7610.0315. The previous reference to part 7610.0200 has been deleted because changes to the rules propose the deletion of this part. When the numbering of parts of the rules are changed or new parts to the rules are proposed, there is a need to update statements in other parts of the rule which refer to the newly numbered or newly proposed parts. This solution is reasonable because it leads to accuracy in the statement of the rules.

The department proposes to delete subpart 1, item G. This change is needed because this section of the rules specifies an information requirement that pertains to deleted parts of the rules, parts 7610.0200 to 7610.0220. The deletion of parts 7610.0200 to 7610.0220 makes the information requirement in part 7610.0320, subpart 1, item G obsolete. It is reasonable to delete a section of the rules which has been rendered obsolete by changes in other parts of the rules.

The department proposes to delete the reference to parts 7610.0200 to 7610.0220 in subpart 2. This change is needed because parts 7610.0200 to 7610.0220 have been deleted and this makes the reference to these parts in subpart 2 obsolete. It is reasonable to delete a section of the rules which has been rendered obsolete by changes in other parts of the rules.

The department proposes to delete the reference to parts 7610.0200 to 7610.0220 in subpart 4. This change is needed because parts 7610.0200 to 7610.0220 have been deleted and this makes the reference to these parts in subpart 4 obsolete. It is reasonable to delete a section of the rules which has been rendered obsolete by changes in other parts of the rules.

Additionally, in the first sentence of subpart 1, the word "Each" was changed to "An". This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0400 PRESENT FACILITIES

Under the proposed change in this section, only the nine large utilities given in part 7610.0300 must file the

information requested in this part. This reduces reporting requirements for ten municipal electric utilities who previously were also required to file the information. The change is needed to simplify reporting requirements. It is reasonable to continue requesting the information from the nine M/WPSG utilities because they generate the bulk of the energy being consumed in the state. A knowledge of the capability of their existing facilities is essential for assessing how the consumption needs of the state can be met by existing energy supply. The ten municipals generate a very small fraction of energy consumption in the state. It is reasonable that they be excluded from filing data on present facilities because the burden to them of filing such information far outweighs the value of the information to the department. Limited information on current capacity from these smaller utilities will be provided for by proposed changes to part 7610.0600 item H. The department believes that it can accurately fulfill its role of identifying emerging trends in energy supply without overburdening these smaller utilities.

Additionally, in the first paragraph of this part, the word "Each" was changed to "A" and the words "with regard to" was changed to "on". These changes were done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

In item B a proposed change in language is made to clarify the information being requested. "its location and address" is replaced with "the statutory or home rule charter city or town and the county in which the plant is located". The new language is needed to specify the information being requested more accurately. It is reasonable to use language which states a requirement in terms that are more accurate.

In item E, the average Btu content of coal, if coal is a fuel source will be requested instead of the annual heat rate of a plant. The term "heat rate" requires a detailed definition that in some cases may lead to ambiguity in interpretation. Originally, the heat rate of a plant was requested to have a measure of the efficiency of a power plant in converting fuel to electric energy. The department believes that the new data can sufficiently serve this purpose. The change is needed and reasonable because it specifies data requirements in unambiguous terms to ensure the filing of accurate data.

In item H, the phrase "and name plate megawatt rating" will be deleted. This change is needed and reasonable because it has been found that this data does not provide information that the department needs. Originally, this data was requested in order to obtain information about a plant's

capacity for generating electricity. However, the name plate megawatt rating is a rating assigned by the manufacturer to a plant and often does not match the capacity of a plant in operation. The actual summer and winter plant capacity reported by utilities in item C better meets the information needs of the department.

In item I, the word "all" was deleted. The change was made to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0410 FUTURE FACILITY ADDITIONS

The proposed changes in these parts indicate that only the nine utilities given in part 7610.0300 will be required to file the information requested in these parts. This reduces reporting requirements for ten municipal electric utilities who previously were also required to file the information. The change is needed to streamline reporting requirements. It is reasonable to request only the nine large utilities for this information because they supply 97 percent of the energy being consumed in the state. A knowledge of their future facility plans is essential in determining how consumption needs in the state can be met by capacity in the future.

In the first paragraph of this part, the word "Each" was changed to "A". This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

Item G which requests for an estimate of the heat rate of an additional power plant or addition to an existing plant is deleted. The change is needed because the department believes that this information is no longer required to obtain sufficient information about a utility's facility plans. It is reasonable to withdraw the collection of data which the department believes is no longer vital to the fulfillment of its duty of collecting data on energy statistics.

7610.0420 FUTURE FACILITY RETIREMENTS

The proposed changes in these parts indicate that only the nine utilities given in part 7610.0300 will be required to file the information requested in these parts. This reduces reporting requirements for ten municipal electric utilities who previously were also required to file the information. The change is needed to streamline reporting requirements. It is reasonable to request only the nine large utilities

for this information because they supply 97 percent of the energy being consumed in the state. A knowledge of their future facility plans is essential in determining how consumption needs in the state can be met by capacity in the future.

Additionally, in this part, word and grammatically changes were made by the Revisor's office to conform with form requirements pursuant to Minn. Stat. section 14.07 (1990).

7610.0430 FUEL REQUIREMENTS AND GENERATION BY FUEL TYPE

The Department proposes to replace the phrase "7610.0200 to 7610.0320" with "7610.0300 to 7610.0320". This change is needed because parts 7610.0200 to 7610.0220 have been deleted and due to this deletion, the forecast of electrical energy growth will now be contained in parts 7610.0300 to 7610.0320 instead of parts 7610.0200 to 7610.0320. The deletion of parts 7610.0200 to 7610.0220 renders obsolete the phrase "7610.0200 to 7610.0320". It is reasonable to delete a section of the rules that has been rendered obsolete by changes in other parts of the rules.

7610.0600 OTHER INFORMATION REPORTED ANNUALLY

In the first paragraph of this part, the word "Each" was changed to "A". This change was done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

In item A, a graphed curve of the greatest demand over a 24-hour period on a utility's system is no longer required. The change is needed and reasonable because current computer capabilities make it more convenient for the department to prepare its own graphs.

In item B, "600,000 kilowatt hours" is changed to "10,000 megawatt hours". This change will require utilities to report in its largest customer list only customers with annual consumption of over 10,000 MWh instead of those consuming over 600,000 kilowatt hours. This change is needed because the department believes that more detailed information about utility customers consuming 10,000 MWh or less annually will not be necessary to identify the trends in energy consumption among the state's largest industrial users. This change is reasonable because it reduces the burden to the utilities of reporting more data than is needed and will reduce the administrative burden to the department of processing the unnecessary data.

Current item C which requests the names and addresses of the utility's suppliers of primary fuels and types of fuel being purchased from this source is deleted. Originally, this information was requested as a means for identifying all suppliers of fuels to Minnesota consumers in accordance with the duty of the department to collect data on energy. However, in the past this information has not been determined to be necessary for this purpose. It is necessary and reasonable to withdraw the collection of data which the Department believes is not applicable to the fulfillment of its duties because this will eliminate the burden to the utilities of filing the data and to the department of processing the data.

In proposed item C, the word "indicated" was replaced with "shown". This change was done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

In proposed item D, word and grammatical changes were made by the Revisor's office to confirm with form requirements pursuant to Minnesota Statutes section 14.07 (1990).

In proposed item F, the change being made is that the department will be requesting a copy of report form EIA-861 instead of F.P.C. Form Number 12. This change is needed

because the latter is no longer being collected by the Energy Information Administration. Its data requests have been broken up and transferred to a number of different forms. The information needed by the department is now being collected through report form EIA-861. It is reasonable to undertake changes that will ensure that the department obtains the data it needs.

Subitems (1) and (2) of current item G will be separated into the two proposed items F and G, respectively. There is a need to make these changes to provide greater clarity in the statement of the rules. Instead of requesting for "whichever reports it files with either the [U. S.] Energy Information Administration or the [U. S.] Department of Agriculture", item F specifically requests for form EIA-861 which a utility files with the U. S. Energy Information Administration. Item G specifically requests that rural cooperatives file part D of the financial and statistical report filed to the U. S. Department of Agriculture. These changes are reasonable because they specify data requirements in a clearer manner and, therefore, ensure the filing of accurate reports.

Item H lists the data on current capacity that must be filed by utilities that are not members of the M/WPSG. The members of the M/WPSG are excluded from the requirement in

this part because the data have already been requested from these utilities in part 7610.0400. The data requested are the following: total megawatts of generation capacity, megawatt hours generated during the last calendar year, the amount of fuel used to generate electricity and the average Btu content of coal used for electric generation. There is a need to collect this information from all the utilities to have a more comprehensive understanding of the energy supply situation in the state. It is reasonable to request data on overall generation and capacity because this provides more useful and complete information than data on emergency standby generation. It is also reasonable to request for the average Btu content of the coal used for electric generation because this permits a more accurate comparison of electric generation by various types of fuel. Btu content of coal can vary considerably. These changes will also allow the department to stop distributing a separate questionnaire that currently requests this information from utilities.

In item J, revenues broken down by categories is added as a data requirement. This data has been collected from all utilities for several years. The addition of the data formalizes current practice. The collection of revenue data is needed and reasonable because it is useful for

identifying trends in energy expenditures among the sectors of the economy.

7610.0700 QUARTERLY REPORTS OF ENERGY TO CONSUMERS

The proposed changes in subpart 1 would require the filing of quarterly reports only by those utilities with annual sales to ultimate consumers of over 2,000 gigawatt hours. This would include only the four regulated electric utilities in the state namely, Northern States Power, Minnesota Power, Otter Tail Power and Interstate Power Company. A proposed change in language is also being made to clarify that the quarterly data must be reported by customer classes defined by standard industrial classification (SIC) codes. The change is needed to streamline reporting requirements. It is reasonable to eliminate the smaller utilities from the quarterly reporting requirements because they do not collect quarterly data by SIC-defined customer classes. It will be overly burdensome for them to be required to file the data only to fulfill the reporting requirements of the department. In addition, the processing of quarterly data from all the utilities poses an administrative burden to the department that far outweighs the value of the information obtained. The four regulated utilities currently supply the data and the Department

believes that an understanding of the trends in energy consumption can reasonably be obtained with quarterly data from these utilities.

The department proposes to delete subpart 2. This change is needed because it contains an information requirement that is no longer applicable because of the changes made in subpart 1. Subpart 2 states that the information required under subpart 1 must be reported in the form specified by the commissioner. The department believes that this statement is redundant because the form by which the commissioner requires the information to be reported is already specified clearly in subpart 1. Subpart 2 also states that a utility may report the information in a form different from that specified in subpart 1. The department proposes to delete this requirement and allow utilities to report the required information only by SIC code categories. The four regulated utilities required to report the information under part 7610.0700 all collect the required data by SIC code categories and they have the data readily available. Due to this, the department believes that the requirement contained in subpart 1 is the appropriate form for reporting the data. There is no need to allow for a different form to be reported. It is reasonable to eliminate a requirement that is redundant and no longer

applicable because in doing so, accuracy in the statement of the rules will be maintained.

B. NATURAL GAS UTILITIES

7610.0800 DEFINITIONS

The change in subpart 1 was made by the Revisor's office to conform with form requirements pursuant to Minnesota Statutes section 14.07 (1990).

Subpart 2 contains a change in the shorthand term to be used to refer to the Minnesota Department of Public Service. The new term will be "department" instead of "agency". In 1987, Minnesota Laws, chapter 312, article 1, section 7, subdivision 3 defined "Department" to mean the Department of Public Service. The definition appears in Minn. Stat. section 216C.01. Chapter 216C concerns the Department of Public Service; Energy Division. As these proposed rules relate to Chapter 216C, there is a need to harmonize terminology. It is reasonable, therefore, to use the term "department" instead of "agency" as the descriptive shorthand term for the Department of Public Service to be used in these rules.

Subpart 6 which defined the term "construction" is deleted. This word is not being used in any portion of the rules pertaining to utilities and interstate gas pipeline companies. Therefore, its definition is unnecessary. There

is a need to eliminate the definition of a term that is not being used. The appropriate, reasonable solution is to delete the unused term.

In subpart 16, the department proposes to replace the reference to Minnesota Statutes, section 84.57 with Minnesota Statutes section 103I.681, subdivision 1, paragraph (a). This change is needed because Minnesota Statutes, section 84.57 has been repealed and recodified at Minnesota Statutes, section 103I.681, subdivision 1, paragraph (a). It is reasonable to refer to the correct statute number to maintain accuracy in the statement of the rules.

7610.0810 PURPOSE AND SCOPE

In subpart 1, the parts referring to the "[implementation of] the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18" were erroneously listed as parts 7610.0800 to 7610.1210 whereas it should be parts 7610.0800 to 7610.1230. The replacement of "7610.1210" for "7610.1230" eliminates this error. There is a need to eliminate an erroneous statement in the rules. To meet this

need, the reasonable solution is to substitute the erroneous statement with the correct one.

Additionally, in the second sentence of subpart 1, the words "pursuant to" were replaced with "under"; and the word "paragraph" with "clause". These changes were done to meet the Revisor's form requirements pursuant to Minn. Statutes section 14.07 (1990).

7610.0820 ANNUAL REPORTING DATES

Subpart 1 contained the phrase "Except as provided by the commissioner or in these parts, each...". The phrase is deleted and replaced with the statement: "For good cause shown, the department shall grant a utility an extension from the deadline following receipt of a written request from the utility". The deleted statement provides for an exception, but does not state specifically the kind of exception the commissioner can make. An exception to a rule must be stated in clear and unambiguous terms. Therefore, there is a need to state the standard for granting an exception in clear terms. It is reasonable to delete the ambiguous statement and replace it with this one that makes the nature of the exception specific and provides a standard.

Subpart 2 which contained the reporting dates for quarterly reports to be filed by natural gas utilities is deleted. This is because part 7610.1120 which contains the provisions for quarterly reporting by natural gas utilities has been deleted. Therefore, subpart 2 is no longer necessary. There is a need to eliminate portions of the rule that are unnecessary because they pertain to a part that has been deleted. The reasonable solution is to delete that portion pertaining to an obsolete part of the rule.

Subpart 3 which specifies the reporting dates for forms filed by interstate gas pipeline companies is deleted. The reporting dates contained in subpart 3 are superseded by the proposed change in subpart 1 which indicates that all reports must be submitted by July 1 of each year. Therefore, subpart 3 is no longer necessary. It is reasonable to delete a subpart of the rule that is no longer necessary.

7610.0840 FEDERAL OR STATE DATA SUBSTITUTION FOR ENERGY AGENCY DATA REQUIREMENTS

The changes in this part were made by the Revisor's office to conform with form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.0850 REGISTRATION

The changes in this part consist of word and grammatical changes made by the Revisor's Office to conform with form requirements as required by Minn. Stat. section 14.07 (1990).

7610.0860 FEDERAL REPORTS FILED BY GAS UTILITIES AND INTERSTATE GAS PIPELINE COMPANIES

The Department proposes to shorten the title of this part to "Federal Reports: Utility, Pipeline Company" for brevity and clarity. It is necessary and reasonable to shorten a title in order to provide greater clarity concerning the subject of the rule.

The former Federal Power Commission is now called the Federal Energy Regulatory Commission. This section corrects for this name change. Where a commission is erroneously labelled, there is a need to correct the error. It is reasonable to do so.

A change in language is also made in this section to clarify that the forms and reports which utilities regularly file with all federal agencies must be identified to the

commissioner and copies of these forms or reports be made available to the commissioner upon request. Two federal agencies are cited to clarify this point. It is needed and reasonable to change the language of the rule to clarify a statement being made.

In the first sentence of this part, the word "Each" was changed to "A", "all" to "the", and the word "the" was added. In the second sentence, the word "any" was changed to "a". These changes were done to meet the Revisor's form requirements pursuant to Minnesota Statutes, section 14.07 (1990).

7610.0900 YEARS COVERED

This part is deleted because under the proposed rule change the length of utility forecasts will vary, with the full 15 year forecast to be limited to natural gas consumption by sector. The new varying requirements are now specified in other sections of the rules, making this section unnecessary. The discussion under sections 7600.0910 and 7610.1000 below explains the need and reasonableness of this change.

7610.0910 CONTENT OF ANNUAL REPORT

The Department proposes to change the title of this part to "Overall Supply and Demand". The change is needed to make the title descriptive of the types of data required in this part. The data includes gas consumption for different uses in the utility's Minnesota service area and gas supply from various sources to meet users' consumption needs. The department believes that the proposed title is more appropriate than the current one. It is reasonable to use a title that more accurately conveys the meaning of the contents of the rule.

A change in language is also made to eliminate forecasting requirements for the tenth and fifteenth years for the list of supply, peak day and annual consumption data listed in this part. Forecasts of these types of data beyond 5 years has not been found by the department to be necessary in fulfilling its legislative mandate of identifying the trends in demand and supply in the natural gas sector. It is reasonable to withdraw the collection of data which the department believes is not vital to the fulfillment of its legislative mandate.

Newly proposed items B and C which require utilities to report other deliveries of gas to commercial and industrial

consumers in Minnesota is added to this part. This provides a place to report utility transportation services to large consumers that purchase natural gas from suppliers other than the utility. The need to include items B and C arose when changes in federal regulations enabled large consumers to bypass utilities and deal directly with producers. Under this new arrangement a utility's distribution line can be used to transport natural gas bought from sources other than the utility. It is reasonable to require utilities to report deliveries of gas resulting from this new arrangement because the additional data will provide a complete accounting of total demand for natural gas in the state.

Proposed item G contains a request for "the total annual gas consumption, for all purposes, in the utility's Minnesota service area". A proposed change in language is made to allow for the inclusion of the data requested in newly proposed items B and C. This change is needed and reasonable because it will complete the accounting of total annual gas consumption in the state.

Additionally, the word "with" was added. This was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

In proposed item N, the word "such" was changed to "the". This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

Current item Q which contains requests for historic and forecast sales and number of customers is deleted. The requirements contained in item Q, subitems (1), (2), (3), (4), (5), (6), (7) and (13) of this part are transferred to newly proposed part 7610.0914. Item Q, subitems (8), (9), (10), (11) and (12) are deleted because they are redundant. The sum of the figures reported in item Q, subitems (8) and (9) results in a number equal to the figure reported in item Q, subitem (12) while item Q, subitem (12) is the same information requested in proposed item D. Item Q, subitem (10) is the same information requested in proposed item E and item Q, subitem (11) is the same as proposed item F. The transfer of the retained portions of item Q to newly proposed part 7610.0914 will allow the department to retain the current requirement for 15 year forecasts by the seven largest utilities, and to retain the requirement for historic data for the 19 smallest utilities in the state while eliminating forecasts by sector for the 19 smallest utilities. The reordering is needed to simplify reporting requirements. It is reasonable to stop requesting a detailed forecast from the small utilities because they supply a small percentage of total natural gas consumption

in the state. The seven largest utilities supply 95 percent of total natural gas consumption in the state. The department will be able to project who will be the users of natural gas and the amounts these users are expected to consume in the future from the data provided by the large utilities.

7610.0914 SALES BY CUSTOMER CATEGORY

Newly proposed subpart 1 was previously contained in part 7610.0910, item Q. However, the level of detail regarding customer categories to be reported will be revised in subpart 1. Commercial firm customers who use less than, equal to or greater than 200 Mcf on peak day are combined into the category "commercial firm sales" in newly proposed item B. Industrial firm customers who use less than, equal to or greater than 200 Mcf on peak day are combined into the category "industrial firm sales" in newly proposed item D. These changes are needed to simplify reporting requirements. The department believes that forecasts at the current level of detail are no longer needed to understand the overall trends in natural gas consumption in the state. The economic classification of customers being proposed in this part is sufficient. It is reasonable to delete requirements

which are no longer necessary for the department to fulfill its duties.

The requirements of newly proposed subpart 2 are addressed to the 19 smallest utilities. It provides a section where they can report the historic information previously requested in part 7610.0910, item Q. The need and reasonableness of these changes are found in the statement of need and reasonableness for the changes made in part 7610.0910, item Q and part 7610.0914, subpart 1 above.

7610.0920 LAST CALENDAR YEAR HISTORICAL DATA

A technical change is made to the sentences which state: "The agency recognizes that five to 15 year forecasts can be difficult to calculate and subject to considerable error, but utilities shall prepare these forecasts to the best of their ability and knowledge. The forecasts shall be based on those assumptions and factors that the reporting utility deems most likely to occur". This will be replaced with "Utilities must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur". This change is needed and reasonable to make the language conform with the general practice of language used in

writing administrative rules. This change in language does not in any way represent a change in the department's perception about the nature of the forecasts. The department still recognizes the difficulty of formulating forecasts and the error such a forecast can be subject to. Therefore, the sentence simply asks utilities for a forecast to the best of their present knowledge and ability.

Additionally, word and grammatical changes were made in this part to conform with the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.1000 WHO MUST FILE

The Department proposes to change the title of this part to "Peak-Day Forecast". The change is needed because the new title gives the reader a more accurate idea of the data that is being required in this part. It is reasonable to use a title that more accurately conveys the meaning of the contents of the rule.

A change in language is also being made in this part to specify that peak-day forecasts will be required only from utilities with annual Minnesota sales of more than 10,000,000 Mcf. This change would exclude Midwest Gas (formerly North Central Public Service Company) from the

list of utilities required to file the forecast under this part. The change is needed because annual natural gas sales by Midwest Gas and other small companies are currently a small percentage of the state total compared to the share of each of the three large utilities that will still be required to file the detailed forecast. Over the last three years, Minnegasco accounted for approximately 45 percent of total consumption, NSP made up 25 percent, Peoples Natural Gas Company held 12 percent while Midwest Gas accounted for 4 percent of the total. It is reasonable to relieve comparatively smaller utilities from filing a detailed forecast designed for the much larger utilities.

The length of the forecast period is shortened. Forecasts will no longer be required for the tenth and fifteenth year following the current year. This change is needed and reasonable to simplify reporting requirements. The department believes that the level and sources of demand on a utility's system during the peak day can reasonably be identified without requiring a forecast fifteen years into the future.

The Department proposes to reduce the categories of demand for which a forecast is required. Commercial firm customers who use less than, equal to or greater than 200 Mcf on peak day and industrial firm customers who use less than, equal

to or greater than 200 Mcf on peak day are combined into "commercial industrial firm sales" in newly proposed item B. Commercial interruptible and industrial interruptible are combined into "commercial industrial interruptible sales" in newly proposed item C. These changes are necessary because the Department believes that forecasts at the current level of detail will no longer be needed to understand the different components of demand on a utility's system during the peak day. "Other deliveries to ultimate customers" is a category added to this part. This additional category provides a section to report utility transportation services to large consumers that purchase natural gas from suppliers other than the utility. The need for this new category arose when regulatory changes establishing this new supply option for large consumers were adopted. It is reasonable to combine certain data categories for the purpose of reducing unnecessary detail in data requirements. It is reasonable to include the new customer category because it provides a complete accounting of demand for natural gas in the state.

Additionally, in the first paragraph, the word "its extended" was changed to "a" and the words "pursuant to" was changed to "under". These changes were made to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.1010 FORECAST DOCUMENTATION

Subpart 1 contains changes in language to specify that the forecast documentation will be eliminated for all except the three largest natural gas utilities in the state. This change is needed to streamline reporting requirements. The department believes that it can adequately fulfill its legislative mandate of collecting and compiling energy forecasts and related energy statistics without the forecast documentation from utilities other than the three largest ones. It is reasonable to withdraw the collection of information that the department believes is no longer vital to the fulfillment of its legislative functions.

Additionally, in the first sentence of subpart 1, the word "Each" was changed to "A". This change was done to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

7610.1120 QUARTERLY DISPOSITION OF GAS BY UTILITIES

The Department proposes to delete this part. This change is needed because the collection of quarterly data has been discontinued for several years. The deletion formalizes current practice. It is reasonable to eliminate the quarterly reporting requirements for utilities because the

processing of quarterly data poses an administrative burden to the Department that far outweighs the value of the information obtained. The Department believes that it can adequately fulfill its legislative mandate of collecting and compiling data on energy statistics without the level of detail provided by quarterly reports.

7610.1130 OTHER INFORMATION TO BE REPORTED BY GAS UTILITIES

The department proposes to shorten the title of this part to "Other Information Reported by Utilities" for brevity and clarity. It is necessary and reasonable to shorten a title in order to provide greater clarity concerning the subject of the rule.

In subpart 1, item A, a graph showing the annual load curve for consumption of gas will no longer be required. The change is needed and reasonable because current computer graphing capabilities make it more convenient for the department to prepare its own graphs.

The categories "small volume interruptible" in subpart 1, subitem (3) and "large volume interruptible" in subitem (4) are combined into a single category "commercial industrial interruptible". This change is needed and reasonable

because the Department believes that data at the current level of detail will no longer be needed to understand the overall trends in natural gas consumption in the state. In addition, the category "other deliveries to ultimate consumers" is added to subpart 1, item A as proposed subitem (5). The need to include this category arose when changes in federal regulations enabled large consumers to bypass utilities and deal directly with producers. Under this new arrangement a utility's distribution line can be used to transport natural gas bought from sources other than the utility. It is reasonable to require utilities to report deliveries of gas resulting from this new arrangement because the additional data will provide a complete accounting of total natural gas consumption in the state.

In current subpart 1, item B, the word "any" was deleted and the word "which" was changed to "that". These changes were done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

In current subpart 1, item C the requirement for "a list of customers who will be curtailed or completely phased out in the five years following the year of filing" is deleted. This is needed and reasonable because the current situation in the natural gas industry no longer requires the

curtailment of customers that wish to have firm natural gas service.

The requirement to report the total number of customers and total sales during the last calendar year to firm and interruptible commercial industrial customers that use more than 200 Mcf on peak day has been added to this part as newly proposed subpart 1, item C. This requirement was formerly contained in part 7610.0910, item Q where the current statistic and forecast of this data was required. It was moved to this location so that only the previous calendar year data will be reported by all utilities. This change is needed and reasonable because the department believes that a forecast of these customer categories is no longer necessary to adequately identify the trends in natural gas consumption by user type.

The title of subpart 2, "customers and addresses" will be replaced by "customer information". The change is needed because from the old title the reader may mistakenly conclude that only customer names and addresses are required in this part when actually more information is being requested as listed in proposed items A to E. Hence, a new title is provided to avoid this potential source of confusion. It is reasonable to change the language of the

rules to avoid misinterpretations and ensure the filing of accurate data.

Subpart 2, items B and C are deleted. This is needed and reasonable because the department believes that data on small volume interruptible users and firm customers with consumption of 6,000 Mcf or greater is no longer needed to adequately fulfill its function of collecting and compiling data on energy statistics and identifying emerging trends in energy consumption.

C. INTERSTATE PIPELINE COMPANIES

7610.1200 BASIC FORECAST AND CURRENT STATISTICS FOR INTERSTATE GAS PIPELINE COMPANIES

In the first paragraph of subpart 2, the word "shall" was changed to "must". This change was done to meet the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

Subpart 2, item A contains a change in language to require interstate gas pipeline companies to report their deliveries to utility distribution companies as well as sales for resale. The need for this change arose when changes in federal regulations allowed gas utilities to bypass

interstate pipeline companies and purchase gas directly from producers. Pipeline companies act as transporters of gas purchased under this arrangement. It is reasonable to require interstate pipeline companies to report deliveries to utilities because the additional data will provide a complete accounting of total natural gas consumption in the state.

Newly proposed subpart 2, item B is added to require interstate gas pipeline companies to report "the annual sales and deliveries to ultimate consumers in Minnesota, excluding any sales and deliveries that are transported, in part, by Minnesota distribution utilities". The need for this additional requirement arose when changes in federal regulations allowed large users to purchase natural gas from suppliers other than the gas distribution utility. Under this new arrangement a pipeline company's distribution line can be used to transport gas bought by end users from the pipeline or other sources. The new category only includes sales and deliveries that reach customers via direct hookups with the interstate pipeline. All deliveries that reach customers via local utilities will be reported by local utilities under part 7610.0910. It is reasonable to require interstate pipeline companies to report direct sales and deliveries to ultimate consumers because this will provide a

complete accounting of total natural gas consumption in the state.

In subpart 3, a technical change is made to the sentences which state: "The agency recognizes that five to 15 year forecasts can be difficult to calculate and subject to considerable error, but interstate pipeline companies shall prepare these forecasts to the best of their ability and knowledge. The forecasts shall be based on those assumptions and factors that the reporting utility deems most likely to occur." These will be replaced with "Interstate pipeline companies must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur". This change is needed and reasonable to make the language conform with the general practice of language used in writing administrative rules. This change in language does not in any way represent a change in the department's perception about the nature of the forecasts. The department still recognizes the difficulty of formulating five to 15 year forecasts and the error such a forecast can be subject to. Therefore, the sentence simply asks interstate pipeline companies for a forecast to the best of their present knowledge and ability.

The requirement in subpart 3 that interstate pipeline companies state in writing the assumptions and factors used in deriving the forecasts has been deleted. This change is needed to simplify reporting requirements and eliminate the burden to the utilities of preparing the reports. The department believes that it no longer needs a report of this aspect of the forecasts in order to fulfill its legislative mandate of identifying the trends in natural gas consumption and supply in the future. The documentation provided by the largest local utilities in Minnesota under section 7610.1010 is sufficient for this purpose. It is reasonable to withdraw the collection of data which the department believes is no longer vital to the fulfillment of its legislative mandate.

In subpart 3, word and grammatical changes were made to conform with the Revisor's form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.1210 PRESENT FACILITIES AND
7610.1220 FUTURE FACILITIES

The department proposes to revise the title of part 7610.1210 to "Map of Present Facilities" and of part 7610.1220 to "Map of Future Facilities". These changes are

needed to make the titles more descriptive of the types of information to be required under these parts. The current requirement that utilities report detailed information on present and future natural gas storage facilities will be eliminated. Only a map of the utility's Minnesota service area showing present facilities will be required in part 7610.1210 and a Minnesota service area map identifying future facilities will be required in part 7610.1220. It is reasonable to use titles that more accurately convey the meaning of the contents of the rule. The information contained in the deleted portions was originally requested because in the 1970s, there was great concern that available supplies were not adequate to meet the rising demand. Under these circumstances, detailed reports of present and future facilities were considered vital. At present, the great concern in the 1970s of meeting supply shortfalls no longer holds. Regulations that strictly limited prices to natural gas producers and contributed to shortages have been eliminated. Natural gas consumption is expected to increase steadily over the coming years, but current reserves and undiscovered resources of natural gas should be widely available through at least the first decade of the 21st century. Therefore, it is reasonable to withdraw the collection of data which the department considers is no longer needed to fulfill its legislative mandate to identify

major trends and issues in natural gas consumption and supply.

7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINE COMPANIES

The former Federal Power Commission is now called the Federal Energy Regulatory Commission. This section corrects for this name change. Where a commission is erroneously labelled, there is a need to correct the error. It is reasonable to do so.

Additionally, the department proposes to eliminate the requirement that an interstate pipeline company must file FERC form 16. This form contains information on monthly supplies to Minnesota utilities. The department believes that it no longer needs this information to be able to identify trends in natural gas consumption in the state.

D. PRIME PETROLEUM SUPPLIERS AND PETROLEUM PIPELINE COMPANIES

7610.1300 DEFINITIONS

Subpart 2 contains a change in the shorthand term to be used when referring to the Minnesota Department of Public Service. The new term will be "department" instead of "agency". In 1987, Minnesota Laws, chapter 312, article 1, section 7, subdivision 3 defined "Department" to mean the Department of Public Service. The definition appears in Minn. Stat. section 216C.01. Chapter 216C concerns the Department of Public Service; Energy Division. As these proposed rules relate to Chapter 216C, there is a need to harmonize terminology. It is reasonable, therefore, to use the term "department" instead of "agency" as the descriptive shorthand term for the Department of Public Service to be used in these rules.

Subpart 4 which defined the term "construction" is deleted. This word is not being used in any portion of the rules pertaining to utilities and interstate gas pipeline companies. Therefore, its definition is unnecessary. There is a need to eliminate the definition of a term that is not being used. The appropriate, reasonable solution is to delete the unused term.

7610.1330 ANNUAL REPORTING DATES

Subpart 1 contained the phrase "Except as provided by the commissioner, each...". The phrase is deleted and replaced with the statement: "For good cause shown, the department may grant a prime petroleum supplier an extension from the deadline following receipt of a written request from the company". The deleted statement provides for an exception, but does not state specifically the kind of exception the commissioner can make. An exception to a rule must be stated in clear and unambiguous terms. Therefore, there is a need to state the standard for granting an exception in clear terms. It is reasonable to delete the ambiguous statement and replace it with a statement that makes the nature of the exception specific and provides a standard.

In subpart 1, reference to "pipeline company" was added to the first paragraph. This change is needed in order to clarify that the requirement in this part also refers to pipeline companies. Without the added reference to a pipeline company, one might erroneously think that the requirements apply only to prime petroleum suppliers whereas in reality the requirements apply to both groups of respondents. It is reasonable to add language in the rule

that clarifies a statement being made because this will maintain accuracy in the statement of the rule.

Subpart 1, items A and B which contained the reporting dates for quarterly reports to be filed by prime petroleum suppliers and petroleum pipeline companies is deleted. This is because part 7610.1600, subpart 1 which contains the provisions for quarterly reporting by prime petroleum and pipeline companies has been deleted. Therefore, subpart 1 is no longer necessary. There is a need to eliminate a portions of the rule that is unnecessary because it pertains to a part that has been deleted. The reasonable solution is to delete that portion pertaining to an obsolete part of the rule.

Subpart 2 which specifies the reporting dates for forms filed by prime petroleum suppliers and pipeline companies is deleted. The reporting dates contained in subpart 2 are superseded by the proposed change in subpart 1 which indicates that all reports must be submitted by July 1 of each year. Therefore, subpart 2 is no longer necessary. It is reasonable to delete a subpart of the rule that is no longer necessary.

Subpart 3 which states the conditions by which changes in reporting dates can be made by the department is deleted.

This change is needed to indicate that the department will not make any change in the reporting date unless the change is made as part of future rulemaking. The deadline of July 1 set forth in subpart 1 will be fixed. It is reasonable to delete a section of the rule that the department does not intend to use.

7610.1360 REGISTRATION

The sentence "Each prime petroleum supplier and petroleum pipeline company operating in Minnesota must file a registration statement with the commissioner by July 1, 1975" is deleted because this refers to a one time reporting requirement. Prime petroleum and petroleum pipeline companies file the reports required in parts 7610.1370 to 7610.1500 annually. Therefore, deleting the sentence is needed and reasonable because it carries no meaning in the context of the proposed rules.

"The word "director" is changed to "commissioner" so that the correct title is used when referring to the head of the department. In 1987, Minn. Laws, chapter 186, section 15, directed the revisor in the next edition of Minnesota Statutes to substitute the term "commissioner" for the term "director" whenever used to refer to the head of the

Department of Public Service. Subpart 18 refers to the head of the department and therefore needs to be changed to conform with 1987 Minn. Laws, ch. 186, sec. 15. The appropriate solution, which is reasonable, is to change the designation "director" to "commissioner.

Word and grammatical changes were also made in this part by the Revisor to conform with form requirements pursuant to Minnesota Statutes section 14.07 (1990).

7610.1380 HISTORICAL SUPPLY DATA

The requirements under this part were previously requested under part 7610.1410, item A. By moving the requirements to part 7610.1380 the department will be requesting all prime petroleum suppliers to submit only the data for the last calendar year and eliminate the requirement of a forecast. The historical data is needed for identifying the companies currently supplying petroleum products to the state. Such information helps the department to monitor the short term petroleum supply situation in the state and maintain any necessary contact with suppliers of petroleum products. The department believes that for this purpose a forecast of supply is not necessary. The change being made in this part

is reasonable because it will streamline the department's energy data collection effort.

7610.1400 ANNUAL FORECASTS

A change in language is being proposed in this part to indicate that only a prime petroleum supplier who operates a refinery located in Minnesota or an adjacent state will be required to submit the current calendar year, five, ten, and 15 year forecasts of petroleum production at their Minnesota area refineries. This change is needed because the department believes that the amount of petroleum products produced in Minnesota area refineries will provide more accurate information about regional supplies of petroleum products in the state. The current forecasted supplies brought into the state by prime suppliers provides no useful information on the source or the supplies. This change is reasonable because it will improve the quality of the data being collected by the department and enable it to better fulfill its legislative mandate of collecting energy data and identifying the trends in petroleum supply and demand in the state.

7610.1410 CONTENT OF FORECASTS

Item A contains a change in language that indicates that the data requested in this section will be filed only by prime petroleum suppliers with refineries located in Minnesota or an adjacent state. The need and reasonableness of this change is contained in the statement of need and reasonableness for the changes made in part 7610.1400.

Current item B requests for the annual demand for various petroleum products if supplies are not sufficient to meet total demand. This section is deleted because the information being requested is related to a federal price allocation control system which was eliminated in 1981. In the absence of this federal regulation the information requested in this section is no longer meaningful. It is reasonable to delete data requirements that no longer provide meaningful information.

Proposed item B which requests that a prime petroleum supplier submit a forecast of "the annual volume of crude oil in number of barrels available to the supplier's refineries located in Minnesota" is replaced with the requirement that a prime petroleum supplier that operates a refinery in Minnesota or an adjacent state must submit annually a forecast of "the annual volume of crude oil in

number of barrels available to the supplier's refinery." The need and reasonableness of this change is contained in the statement of need and reasonableness for the changes made in part 7610.1400.

7610.1420 REPORTING YEARS

The sentence "In 1975, data shall also be supplied for the calendar year 1973" is deleted because this refers to a one time reporting requirement. Prime petroleum suppliers and petroleum pipeline companies file the reports required in part 7610.1410 annually. Therefore, deleting the sentence is needed and reasonable because it carries no meaning in the context of the proposed rules.

7610.1430 CRITERIA FOR FORECAST

The requirement that each prime petroleum supplier file in writing the documentation for the forecasts of petroleum supply and demand within its Minnesota service area has been deleted. This change is needed to simplify reporting requirements and eliminate the administrative burden to the suppliers of preparing the documentation. The department believes that it no longer needs this documentation to fulfill its legislative mandate of identifying the trends in

petroleum demand and supply. It is reasonable to withdraw the collection of data which the department believes is no longer needed for the fulfillment of its legislative mandate.

Additionally, word and grammatical changes were made in this part by the Revisor's Office to conform with form requirements as required by Minnesota Statutes section 14.07 (1990).

7610.1500 PRESENT FACILITIES

In the first paragraph of this part, the word "Each" was replaced with "A"; the words "with regard to any" were replaced by "on"; and the word "which" was replaced with "that". These changes were made to meet the Revisor's form requirements pursuant to Minn. Stat. section 14.07 (1990).

Item A is deleted because the department currently collects information on refinery production through the forms provided by suppliers in part 7610.1370. The deletion is needed and reasonable because it will eliminate the duplication of data collected by state and federal agencies.

In current item C detailed data on pipelines will be deleted. Only a map showing the location of pipelines will

be required. These changes are needed because the portions to be deleted contain a request for information that does not tend to vary from one reporting period to another. As long as the general location of pipelines can be determined by the department through the map, any information about the pipelines that has been added or changed from a previous reporting period will be obtained by the department from the pipeline company as needed. It is reasonable to withdraw the annual collection of data that the department already has in its files and which does not tend to vary from one reporting period to the next. This eliminates the burden to the prime petroleum supplier or pipeline company of filing the same data every year.

7610.1510 FUTURE FACILITY REQUIREMENTS

The department proposes to delete this part because the information requested can be obtained from the certificate of need application filed by a prime petroleum supplier or pipeline company when it plans to construct additional facilities or addition to existing facilities. Unlike the electric and natural gas industries, the petroleum industry is not regulated. In addition, petroleum products can be stored so the concern for supply availability is not as heightened as it is with electric and natural gas. In order

to fulfill its legislative mandate of collecting energy statistics and identifying the trends in energy supply and demand in the state, the department believes that it no longer needs information about future facility requirements of prime petroleum suppliers and pipeline companies beyond that provided in their certificate of need applications. It is needed and reasonable to withdraw the collection of data that the department already has access to. This will simplify reporting requirements and eliminate the duplication of information filed.

7610.1520 REFINERY FUEL REQUIREMENTS

This part which requests for detailed information about each prime petroleum supplier's Minnesota refineries is deleted. This change is needed to simplify reporting requirements. The department believes that the information being provided through proposed part 7610.1410, item B for petroleum refineries located in Minnesota will be sufficient for the information needs of the department. It is reasonable to withdraw the collection of data which the department believes is no longer vital to the fulfillment of its duty.

7610.1600 PETROLEUM DELIVERED TO CUSTOMERS

The department proposes to delete subpart 1 of this part. This change is needed because the collection of quarterly data has been discontinued for several years. The deletion formalizes current practice. It is reasonable to eliminate the quarterly reporting requirements for prime petroleum suppliers because the processing of quarterly data poses an administrative burden to the department that far outweighs the value of the information obtained. The department believes that it can adequately fulfill its legislative mandate of collecting and compiling data on energy statistics without the level of detail provided by quarterly reports.

The department proposes to delete subpart 2 of this part. Subpart 2 contains the requirement that enables a prime petroleum supplier to submit an alternate form when filing information requested in subpart 1. The deletion is needed because the department proposes to stop collecting the information currently being requested in subpart 1. This makes the requirement in subpart 2 obsolete and unnecessary. It is reasonable to delete a portion of a rule that has been rendered obsolete and unnecessary because it pertains to an information request that will no longer be collected.

The department proposes to delete subpart 3 of this part. Subpart 3 contains the requirement that allows a prime petroleum supplier to meet the information requirements of subpart 1 by filing alternative information. The deletion is needed because the department proposes to stop collecting the information currently being requested in subpart 1. This makes the requirement in subpart 3 obsolete and unnecessary. It is reasonable to delete a portion of a rule that has been rendered obsolete and unnecessary because it pertains to an information request that will no longer be collected.

The department proposes to delete subpart 4 because it refers to a one time reporting requirement. Under the current rules prime petroleum suppliers file reports annually. Therefore, deleting this subpart is needed and reasonable because it carries no meaning in the context of the proposed rules.

7610.1610 OTHER INFORMATION REPORTED ANNUALLY

The department proposes to delete this part. This deletion is needed and reasonable because this information has not been found by the department to be necessary for the fulfillment of its function of collecting data on energy and identifying trends in energy supply and demand in the state.

Department of Public Service

In the Matter of the Proposed Adoption of the Permanent Rules Governing Energy Information Reporting

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

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Judy Schmidt, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the state Department of Public Service rulemaking mailing list is accurate, complete, and current as of this 19th day of August, 1991.

Judy Schmidt
Data Processing Coordinator I

Subscribed and sworn to before me this 19th day of August, 1991

Mary Joan Kruger

Mary Joan Kruger
NOTARY PUBLIC — MINNESOTA
WASHINGTON COUNTY
My commission expires 12-30-96

Norma Riley, being sworn says:

That on the 19th day of August, 1991, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Norma Riley
Norma Riley, Secretary

Subscribed and sworn to before me this 19th day of August, 1991.

Mary Joan Kruger

Mary Joan Kruger
NOTARY PUBLIC — MINNESOTA
WASHINGTON COUNTY
My commission expires 12-30-96

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B. Grant decrease amendments shall be made upon project completion to reduce the grant to correspond with the amount of incurred, grant eligible costs.

7077.0745 CERTIFICATION OF AWARD.

Subpart 1. **~~Funding list~~ Certification to authority.** The commissioner will ~~prepare a list of municipalities eligible to receive grant funding~~ certify each individual on-site wastewater treatment system grant application approved under ~~this program~~ part 7077.0725, subpart 7, and grant amendment approved under part 7077.0735, subpart 4, to the authority for award. Grant eligible costs, award amounts, and eligible budget periods will be determined at the time of certification.

Subps. 2 and 3. **[See repealer.]**

7077.0750 PAYMENT CONDITIONS.

Payment of the grant is contingent on complying with the following conditions:

[For text of items A to C, see M.R.]

D. The upgrade or replacement to the existing system must meet the standards under chapter 7080 and must be completed in accordance with the approved wastewater treatment plan.

E. Costs on the payment request have been incurred and are eligible under part 7077.0730.

7077.0755 PAYMENTS.

[For text of subpart 1, see M.R.]

Subp. 2. **Schedule of payments.** Payments may be requested monthly as construction on individual and cluster systems is completed and approved by the inspector.

Subp. 3. **Documentation.** Before payment of any part of the grant is made, the municipality must ~~submit copies of the following documents for each individual~~ certify to the agency that the payment conditions under part 7077.0750 have been fulfilled and invoices that document incurred site evaluation, system design, and construction costs for each upgraded or replaced on-site system~~:~~ will be kept on file for state audit purposes.

~~A. invoices documenting incurred construction costs;~~

~~B. documentation that the system was designed by a designer using data from a site evaluator;~~

~~C. documentation that the system was upgraded or replaced by an installer; and~~

~~D. documentation that the system was inspected and approved by the municipality's inspector.~~

[For text of subp 4, see M.R.]

7077.0760 TERMINATION OF GRANT.

Failure of the municipality to comply with ~~the construction schedule contained in~~ the grant agreement or parts 7077.0700 to 7077.0765 constitutes grounds for the commissioner to recommend that the authority terminate the grant.

7077.0765 SUBSEQUENT GRANTS.

A municipality awarded a grant from the individual on-site wastewater treatment systems grants program is not eligible for additional funding under the program established by the 1972 Federal Water Pollution Control Act amendments or the state independent grants program, including the individual on-site wastewater treatment systems grants program, unless the municipality is applying for a project that serves a planning area that was not included, under part ~~7077.0715~~ 7077.0725, subpart 2, item A, in the awarded grant.

REPEALER. *Minnesota Rules*, parts 7077.0715; 7077.0730, subpart 3; 7077.0740; and 7077.0745, subparts 2 and 3, are repealed.

Department of Public Service

Proposed Permanent Rules Relating to Energy Information Reporting by Electrical Utilities

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (Department) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing, *Minnesota Statutes*, sections 14.22 to 14.28 (1990). The Department's statutory authority to adopt the rules is set forth in *Minnesota Statutes* 216C.10.

All interested persons shall have until 4:30 p.m. on September 18, 1991 to submit comment in support of or in opposition to the

proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 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 request in writing. Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes*, sections 14.131 to 14.20 (1990). **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on September 19, 1991, in accordance with the notice of public hearing of these same rules published below in this *State Register*.** To verify whether a hearing will be held, please call Melinda Reyes on September 18, 1991 during the regular business hours at the telephone number listed below.

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

Melinda Reyes
Minnesota Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-9325

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

The proposed amendments to the rules, if adopted, will streamline the reporting process and bring reporting requirements in line with current data collection. The changes will include the deletion of information requirements that the Department believes are too burdensome to the electric utilities, natural gas utilities, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the Department. Other deletions will also be made because certain information requirements are no longer necessary for the department to adequately fulfill its legislatively mandated energy data collection, analysis, and forecasting responsibilities.

The proposed rules are published below. One free copy of the rules may be obtained from the Department by writing or calling Melinda Reyes at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Department by writing or calling Melinda Reyes at the address or telephone number listed above.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rulemaking," that the proposed amendment to the rules will have no negative effect on small business, as the amendments will reduce and simplify the reporting requirements for all those affected by the rules, including small businesses.

The adoption of the proposed rules will not involve any fee adjustments. Therefore, *Minnesota Statutes*, section 16A.128 (1990) is not applicable to this rulemaking process.

The adoption of the proposed rules 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 (1990) is not applicable to this rulemaking process.

If no hearing is required, upon adoption of the rules, the rules 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 as adopted, must submit a written request to Melinda Reyes at the above address.

Dated: 29 July 1991

Krista L. Sanda
Commissioner

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.

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (Department) will hold a public hearing in the above-entitled matter at State Office Building, Room 346, 100 Constitution Ave., St. Paul, MN 55155, commencing at 9:30 a.m., and continuing until all interested or affected persons have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, however, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in resposne to the notice of intent to adopt these same rules without a public hearing published above in this *State Register.* To verify whether a hearing will be held, please call Melinda Reyes on September 18, 1991 during the regular business hours at (612) 296-9325.

The matter will be held before Administrative Law Judge Allen E. Giles, Office of Administrative Hearings, 5th Fl., Flour Exchange Bldg., 310 4th Ave. S., Minneapolis, MN 55415, (612) 349-2543. The rule hearing procedure is governed by *Minnesota Statutes* sections 14.131 to 14.20 (1990) and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.0200 to 1400.1200 (1990). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed amendments to the rules, if adopted, will streamline the reporting process and bring reporting requirements in line with current data collection. The changes will include the deletion of information requirements that the Department believes are too burdensome to the electric utilities, natural gas utilities, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the Department. Other deletions will also be made because certain information requirements are no longer necessary for the department to adequately fulfill its legislatively mandated energy data collection, analysis, and forecasting responsibilities.

The Department's statutory authority to adopt the rules is set forth in *Minnesota Statutes* 216C.10. The proposed rules are published below. One free copy of the rules may be obtained from the Department by contacting:

Melinda Reyes
Minnesota Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-9325

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Department and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date.

The Department requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Melinda Reyes at the Department address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may indicate so at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised pursuant to *Minnesota Statutes*, section 14.115, "Small business considerations in rulemaking," that the proposed amendment to the rules will have no negative effect on small business, as the amendments will reduce and simplify the reporting requirements for all those affected by the rules, including small businesses.

The adoption of the proposed rules will not involve any fee adjustments. Therefore, *Minnesota Statutes*, section 16A.128 is not applicable to this rulemaking process.

The adoption of the proposed rules 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 (1990) is not applicable to this rulemaking process.

Please be advised that lobbyists must register with the state Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Dated: 29 July 1991

Krista L. Sanda
Commissioner

Rules as Proposed

7610.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **[See repealer.]**

[For text of subps 4 to 8, see M.R.]

Subp. 8a. **Department.** "Department" means the Minnesota Department of Public Service.

Subp. 9. **[See repealer.]**

[For text of subp 10, see M.R.]

Subp. 10a. **Interruptible load.** "Interruptible load" means the amount of electric power made available under agreements permitting curtailment or cessation of delivery by the supplier.

[For text of subp 11, see M.R.]

Subp. 12. and 13. **[See repealer.]**

[For text of subps 14 to 17, see M.R.]

Subp. 18. **Municipal power agency.** "Municipal power agency" means a municipal corporation incorporated ~~pursuant to~~ under *Minnesota Statutes*, sections 453.51 to 453.62. For purposes of these parts, a municipal power agency may elect to supply in aggregate the data required by these parts for its members. ~~All~~ Data submitted in ~~such~~ this fashion ~~shall~~ must be in the format specified by the ~~director~~ commissioner.

[For text of subps 19 to 26, see M.R.]

Subp. 26a. **Schedule L purchase.** "Schedule L purchase" means the amount of interruptible load replacement energy that is planned to be purchased for the purpose of serving interruptible load.

[For text of subps 27 to 35, see M.R.]

7610.0110 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0100 to 7610.0700 is to implement the forecasting, statistical, and informational reporting requirements of *Minnesota Statutes*, sections 216C.17 and 216C.18. ~~These~~ Parts 7610.0100 to 7610.0700 are adopted pursuant to the powers of the commissioner conferred by *Minnesota Statutes*, section 216C.10, clause ~~(a)~~ (1), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. **Scope.** Each electric utility serving ~~the state of~~ Minnesota shall submit the information required by ~~these~~ parts 7610.0100 to 7610.0700 to the commissioner in the form specified by ~~him~~ the commissioner.

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7610.0130 ANNUAL REPORTING DATES.

Subpart 1. **Annual.** ~~Except as provided by the commissioner, each generating and transmission utility~~ Utilities listed under part 7610.0300 shall file ~~with the commissioner~~ the information required by parts ~~7610.0120, 7610.0170, and 7610.0200~~ 7610.0100 to ~~7610.0600~~ 7610.0700 by July 1 of each year. All other electric utilities shall file only the information required by parts 7610.0120, 7610.0170, and 7610.0600, items B to J, by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

~~Except as provided by the commissioner, each distribution only utility shall file with the commissioner only the information required by parts 7610.0120, 7610.0170, and 7610.0600 by July 1 of each year.~~

Subp. 2. and 3. **[See repealer.]**

7610.0170 FEDERAL REPORTS FILED BY UTILITIES.

~~Each~~ A utility shall identify to the commissioner ~~all~~ the forms and reports that it regularly files with the Federal ~~Power~~ Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, ~~each~~ a utility shall make copies of ~~any such~~ the forms or reports available to the commissioner.

7610.0300 WHO MUST FILE.

The following utilities must file ~~an extended forecast~~ the information required by parts 7610.0100 to 7610.0700: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules that have identical data requirements. ~~In such~~ For these cases, references to the material substituted and a copy of the appropriate reference material ~~shall~~ must be submitted to meet the reporting requirements.

7610.0310 CONTENT OF ~~EXTENDED~~ HISTORICAL DATA AND FORECAST.

The following data ~~shall~~ must be provided:

A. the annual electrical consumption by ultimate consumers and number of customers at year's end within the utility's system and for its Minnesota service area only for the past calendar year, the present calendar year, and the subsequent 14 years, for each of the following categories:

(1) farm, ~~excluding irrigation and drainage pumping~~ ~~(~~ which for reporting purposes~~,~~ ~~any~~ means a tract of land used primarily for agricultural purposes~~);~~

~~(2),~~ including irrigation and drainage pumping;

~~(3)~~ (2) nonfarm residential ~~(~~, including electricity supplied through a single meter for both residential and commercial uses reported according to its principal use and apartment buildings reported as residential even if not separately metered~~)~~;

~~(4)~~ (3) commercial ~~(~~, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, ~~and~~ water pumping other than pumping for irrigation, and other utilities~~)~~;

~~(5) mining;~~

~~(6)~~ (4) industrial ~~(~~and mining, including ~~all~~ manufacturing industries, construction operations, and petroleum refineries~~)~~, except that mining must be reported as a separate category if annual sales are greater than 1,000 gigawatt hours;

~~(7)~~ (5) street and highway lighting;

~~(8) electrified transportation (including energy supplied for the propulsion of vehicles, but not energy supplied for office buildings, depots, signal lights, or other associated facilities that shall be reported as commercial or industrial);~~

~~(9)~~ (6) other ~~(~~ultimate consumers, including municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, and ~~all~~ other consumers not reported in subitems (1) to ~~(8))~~ (5); and

~~(10)~~ (7) the sum of subitems (1) to ~~(9)~~ (6);

B. the annual system consumption and generation data for the last year, the present year, and the 14 subsequent years for each of the following categories:

(1) annual total electrical consumption in megawatt hours by ultimate consumers within the utility's Minnesota service area;

(2) annual total electrical consumption in megawatt hours by the utility's ultimate consumers outside its Minnesota service area;

(3) the number of megawatt hours the utility has received or expects to receive from other systems for sale to its ultimate consumers or to other utilities;

(4) the number of megawatt hours the utility has delivered or expects to deliver to other systems for resale;

(5) total annual net generation of electrical energy by the utility in megawatt hours;

(6) electrical energy loss in megawatt hours due to transmission line and substation losses; and

(7) total semiannual electrical consumption by the utility's ultimate consumers during May through October and November through April;

C. an estimate of the demand for power by ultimate consumers in the utility's system for each of the categories listed in item A at the time of the last annual system peak demand;

~~C~~ D. the utility's system peak demand by month for the last calendar year;

~~D~~ E. the utility's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~E~~ F. the utility's seasonal participation purchases and participation sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

~~F~~ G. for the summer season and for the winter season of the last year, the present year, and the 14 subsequent years, the load and generation capacity data requested in subitems (1) to (13), including ~~all~~ anticipated purchases, sales, capacity retirements, and capacity additions, including those that may depend upon certificates of need not yet issued:

(1) seasonal maximum demand;

(2) schedule L purchase at the time of seasonal system demand;

(3) seasonal system demand;

~~(2)~~ (4) annual system demand;

~~(3) total seasonal~~ (5) firm purchases - total;

~~(4) total seasonal~~ (6) firm sales - total;

~~(5)~~ (7) seasonal adjusted net demand ~~(~~, which is subitem ~~(1)~~ (3) minus subitem ~~(3)~~ (5) plus subitem ~~(4))~~ (6);

~~(6)~~ (8) annual adjusted net demand ~~(~~, which is subitem ~~(2)~~ (4) minus subitem ~~(3)~~ (5) plus subitem ~~(4))~~ (6);

~~(7)~~ (9) net generating ~~capacity~~ capability;

~~(8) total~~ (10) participation purchases - total;

~~(9) total~~ (11) participation sales - total;

~~(10)~~ (12) adjusted net capability ~~(~~, which is subitem ~~(7)~~ (9) plus subitem ~~(8)~~ (10) minus subitem ~~(9))~~ (11);

~~(11)~~ (13) net reserve capacity obligation;

~~(12)~~ (14) total firm capacity obligation ~~(~~, which is subitem ~~(5)~~ (7) plus subitem ~~(11))~~ (13); and

~~(13)~~ (15) surplus or deficit (-) capacity ~~(~~, which is subitem ~~(11)~~ (12) minus subitem ~~(13))~~ (14);

~~G~~ H. for the present calendar year and the subsequent 14 years, ~~each utility shall provide~~ a list in megawatts of proposed additions and retirements in generating capability; and

~~H~~ I. the utility's method of determining its system reserve margin and the appropriateness of the margin.

7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS.

Utilities required to provide forecasts by category of consumption under part 7610.0310, item A, may request in writing that the department accept alternative definitions for one or more of the categories defined in part 7610.0310, item A. A utility must provide the alternative definition or definitions in writing. This must be filed with each subsequent forecast following approval by the

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department. If the department concludes that a previously accepted alternative definition is no longer acceptable, the department must inform the utility in writing at least six months before the reporting date for the next annual forecast.

7610.0320 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** ~~Each~~ An applicant may use the forecast methodology that yields the most useful results for its system. However, the applicant shall detail in written form the forecast methodology employed to obtain the forecasts provided under parts ~~7610.0200~~ 7610.0300 to ~~7610.0310~~ 7610.0315, including:

[For text of items A to G, see M.R.]

[For text of subps 2 to 5, see M.R.]

7610.0400 PRESENT FACILITIES.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A~~ 7610.0300 shall provide the following information ~~with regard to~~ on each power plant serving or capable of serving its Minnesota service area as of January 1 of the current year:

[For text of item A, see M.R.]

B. ~~its location and address~~ the statutory or home rule charter city or town and the county in which the plant is located;

[For text of items C and D, see M.R.]

E. ~~the annual heat rate of the plant~~ if coal is a fuel source, the average Btu content of the coal;

[For text of items F and G, see M.R.]

H. the type of unit ~~and name plate megawatt rating~~ for each unit of generating equipment in the plant; and

I. if available, for ~~all~~ base load plants provide the capacity factor, operating availability, and forced outage rate.

7610.0410 FUTURE FACILITY ADDITIONS.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A,~~ 7610.0300 shall estimate the additional power plants or additions to existing plants necessary to provide for the energy growth predicted by the forecasts in parts ~~7610.0200~~ 7610.0300 to 7610.0320. ~~Each~~ A utility shall supply the following information about each additional plant or addition:

[For text of items A to E, see M.R.]

F. the estimated type and amount of fuel to be used to operate the plant on an annual basis under conditions set forth in item E; and

G. ~~the estimated heat rate of the plant; and~~

~~H.~~ the type of unit or units proposed for the plant.

7610.0420 FUTURE FACILITY RETIREMENTS.

~~Each~~ A utility required to report under part ~~7610.0130, subpart 1, item A,~~ 7610.0300 shall list ~~any~~ the planned facility retirements that will take place within the next 15 years. ~~Each~~ The utility shall provide the following information about ~~each~~ a facility retirement: the location and type of the plant; the forecasted retirement date; and the plant's actual summer and winter capacity.

7610.0600 OTHER INFORMATION REPORTED ANNUALLY.

~~Each~~ A utility shall provide the following information for the last calendar year:

A. ~~a table and a graphed curve of~~ the demand in megawatts by hour over a 24-hour period for:

(1) the 24-hour period during the summer season when the megawatt demand on the system was the greatest; and

(2) the 24-hour period during the winter season when the megawatt demand on the system was the greatest;

B. the names, addresses, and the kilowatt hours of electricity consumed by customers of the utility who annually consume over ~~600,000 kilowatt~~ 10,000 megawatt hours;

C. ~~the names and addresses of the utility's suppliers of primary fuels, providing for each supplier of primary fuels the type of fuel purchased;~~

~~D.~~ a detailed map, on which the scale is ~~indicated~~ shown, of the utility's Minnesota service area, identifying power plants, principal substations, and transmission lines over 200 kilovolts, identified by voltage;

~~E~~ D. a listing of the purchases and sales for resales the utility had with other utilities, including the ~~name~~ names of ~~any such utility~~ the other utilities and megawatt hours purchased or sold for resale during the last year;

~~F~~ E. its present rate schedules as of June 1 of the present year;

~~G~~ F. a copy of ~~whichever of the following reports it files~~ report form EIA-861 filed with ~~either~~ the Energy Information Administration of the United States Department of Energy ~~or the United States Department of Agriculture:~~;

~~(1) F.P.C. Form Number 12; or~~

~~(2)~~ G. for rural electric cooperatives, part D. of the financial and statistical report to the United States Department of Agriculture;

H. for ~~distribution only~~ utilities that are not members of the MWPSG, the total megawatts of generation capacity, the megawatt hours generated ~~on an emergency standby basis and~~ during the last calendar year, the amount of fuel used to generate ~~such~~ the electricity, and the average Btu content of the coal used for electric generation;

[For text of item I, see M.R.]

J. its deliveries to ultimate consumers and revenues for the last calendar year broken down by categories determined by the ~~director (this item is not applicable to electric utilities completing part 7610.0310, item A)~~ commissioner.

7610.0700 QUARTERLY REPORTS OF ENERGY DELIVERED TO ULTIMATE CONSUMERS.

Subpart 1. **Content.** ~~Beginning in the year 1976 all~~ Utilities~~, except municipal utilities with sales of under 20,000,000 kilowatt~~ with sales to ultimate consumers of over 2,000 gigawatt hours annually, shall report ~~quarterly the kilowatt hours delivered each month during the preceding quarter to ultimate consumers, broken down by customer class/geographic area combination:~~ total sales and number of customers by customer class, within Minnesota and outside of Minnesota, for each quarter of the previous year.

~~A. Geographic areas will be defined by the customer's county.~~

~~B.~~ Customer class will be defined by standard industrial classification (SIC) codes ~~with extensions for more detailed breakdown of households and governmental units,~~ listed in the Standard Industrial Classification Manual, 1987 edition, published by the federal Office of Management and Budget, Executive Office of the President, Washington D.C., as amended and supplemented from time to time. This manual, with future amendments and supplements to it, is incorporated by reference and is available through the Minitex interlibrary loan system and at the Minnesota State Law Library, 117 University Avenue, Saint Paul, MN. The manual is not subject to frequent change.

~~C. In each customer class/geographic area combination the utility shall report the number of customers and the total kilowatt hours consumed.~~

Subp. 2. **[See repealer.]**

7610.0800 DEFINITIONS.

Subpart 1. **Scope.** For purposes of ~~these rules~~ parts 7610.0800 to 7610.1230, the following definitions shall apply.

Subp. 2. **[See repealer.]**

[For text of subps 3 to 5, see M.R.]

Subp. 6. **[See repealer.]**

[For text of subp 7, see M.R.]

Subp. 7a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 8 to 15, see M.R.]

Subp. 16. **Large energy facility.** "Large energy facility" means any pipeline for transporting natural or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to *Minnesota Statutes*, section ~~84.57~~ 103I.681, subdivision 1, paragraph (a).

[For text of subps 17 to 24, see M.R.]

7610.0810 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0800 to ~~7610.1210~~ 7610.1230 is to implement the forecasting, statistical, and informational reporting requirements of *Minnesota Statutes*, sections 216C.17 and 216C.18. These parts are adopted ~~pursuant to~~ under the powers of the commissioner conferred by *Minnesota Statutes*, section 216C.10, ~~paragraph~~ clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

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[For text of subp 2, see M.R.]

7610.0820 ANNUAL REPORTING DATES.

Subpart 1. **Gas utilities.** ~~Except as provided by the commissioner or in these parts, each~~ A utility and interstate gas pipeline company shall file with the commissioner the information required by parts 7610.0850~~, 7610.0860 to 7610.1110, and 7610.1210 by November 1, 1977, and~~ to 7610.1230 by July 1 of each year ~~thereafter~~. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. and 3. **[See repealer.]**

7610.0840 FEDERAL OR STATE DATA SUBSTITUTION ~~FOR ENERGY AGENCY DATA REQUIREMENTS~~.

Upon written request by ~~any~~ a utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in ~~lieu~~ place of data required by ~~these~~ parts 7610.0800 to 7610.1230 if the data required by both agencies is substantially the same.

7610.0850 REGISTRATION.

~~Each~~ A gas utility serving ultimate consumers and ~~each~~ an interstate gas pipeline company serving ~~any~~ a utility in Minnesota must file a registration statement with the commissioner. ~~Any~~ A utility or interstate pipeline company that ~~commences~~ begins operation in the state ~~after June 1, 1975,~~ shall file a registration statement with the commissioner within 30 days after ~~commencing~~ beginning operation. ~~Each~~ The registration statement ~~shall~~ must be on forms issued by the commissioner and available from the ~~agency and shall~~ department. The registration statement must contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of ~~all~~ officers of the utility or interstate pipeline company, and the name, address, and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

7610.0860 FEDERAL REPORTS ~~FILED BY GAS UTILITIES AND INTERSTATE GAS~~: UTILITY, PIPELINE ~~COMPANIES~~ COMPANY.

~~Each~~ A utility and interstate pipeline company shall identify to the commissioner ~~all~~ the forms and reports pertaining to gas supply and demand that it regularly filed with the Federal ~~Power~~ Energy Regulatory Commission, the federal ~~Bureau of Mines~~ Department of Energy, and other federal agencies. Upon request of the commissioner, ~~any~~ a utility or pipeline company shall make copies of any forms or reports available to the commissioner.

7610.0910 ~~CONTENT OF ANNUAL REPORT~~ OVERALL SUPPLY AND DEMAND.

The basic forecast and current data shall contain the following data and forecasts for ~~each year cited in part 7610.0900~~ the last calendar year, the present year, and the subsequent five years:

A. annual sales to ultimate consumers within the utility's Minnesota service area;

B. other deliveries of gas to commercial consumers in Minnesota;

C. other deliveries of gas to industrial consumers in Minnesota;

D. the annual volume of gas delivered or expected to be delivered to other utilities for resale;

~~C~~ E. the annual volume of gas used in the operation of the utility within its Minnesota service area;

~~D~~ F. the annual volume of gas used in the utility's Minnesota service area but unaccounted for in items A to ~~C~~ E;

~~E~~ G. the total annual gas consumption, for all purposes, in the utility's Minnesota service area ~~(~~, with total consumption ~~equals items A plus B plus C plus D equals item E)~~ equaling the sum of items A to F, excluding gas held in storage at year's end;

~~F~~ H. the total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;

~~G~~ I. the total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;

~~H~~ J. the total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;

~~I~~ K. the total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;

~~J~~ L. the design-day maximum gas demand volume for the utility's Minnesota service area firm customers;

~~K~~ M. the maximum winter peak-day volume of gas sent out or expected to be sent out in the utility's Minnesota service area;

~~L~~ N. the design-day availability of each type of gas and the maximum one-day volume of gas ~~such~~ the supplies will provide;

~~M~~ O. the amount of substitute natural gas the utility can produce from the feedstock it will have in storage at the beginning of the winter heating season for use in its Minnesota service area;

~~N~~ P. the amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;

~~O~~ Q. the amount of natural gas the utility will have in underground storage for use at the beginning of the winter heating season; and

~~P~~ R. the type and amount of fuel used or to be used in Minnesota to produce substitute natural gas~~; and~~.

~~Q. the actual historic data and a forecast of direct sales to ultimate customers and the number of such customers in each of the following categories:~~

~~(1) residential firm;~~

~~(2) commercial firm customers who use less than 200 MCF on peak day;~~

~~(3) commercial firm customers who use 200 MCF or greater on peak day;~~

~~(4) commercial interruptible;~~

~~(5) industrial firm customers who use less than 200 MCF on peak day;~~

~~(6) industrial firm customers who use 200 MCF or greater on peak day;~~

~~(7) industrial interruptible;~~

~~(8) other consumers firm;~~

~~(9) other consumers interruptible;~~

~~(10) own company use;~~

~~(11) unaccounted for gas;~~

~~(12) gas delivered to other utilities for sale; and~~

~~(13) total annual gas consumed in Minnesota (total of subitems (1) to (12) should equal item E).~~

7610.0914 SALES BY CUSTOMER CATEGORY.

Subpart 1. **Sales of 3,000,000 Mcf or more.** Utilities with annual Minnesota sales during the last calendar year of 3,000,000 Mcf or greater shall provide historic and forecast data on sales to ultimate customers and the number of customers during the last calendar year, the present year, and the subsequent first through the fifth, tenth, and 15th years for:

A. residential firm sales;

B. commercial firm sales;

C. commercial interruptible sales;

D. industrial firm sales;

E. industrial interruptible sales; and

F. total annual gas consumed in Minnesota, which is the sum of items A to E.

Subp. 2. **Sales of less than 3,000,000 Mcf.** Utilities with annual Minnesota sales during the last calendar year of less than 3,000,000 Mcf shall provide data on sales to ultimate customers and the number of customers for the categories listed in subpart 1, items A to F, for the last calendar year only.

7610.0920 LAST CALENDAR YEAR HISTORICAL DATA.

For the last calendar year, historical data ~~shall~~ must be supplied. For each other reporting year, the forecasts ~~shall~~ must be made using the utility's or pipeline company's best estimate for each of the items requested. ~~The agency recognizes five to 15 year forecasts can be difficult to calculate and subject to considerable error, but~~ Utilities ~~shall~~ must prepare these forecasts to the best of their ability and knowledge~~. The forecasts shall be~~ based on those assumptions and factors that the reporting utility ~~deems~~ considers most likely to occur. The assumptions and factors used in deriving the forecasts ~~shall~~ must be stated in writing. ~~Each~~ The utility shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. ~~Each~~ The utility shall comment on possible deviations from the forecast and what factors might create ~~such changes~~ those deviations. ~~Any~~ A utility required to file ~~an extended~~

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a forecast ~~pursuant to parts 7610.1000 and~~ documentation under part 7610.1010 need not file forecast documentation required in this part.

7610.1000 ~~WHO MUST FILE~~ PEAK-DAY FORECAST.

~~The following utilities must file an extended forecast with documentation: Minnesota Gas Company, North Central Public Service Company, Northern States Power Company, and Peoples Natural Gas Company. Each~~ Utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year must file a peak-day consumption forecast. A utility required to file ~~its extended~~ a forecast ~~pursuant to~~ under this part shall identify or estimate the demand for gas ~~by ultimate consumer categories listed in part 7610.0910, item Q,~~ on the peak sendout day ~~for each of the reporting years cited in part 7610.0900.~~ during the last calendar year, the current year, and the subsequent five years for the following categories of demand:

A. residential firm sales;

B. commercial industrial firm sales;

C. commercial industrial interruptible sales;

D. other deliveries to ultimate customers;

E. own company gas;

F. gas unaccounted for;

G. gas delivered to other utilities for sale;

H. total peak-day gas consumed in Minnesota; and

I. total peak-day consumption in Minnesota.

7610.1010 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** ~~Each~~ A utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, ~~those utilities required under parts 7610.0900 to 7610.1010 to file forecasts~~ utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year shall describe the forecast methodology employed by providing the following documentation:

[For text of items A to G, see M.R.]

[For text of subps 2 to 4, see M.R.]

7610.1130 OTHER INFORMATION ~~TO BE~~ REPORTED BY ~~GAS~~ UTILITIES.

Subpart 1. **General data.** Gas utilities must also report:

A. ~~an annual load curve for the last calendar year consisting of a single graph and accompanying data table indicating~~ the total monthly consumption of gas during the last calendar year in the following classifications:

(1) residential firm;

(2) commercial industrial firm;

(3) ~~small volume~~ commercial industrial interruptible;

(4) ~~large volume interruptible;~~

~~(5)~~ electric generation;

(5) other deliveries to ultimate consumers;

(6) gas to storage;

(7) other dispositions and losses; and

(8) level of contract demand;

B. ~~any~~ additional municipalities or geographic areas outside the utility's current service area ~~which~~ that it expects to serve and the year when service will begin;

C. ~~a list of customers who will be curtailed or completely phased out in the five years following the year of filing;~~ the total number of customers and total sales during the last calendar year to:

(1) firm commercial industrial customers that use more than 200 Mcf on peak day; and

(2) interruptible commercial industrial customers that use more than 200 Mcf on peak day;

[For text of items D and E, see M.R.]

Subp. 2. ~~Customers and addresses~~ Customer information. For the last calendar year, a utility shall provide a list of customers and their addresses~~:~~

~~A.~~ who have gas requirements in excess of 200 Mcf on their peak day each year. For ~~each~~ a customer so identified, the utility shall list:

~~(1)~~ A. annual actual sales;

~~(2)~~ B. annual estimated curtailment;

~~(3)~~ C. annual estimated requirements ~~(~~, which should equal the sum of ~~subitems (1)~~ items A and ~~(2) should equal subitem (3))~~ B;

~~(4)~~ D. alternative fuel used; and

~~(5)~~ E. curtailment priority rank.

~~B. Who are small volume interruptible users. For each small volume interruptible user identify the volume of gas consumed during the last calendar year and the curtailment priority rank.~~

~~C. Who are firm customers and consume 6,000 MCF or greater annually. For each customer so identified list the volume of gas consumed during the last calendar year and the curtailment priority rank.~~

7610.1200 BASIC FORECAST AND CURRENT STATISTICS FOR INTERSTATE GAS PIPELINE COMPANIES.

[For text of subpart 1, see M.R.]

Subp. 2. **Contents of report.** The basic forecast and current data report ~~shall~~ must contain the following data for each year cited in subpart 1:

A. the annual sales and deliveries to Minnesota gas utility distribution companies for resale;

B. the annual sales and deliveries to ultimate consumers in Minnesota, excluding sales and deliveries that are transported in part by Minnesota distribution utilities; and

C. the maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served.

Subp. 3. **Basis of forecasts.** In meeting the requirements of subpart 1, historical data for the last calendar year ~~shall~~ must be supplied.

For each other reporting year, the forecasts ~~shall~~ must be made using the interstate pipeline company's best estimate for each of the items. ~~The agency recognizes that five to 15 year forecasts can be difficult to calculate and subject to considerable error, but~~ Interstate pipeline companies ~~should~~ must prepare these forecasts to the best of their ability and knowledge~~.~~ ~~The forecasts shall be~~ based on those assumptions and factors that the reporting utility ~~deems~~ considers most likely to occur. ~~The assumptions and factors used in deriving the forecasts shall be stated in writing. Each~~ An interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. ~~Each~~ A utility company shall comment on possible deviation from the forecast and what factors might create ~~such changes~~ the deviation.

7610.1210 MAP OF PRESENT FACILITIES.

~~Each~~ An interstate pipeline company shall provide ~~the following information with regard to existing facilities serving its Minnesota service area as of January 1 of the current year:~~

~~A. The name and geographic location of all underground storage facilities owned, operated, or leased by the interstate pipeline company in Minnesota. For each facility include:~~

~~(1) the total storage capacity in MCF of the facility minus the required reserves of gas;~~

~~(2) the actual volume of gas in storage in MCF at the beginning of the winter heating season, not including required reserves of gas;~~

~~(3) the maximum single day withdrawal capacity of the facility in MCF; and~~

~~(4) the anticipated facility retirement date.~~

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.

~~B. The name and geographic location of all liquefied natural gas facilities owned, operated, or leased by the interstate pipeline company in Minnesota. For each facility include:~~

~~(1) the total storage capacity of the facility in MCF of natural gas minus required reserves;~~

~~(2) the actual volume of natural gas in MCF in storage at the beginning of the winter heating season minus the required reserves;~~

~~(3) the maximum single day withdrawal capacity in MCF of natural gas; and~~

~~(4) the anticipated facility retirement date.~~

~~C. The name and geographic location of all substitute natural gas facilities owned, operated, or leased by the interstate pipeline company in Minnesota. For each facility include:~~

~~(1) the maximum storage capacity of the facility in MCF of converted substitute natural gas;~~

~~(2) the maximum volume in storage in converted MCF of substitute natural gas at the beginning of the winter heating season;~~

~~(3) the maximum single day withdrawal capacity of the facility in MCF that can be injected into the pipeline;~~

~~(4) the anticipated date of facility retirement; and~~

~~(5) the type of fuel to be converted to substitute natural gas.~~

~~D.~~ a map, on which the general scale is ~~indicated~~ shown, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.

7610.1220 MAP OF FUTURE ~~FACILITY REQUIREMENTS~~ FACILITIES.

~~Each~~ An interstate pipeline company shall ~~estimate the additional facilities or additions to existing facilities necessary to meet the level of gas consumption predicted in its forecast in part 7610.1200. Each interstate pipeline company shall supply the following information regarding its own planned or projected operations or facilities:~~

~~A. The name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:~~

~~(1) the anticipated year and month the facility will be in operation;~~

~~(2) the estimated storage capacity in MCF of the new facility minus necessary reserves of gas;~~

~~(3) the estimated actual storage in MCF that will be available for usage at the beginning of each heating season, not including necessary reserves of gas; and~~

~~(4) the maximum single day withdrawal capacity of the proposed facility.~~

~~B. The name and geographic location of all new underground liquefied natural gas storage facilities or additions to existing facilities. For each facility include:~~

~~(1) the anticipated year and month the facility will be ready for operation;~~

~~(2) the estimated storage capacity in converted MCF of natural gas of the new facility minus any necessary reserves that must be kept in storage;~~

~~(3) the estimated actual storage in converted MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation, not including necessary reserves that must be kept in storage; and~~

~~(4) the maximum single day withdrawal capacity of the proposed facility in converted MCF of natural gas;~~

~~C. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:~~

~~(1) the type of fuel which is to be converted into substitute natural gas;~~

~~(2) the month and year in which the plant is predicted to begin operation;~~

~~(3) the theoretical storage capability of the facility in MCF of converted substitute natural gas;~~

~~(4) the estimated actual storage in converted MCF of substitute natural gas that will be available at the beginning of each heating season not including required reserves; and~~

~~(5) the maximum daily volume of substitute natural gas in MCF that will be available to be withdrawn from the facility and injected into the pipeline.~~

~~D. Based on your 15 year forecast,~~ provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, ~~any~~ additional distribution utility companies to be served, and ~~any~~ additional interconnections with other interstate natural gas pipeline companies.

7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINE COMPANIES.

Each interstate pipeline company shall file a copy of its annual ~~FPC forms~~ FERC form 2 ~~and 16~~ with the ~~ageney~~ department.

7610.1300 DEFINITIONS.

[For text of subpart 1, see M.R.]

Subp. 2. **[See repealer.]**

[For text of subp 3, see M.R.]

Subp. 4. **[See repealer.]**

[For text of subp 5, see M.R.]

Subp. 5a. **Department.** "Department" means the Minnesota Department of Public Service.

[For text of subps 6 to 17, see M.R.]

7610.1330 ANNUAL REPORTING DATES.

Subpart 1. **Prime petroleum ~~suppliers~~ supplier, pipeline company.** ~~Except as provided by the commissioner, each~~ A prime petroleum supplier and pipeline company shall file with the commissioner or its trade association, as applicable, the information required by parts ~~7610.1350, 7610.1370 to 7610.1510, and 7610.1610~~ 7610.1300 to 7610.1500 by July 1 of each reporting year. For good cause shown, the department may grant a prime petroleum supplier an extension from the deadline following receipt of a written request from the company. ~~Except as provided by the commissioner, each prime petroleum supplier shall file with the commissioner the information required by part 7610.1600 on a quarterly basis as follows:~~

~~A. Information for the period of January 1 to March 31 shall be filed by April 30.~~

~~B. Information for the period of April 1 to June 30 shall be filed by July 31.~~

~~C. Information for the period of July 1 to September 30 shall be filed by October 31.~~

~~D. Information for the period of October 1 to December 31 shall be filed by January 31 of the following year.~~

Subp. 2. and 3. [See repealer.]

7610.1360 REGISTRATION.

~~Each prime petroleum supplier and petroleum pipeline company operating in Minnesota must file a registration statement with the commissioner by July 1, 1975. Any~~ A prime petroleum supplier or petroleum pipeline company that ~~commences~~ begins operations in the state ~~after June 1, 1975,~~ shall file a registration statement with the ~~director~~ commissioner within 30 days after ~~commencing~~ beginning operation. ~~Each~~ The registration statement ~~shall~~ must be on forms issued by the commissioner ~~and shall~~. The registration statement must contain the name and ~~headquarter~~ headquarters address of the prime petroleum supplier or petroleum pipeline company, the names and addresses of ~~all~~ officers of the supplier or company, and the name, address, and telephone number of a person who may be contacted for information about the prime petroleum supplier or petroleum pipeline company.

7610.1380 HISTORICAL SUPPLY DATA.

Each prime petroleum supplier shall submit annually to the commissioner the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area. This data must be submitted for the last calendar year only.

7610.1400 ANNUAL FORECASTS.

Each prime petroleum supplier ~~shall~~ that operates a refinery located in Minnesota or an adjacent state must submit annually to the commissioner five-, ten-, and 15-year forecasts of ~~petroleum supply and demand within~~ crude inputs and production at its Minnesota ~~service~~ area refinery.

7610.1410 CONTENT OF FORECASTS.

The energy forecast required under part 7610.1400 ~~shall~~ must contain the following data for each reporting year:

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.

A. the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area; and

B. ~~the annual demand for motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products if sufficient product were available to meet all demands within the supplier's Minnesota service area; and~~

~~C.~~ the annual volume of crude oil in number of barrels available to the supplier's ~~refineries located in Minnesota~~ refinery.

7610.1420 REPORTING YEARS.

The data required in part 7610.1410 shall be supplied for the following years:

A. the last calendar year;

B. the present calendar year;

C. the year five years after the present calendar year;

D. the year ten years after the present calendar year; and

E. the year 15 years after the present calendar year.

~~In 1975, data shall also be supplied for the calendar year 1973.~~

7610.1430 CRITERIA FOR FORECAST.

For the last calendar year ~~and for the year 1973~~, historical data ~~shall~~ must be supplied. If recorded figures are not available, estimates ~~shall~~ must be used and ~~shall~~ be identified as ~~such~~ estimates. For each other reporting year, the forecast ~~shall~~ must be made using the supplier's best estimates of the amount of each petroleum product that will be supplied ~~or consumed~~. These estimates ~~shall~~ must be based on the factors that the supplier ~~deems~~ considers most likely to occur in its Minnesota service area. The data for each reporting year ~~shall~~ must be calculated by applying these factors to the data for the last calendar year for which actual data required in part 7610.1410 is available. ~~The assumptions and factors used in arriving at the forecast shall be stated in writing. Each prime petroleum supplier shall evaluate the size of the estimating error given the conditions and factors used in the estimate. Each prime petroleum supplier shall comment on probable deviations from the forecast.~~

7610.1500 PRESENT FACILITIES.

~~Each~~ A prime petroleum supplier or pipeline company shall provide to the commissioner the following information ~~with regard to any~~ on facilities ~~which~~ that it owns in Minnesota as of January 1 of the current year:

A. ~~refineries:~~

~~(1) the name of the refinery;~~

~~(2) the location and address;~~

~~(3) the year constructed;~~

~~(4) average barrels per day production; and~~

~~(5) present maximum barrel per day production capacity;~~

~~B.~~ for storage tanks at any one site in excess of 1,000,000 gallons:

(1) the location and address of the site;

(2) the total storage capacity for the site; and

(3) the total storage capacity for the site by product stored; and

~~C.~~ B. ~~pipelines:~~

~~(1) a geographical description of the pipeline~~ a map depicting the location of pipelines from ~~its~~ their origin to ~~its~~ their termination in Minnesota~~;~~.

~~(2) the diameter of the pipeline;~~

~~(3) whether it is a crude or refined product pipeline; and~~

~~(4) the maximum volume in barrels that can be delivered through the pipeline in a single day.~~

REPEALER. *Minnesota Rules,* parts 7610.0100, subparts 3, 9, 12, and 13; 7610.0130, subparts 2 and 3; 7610.0200; 7610.0210; 7610.0220; 7610.0700, subpart 2; 7610.0800, subpart 2; 7610.0820, subparts 2 and 3; 7610.0900; 7610.1120; 7610.1300, subparts 2 and 4; 7610.1330, subparts 2 and 3; 7610.1510; 7610.1520; 7610.1600; and 7610.1610, are repealed.

TERM CHANGES.

Subpart 1. **Agency to department.** The term "department" or similar form of that term will be substituted for "agency" or similar

form of that term wherever it appears in *Minnesota Rules*, parts 7610.0140; 7610.0160; 7610.0830; 7610.1340; and 7610.1600, subpart 3.

Subp. 2. **Gender-neutral terms.** Appropriate terms that are gender-neutral will be substituted for "him," "he," and "his" where they appear in *Minnesota Rules*, parts 7610.0110, subpart 2; 7610.0810, subpart 2; 7610.1300, subpart 12; and 7610.1320.

Public Utilities Commission

Proposed Permanent Rules Relating to Telephone Company Filing Requirements

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request a Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rules without a public hearing following the procedures for adopting rules without a public hearing set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The Commission's authority to adopt the rules is set forth in *Minnesota Statutes* §§ 216A.05, 237.06, 237.07, 237.075, 237.10, and 237.57 to 237.64 (1990).

All persons have until 4:30 p.m. September 18, 1991, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. 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. P-999/R-84-648 on all Correspondence.**

Any person may make a written request for a public hearing on the rules 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 rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990). **Please note that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on Wednesday, September 25, 1991, and, if necessary, Thursday, September 26, 1991, in accordance with the Notice of Public Hearing of these same rules published in this *State Register* and mailed to persons registered with the commission.** To verify whether a hearing will be held, please call the Commission between September 19, 1991, and September 24, 1991 at (612) 296-7124.

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

Alanna Moravetz
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-2357

The proposed rules 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 rules, if adopted, will describe the filing requirements for telephone companies under the jurisdiction of the Commission for tariffs and price lists, new service offerings, rate changes, competitive services, and incentive plans. The proposed rules are published below. One free copy of the rules 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 rules and identifies the data and information relied upon to support the proposed rules 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.

You are hereby advised, pursuant to *Minnesota Statutes* § 14.115 (1990), "small business considerations in rulemaking," that the proposed rules may affect small business. The small businesses that may be affected are the small independent, cooperative, and municipal telephone companies that are regulated by the Commission.

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.

Proposed Permanent Rules Governing Energy Information Reporting, Minnesota Rules Parts 7610.0100 to 7610.1500.

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HEARINGS

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing

(1) **NOTICE IS HEREBY GIVEN** that the Minnesota Department of Public Service (Department) intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing, Minnesota Statutes, sections 14.22 to 14.28 (1990). The Department's statutory authority to adopt the rules is set forth in Minnesota Statutes 216C.10.

(2) All interested persons shall have until 4:30 p.m. on September 18, 1991 to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. (3) Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the comment period. (4) 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 request in writing. (6) Any person requesting a hearing should state his or her name, address, and telephone number and is encouraged to identify the portions of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, it will be held in accordance with the provisions of Minnesota Statutes, sections 14.131 to 14.20 (1990). **PLEASE NOTE that if twenty-five or more persons submit written requests for a public hearing within the 30-day comment period, a hearing will be held on September 19, 1991, in accordance with the notice of public hearing of these same rules published below in this State Register.** To verify whether a hearing will be held, please call Melinda Reyes on September 18, 1991 during the regular business hours at the telephone number listed below.

(5) Comments or written requests for a public hearing should be submitted to:

Melinda Reyes
Minnesota Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-9325

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

(11) The proposed amendments to the rules, if adopted, will streamline the reporting process and bring reporting requirements in line with current data collection. The changes will include the deletion of information requirements that the Department believes are too burdensome to the electric utilities, natural gas utilities, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the Department. Other deletions will also be made because certain information requirements are no longer necessary for the department to adequately fulfill its legislatively mandated energy data collection, analysis, and forecasting responsibilities.

The proposed rules are published below. One free copy of the rules may be obtained from the Department by writing or calling Melinda Reyes at the address or telephone number listed above.

(12) **A STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and may be obtained from the Department by writing or calling Melinda Reyes at the address or telephone number listed above.

(14) You are hereby advised pursuant to Minnesota Statutes, section 14.115, "Small business considerations in rulemaking," that the proposed amendment to the rules will have no negative effect on small business, as the amendments will reduce and simplify the reporting requirements for all those affected by the rules, including small businesses.

The adoption of the proposed rules will not involve any fee adjustments. Therefore, Minnesota Statutes, section 16A.128 (1990) is not applicable to this rulemaking process.

(13) The adoption of the proposed rules 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 (1990) is not applicable to this rulemaking process.

(9) If no hearing is required, upon adoption of the rules, the rules 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 as adopted, must submit a written request to Melinda Reyes at the above address.

Dated: July 29, 1991

Krista L. Sanda
Commissioner
Department of Public Service

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing In Response to Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Department of Public Service (Department) will hold a public hearing in the above-entitled matter at * (see below), commencing at 9:30 a.m., and continuing until all interested or affected persons have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted to the presiding Administrative Law Judge, as hereinafter indicated, without appearing at the hearing.

PLEASE NOTE, however, that the hearing will be cancelled if fewer than twenty-five persons request a hearing in response to the notice of intent to adopt these same rules without a public hearing published above in this State Register. To verify whether a hearing will be held, please call Melinda Reyes between on September 18, 1991 during the regular business hours at (612) 296-9325.

The matter will be held before ** (see below). The rule hearing procedure is governed by Minnesota Statutes sections 14.131 to 14.20 (1990) and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.0200 to 1400.1200 (1990). Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge at the address and telephone number stated above.

The proposed amendments to the rules, if adopted, will streamline the reporting process and bring reporting requirements in line with current data collection. The changes will include the deletion of information requirements that the Department believes are too burdensome to the electric utilities, natural gas utilities, interstate gas pipeline, and prime petroleum suppliers and petroleum pipeline companies based on the limited value of the information to the Department. Other deletions will also be made because certain information requirements are no longer necessary

* State Office Building, Room 346, 100 Constitution Ave., St. Paul, MN 55155

** Administrative Law Judge Allen E. Giles, Office of Administrative Hearings, 5th Fl., Flour Exchange Bldg. 310 4th Ave. S. Minneapolis, MN 55415, (612) 349-2543

for the department to adequately fulfill its legislatively mandated energy data collection, analysis, and forecasting responsibilities.

The Department's statutory authority to adopt the rules is set forth in Minnesota Statutes 216C.10. The proposed rules are published below. One free copy of the rules may be obtained from the Department by contacting:

Melinda Reyes
Minnesota Department of Public Service
900 American Center Bldg.
150 E. Kellogg Blvd.
St. Paul, MN 55101
(612) 296-9325

NOTICE IS HEREBY GIVEN THAT A STATEMENT OF NEED AND REASONABLENESS is now available for review at the department and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence and argument which the department anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Department or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may present his or her views on the proposed rules in one or more of the following ways: by submitting written data to the Administrative Law Judge at any time before the close of the hearing; by submitting oral or written data at the hearing; and by submitting written data to the Administrative Law Judge during the comment period following the hearing. The comment period will be not less than five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. The written material received during the comment period shall be available for review at the Office of Administrative Hearings. Within three business days after the expiration of the comment period, the Department and interested persons may respond in writing to any new information received during the comment period; however, no additional evidence may be submitted during this three-day period. Any written material or responses submitted must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date.

The Department requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment period also submit a copy of the written data to Melinda Reyes at the Department address stated above.

The proposed rules may be modified if the data and views received during the hearing process warrant modification and the

modification does not result in a substantial change in the proposed rules.

Any person may request notification of the date on which the Administrative Law Judge's report will be available, after which date the Department may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may indicate so at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified you may so indicate at the hearing or send a request in writing to the Department at any time prior to the filing of the rules with the Secretary of State.

You are hereby advised pursuant to Minnesota Statutes, section 14.115, "Small business considerations in rulemaking," that the proposed amendment to the rules will have no negative effect on small business, as the amendments will reduce and simplify the reporting requirements for all those affected by the rules, including small businesses.

The adoption of the proposed rules will not involve any fee adjustments. Therefore, Minnesota Statutes, section 16A.128 is not applicable to this rulemaking process.

The adoption of the proposed rules 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 (1990) is not applicable to this rulemaking process.

Please be advised that lobbyists must register with the state Ethical Practices Board, 625 North Robert Street, St. Paul, MN 55101-2520, telephone (612) 296-5148.

Dated: July 29, 1991

Krista L. Sanda

Krista L. Sanda
Commissioner
Department of Public Service

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Rules Governing Energy Information Reporting, Minn. Rules Parts 7610.0100 to 7610.1500	FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Department of Public Service (Department) on the 10th day of October, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Department, 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 Department, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. (1) Notice of the Minnesota Department of Public Service's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 19, 1991, and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. section 14.14, subd. 1a and 14.22 (1990) on August 19, 1991.

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

(4) 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 September 18, 1991.

(5) 4. No requests for public hearing were received during the comment period.

(7) 5. No requests for notice of submission to the Attorney General were received by the Department.

(6) 6. During the comment period the Department received written comments from one electric utility. The Department finds that three modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. The following underlined language was added to part 7610.0170:

Part 7610.0170 FEDERAL REPORTS FILED BY UTILITIES

A utility shall identify to the commissioner the energy-related forms and reports that it regularly files with the Federal Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, a utility shall make copies of the forms or reports available to the commissioner.

This change was made in response to the written comment received from Otter Tail Power Co. (OTP), an electric utility. The comment stated that this part of the rule as proposed does not clearly state what type of forms and reports should be identified by electric utilities under this rule. Should the forms and reports utilities file with all federal agencies be identified or just the forms and reports filed with certain federal agencies? A suggestion was made by OTP that the department identify clearly what is being requested in this part of the rules.

The inclusion of the underlined language provides the suggested clarification. Only energy-related forms and reports filed with federal agencies need to be identified in this part of the rules. It is needed and reasonable to change the language of the rules to clarify a statement being made. This change only constitutes a clarification of what is required by an existing subject matter in the rule and according to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D does not constitute a substantial change.

b. The following underlined language was added to part 7610.0310, item A(3):

Part 7610.0310 CONTENT OF HISTORICAL DATA AND FORECAST

[item A(3) reads as follows:]

(3) commercial, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, water pumping other than pumping for agricultural irrigation, and other utilities;

This change was made in response to the written comment received from Otter Tail Power Co. (OTP), an electric utility. The comment stated that this part of the rules as proposed does not clearly state what type of customers should be included in the "commercial" category described in item A(3). OTP has a type of customer which it calls "commercial irrigation", a customer which functions as a commercial establishment but at the same time irrigates part of

the land where the establishment is located. In the context of OTP's comment "irrigate" refers to supplying dry land with water by means of ditches, pipes, or streams. According to OTP, the confusion lies in whether commercial irrigation should be classified under the category "commercial" as described in item A(3) of part 7610.0310 or under the category "farm" as described in item A(1) of the same part since "farm" includes customers involved in irrigation activities. OTP suggested that the language in this part should be rewritten to eliminate confusion.

The inclusion of the underlined language will eliminate confusion in determining what is being required in item A(3). Inclusion of the word "agricultural" is needed in item A(3) in order to clarify that the term "irrigation" refers to irrigation for agricultural purposes. With the change, utilities will be informed clearly that if irrigation is for agricultural purposes, then electricity usage under that activity must not be reported under item A(3). The description of the category "farm" under item A(1) of part 7610.0310 states clearly that irrigation for agricultural purposes should be reported under that category. It is reasonable to change the language of the rules to clarify a statement being made and eliminate a source of confusion. This will ensure the filing of accurate reports. The change only constitutes a clarification of what is required by an existing subject matter in the rule and according to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D does not constitute a substantial change.

c. In parts 7610.0320, subparts 2 and 4, and 7610.0430, all reference to parts 7610.0200 to 7610.0220 were deleted. Subpart 1, item G of part 7610.0320 was also deleted. These changes are made because parts 7610.0200 to 7610.0220 have been deleted from the rules as originally noticed. The department finds that it is needed and reasonable to delete a section of the rules that has been rendered obsolete by changes in other parts of the rules. This change maintains the accuracy of the language of the rules to avoid confusion and ensure the filing of accurate reports. According to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D this does not constitute a substantial change.

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

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

CONCLUSIONS

1. The Minnesota Department of Public Service duly acquired and has jurisdiction over this proceeding.

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

3. All relevant legal and procedural requirements of statute and rule

have been complied with.

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached Minn. Rules pts. 7610.0100 to 7610.1500 governing Energy Information Reporting are adopted pursuant to the authority vested in the Minnesota Department of Public Service by Minnesota Statutes section 216C.10 (1990). (9)

MINNESOTA DEPARTMENT OF PUBLIC SERVICE

Krista L. Sanda

Krista L. Sanda
Commissioner

STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Rules Governing Energy Information Reporting, Minn. Rules Parts 7610.0100 to 7610.1500

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Department of Public Service (Department) on the 10th day of October, 1991. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Department, 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 Department, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Department of Public Service's intent to adopt the above-entitled rules without a public hearing was published in the State Register on August 19, 1991, and was sent by mail to all persons on the list maintained by the Agency pursuant to Minn. Stat. section 14.14, subd. 1a and 14.22 (1990) on August 19, 1991.

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 September 18, 1991.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Department.

6. During the comment period the Department received written comments from one electric utility. The Department finds that three modifications to the proposed rules are justified by the record in this proceeding, as follows:

a. The following underlined language was added to part 7610.0170:

Part 7610.0170 FEDERAL REPORTS FILED BY UTILITIES

A utility shall identify to the commissioner the energy-related forms and reports that it regularly files with the Federal Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, a utility shall make copies of the forms or reports available to the commissioner.

This change was made in response to the written comment received from Otter Tail Power Co. (OTP), an electric utility. The comment stated that this part of the rule as proposed does not clearly state what type of forms and reports should be identified by electric utilities under this rule. Should the forms and reports utilities file with all federal agencies be identified or just the forms and reports filed with certain federal agencies? A suggestion was made by OTP that the department identify clearly what is being requested in this part of the rules.

The inclusion of the underlined language provides the suggested clarification. Only energy-related forms and reports filed with federal agencies need to be identified in this part of the rules. It is needed and reasonable to change the language of the rules to clarify a statement being made. This change only constitutes a clarification of what is required by an existing subject matter in the rule and according to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D does not constitute a substantial change.

b. The following underlined language was added to part 7610.0310, item A(3):

Part 7610.0310 CONTENT OF HISTORICAL DATA AND FORECAST

[item A(3) reads as follows:]

(3) commercial, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, water pumping other than pumping for agricultural irrigation, and other utilities;

This change was made in response to the written comment received from Otter Tail Power Co. (OTP), an electric utility. The comment stated that this part of the rules as proposed does not clearly state what type of customers should be included in the "commercial" category described in item A(3). OTP has a type of customer which it calls "commercial irrigation", a customer which functions as a commercial establishment but at the same time irrigates part of

the land where the establishment is located. In the context of OTP's comment "irrigate" refers to supplying dry land with water by means of ditches, pipes, or streams. According to OTP, the confusion lies in whether commercial irrigation should be classified under the category "commercial" as described in item A(3) of part 7610.0310 or under the category "farm" as described in item A(1) of the same part since "farm" includes customers involved in irrigation activities. OTP suggested that the language in this part should be rewritten to eliminate confusion.

The inclusion of the underlined language will eliminate confusion in determining what is being required in item A(3). Inclusion of the word "agricultural" is needed in item A(3) in order to clarify that the term "irrigation" refers to irrigation for agricultural purposes. With the change, utilities will be informed clearly that if irrigation is for agricultural purposes, then electricity usage under that activity must not be reported under item A(3). The description of the category "farm" under item A(1) of part 7610.0310 states clearly that irrigation for agricultural purposes should be reported under that category. It is reasonable to change the language of the rules to clarify a statement being made and eliminate a source of confusion. This will ensure the filing of accurate reports. The change only constitutes a clarification of what is required by an existing subject matter in the rule and according to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D does not constitute a substantial change.

c. In parts 7610.0320, subparts 2 and 4, and 7610.0430, all reference to parts 7610.0200 to 7610.0220 were deleted. Subpart 1, item G of part 7610.0320 was also deleted. These changes are made because parts 7610.0200 to 7610.0220 have been deleted from the rules as originally noticed. The department finds that it is needed and reasonable to delete a section of the rules that has been rendered obsolete by changes in other parts of the rules. This change maintains the accuracy of the language of the rules to avoid confusion and ensure the filing of accurate reports. According to the criteria set forth by the attorney general in Minnesota Rules part 2010.1000, item D this does not constitute a substantial change.

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

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

CONCLUSIONS

1. The Minnesota Department of Public Service duly acquired and has jurisdiction over this proceeding.

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

3. All relevant legal and procedural requirements of statute and rule

have been complied with.

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

ORDER

NOW, THEREFORE, IT IS ORDERED, that the attached Minn. Rules pts. 7610.0100 to 7610.1500 governing Energy Information Reporting are adopted pursuant to the authority vested in the Minnesota Department of Public Service by Minnesota Statutes section 216C.10 (1990).

MINNESOTA DEPARTMENT OF PUBLIC SERVICE

Krista L. Sanda

Krista L. Sanda
Commissioner

RECEIVED
SEP 18 1991
DEPT. OF PUBLIC SERVICE

Otter Tail
POWER COMPANY

215 S CASCADE ST
PO BOX 496
FERGUS FALLS MN 56538-0496
218-739-8200

September 16, 1991

Department of Public Service
Attention: Melinda M. Reyes
900 American Center Bldg.
150 East Kellogg Blvd.
St. Paul, MN 55101

PROPOSED PERMANENT RULES GOVERNING ENERGY INFORMATION REPORTING, MINNESOTA RULES PARTS 7610.0100 TO 7610.1500

In general, Otter Tail Power supports the changes being proposed by the DPS, and agree the changes will help to streamline the reporting process. Otter Tail does wish to make a few comments on recommended changes that would help to clarify the intent of some of the language.

Section 7610.0170 Federal Reports

This section requires a list of reports filed with federal agencies. FERC, DOE, and REA are specifically mentioned. Are all federal reports to any agency to be listed, or just those reports dealing with energy agencies? There are numerous reporting requirements to agencies dealing with securities issues, personnel issues, safety issues, etc. Otter Tail suggests that the DPS provide more guidelines in this section to help the utilities understand exactly what reports are desired for listing.

Section 7610.0310 Content of Historical Data and Forecast

While the proposed changes to Part A are beneficial, Otter Tail feels the proposed language still leaves much confusion. It would be helpful if the categories were defined by SIC codes, in addition to the description in words. For example, what is the difference between "water, water pumping other than pumping for irrigation" in category 3 and municipal water pumping in category 6? Where should commercial irrigation be reported? Subpart (3) list governmental units, excluding military bases and camps. Otter Tail serves a few missle installations in North Dakota (less than 5,000 MWh total) which are classified as commercial. Do these need to be reclassified for reporting purposes? Otter Tail suggests that the language in Part A of Section 7610.0310 needs to be rewritten to eliminate confusion.

The categories currently used in Part A are not the same categories used in the development of the Otter Tail load forecast. Otter Tail will most likely request permission to use alternate categories to allow consistency with forecasting categories in order to greatly reduce the workload necessary to comply with Part A.

Otter Tail does not currently have a method to easily determine the data requested in Part C, the estimated demand by consumers for each category in Part A at the time of the last annual system peak demand. Data submitted to satisfy this requirement will be rough estimates at best.

Section 7610.0700 Quarterly Reports

The customer classes in this section are defined by SIC codes. Why are the class definitions in this section different from those in Section 7610.0310? Also, what detail of SIC code will be required; 2, 3, or 4 digit? Again, Otter Tail requests the DPS to specify in further detail what is desired for data reporting.

Again, Otter Tail supports any efforts to streamline the reporting requirements while still providing the necessary data. Any further questions or comments to Otter Tail can be addressed to Al Bartsch at 218-739-8540 or myself at 218-739-8269.

Very truly yours,

Bryan D. Morlock

Bryan D. Morlock, P.E.
Supervisor, Resource Planning

MINNESOTA
Department of Public Service

790 American Center
150 East Kellogg Boulevard
St. Paul, Minnesota 55101-1496
(612) 296-7107
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September 23, 1991

Mr. Bryan D. Morlock
Otter Tail Power Co.
215 S. Cascade St.-P.O. Box 496
Fergus Falls, MN 56538-0496

RE: Response to Comments on the Energy Information Reporting Rules

Dear Mr. Morlock:

We have addressed the following issues raised in your letter of September 16, 1991:

Part 7610.0170

In this part of the rules, the Department requires that utilities list only the energy-related forms and reports that it files with federal agencies. The Department requests for this list because knowledge of what federal reports each utility files will aid the Department in avoiding unnecessary duplication in data requested from utilities. It will also enable the Department to determine what other energy data is available.

The Department agrees that the language in this part does not clearly state what type of reports should be identified by utilities. Therefore, the Department will change the first sentence of this part to read: "A utility shall identify to the commissioner the energy-related forms and reports that it regularly files with ...".

Part 7610.0310, items A and C

The Department does prefer that utilities use SIC-code definitions when filing the data on electricity consumption by sector required in this part. The reason why the Department has not yet made a move towards specifying SIC code definitions in this part of the rules is that as we understand not all utilities are able to reconstruct their historical data to be consistent with SIC-defined categories. Historical data and current forecasts will not be comparable if the latter is defined in SIC codes while the

former is not. Trends between the actual and forecast data cannot be analyzed. Therefore at present, the Department allows utilities to continue defining and reporting current and forecast data on electricity consumption by sector in the manner in which these sectors have been reported in the past.

However, the Department does encourage utilities to make the move towards SIC-defined classes as soon as possible because we would like to start building a database with sectors defined in that manner. As we understand, utilities are now able to construct sector categories using SIC codes. If OTP would like to define their sector categories by SIC codes, then the Department encourages OTP to do so. As a guide for doing this, the following definitions can be referred to:

Farm	-	SIC major group #1-7
Non-farm residential	-	not captured by SIC code definitions; data needs to be constructed by utilities based on current definition given
Commercial	-	SIC major group #40-96
Industrial	-	SIC major group #10-39
St. and highway lighting	-	report as a separate category; exclude from any SIC-defined sector in which it may possibly be reported
Other	-	SIC major group #97-99 and other electricity usage not included in any of the other sectors

OTP can request permission to use alternate categories for forecasting electricity consumption by sector. However, please be reminded that according to part 7610.0315 of the Energy Information Reporting Rules this request must be sent to the Department more than 6 months before the reporting date for the next annual forecast. This will give the Department sufficient time to evaluate the request and inform OTP of a decision.

Estimates of peak demand by customer category will be accepted by the Department. In the form sent annually by the Department to request for this information, please indicate that the numbers you are providing are estimates.

Part 7610.0700

As mentioned above in the Department's response to your comment to part 7610.0310, item A, the Department prefers that utilities report sector categories using SIC codes. Unlike the

case with data requested in part 7610.0310, item A, we are now just starting to build the database on quarterly data and are not concerned with comparing the current quarterly data with historical data. Therefore, we believe that we are now in a position to state in the rules that we are requiring SIC code classifications. In this part we require SIC code data to the 4-digit level.

Thank you for reviewing the changes we are proposing to the Energy Information Reporting Rules. Your comments have provided additional insights into how we can further improve our efforts of streamlining the reporting process.

Sincerely,

MMReyes

Melinda M. Reyes
Energy Economist

MINNESOTA DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Rules
Governing Energy Information Reporting, Minn.
Rules Parts 7610.0100 to 7610.1500.

DECLARATION OF COUNSEL

I, Amy V. Kvalseth, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules 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 0730.

Dated: October 25, 1991.

Respectfully submitted,



AMY V. KVALSETH
Special Assistant
Attorney General

1100 Bremer Tower
Seventh Place and Minnesota St.
St. Paul, Minnesota 55101
(612) 296-2921

ON BEHALF OF THE MINNESOTA
DEPARTMENT OF PUBLIC SERVICE