

# STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

LORI SWANSON  
ATTORNEY GENERAL

April 8, 2013

SUITE 1400  
445 MINNESOTA STREET  
ST. PAUL, MN 55101-2131  
TELEPHONE: (651) 296-7575

Dr. Burl Haar, Executive Secretary  
Minnesota Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101-2147

**Re: MPUC REQUEST FOR COMMENTS  
Possible Amendment to Rules Governing Utility Proceeding, Practice, and  
Procedure, Minnesota Rules Chapter 7829, excluding part 7829.2550, which  
is subject to a separate pending rulemaking  
MPUC Docket No. U-999/R-13-24**

Dear Dr. Haar:

The Office of the Attorney General - Antitrust and Utilities Division ("OAG") submits these brief comments in response to the Commission's February 25, 2013 request for comments on its Possible Amendment to Rules Governing Utility Proceeding, Practice, and Procedure, Minnesota Rules Chapter 7829, excluding part 7829.2550. In addition to the changes proposed in the Commission's working draft attached to its February 25, 2013 request, the OAG suggests the Commission consider the following, additional changes to its current rules:

First, the Commission should clarify rule 7829.0400 to ensure that documents submitted and accepted on the Commission's electronic system before midnight are considered "filed" on the day in which they are submitted. Currently, parties must complete filings during the Commission's regular business hours—a practice that was necessary before implementation of its electronic filing system. Many court systems that have implemented electronic filing procedures have also amended filing requirements to allow parties to submit documents until midnight. The Commission's proposed rule appears to indicate a similar intent: the proposed amendment to rule 7829.0400 states that documents are filed when they are "submitted and accepted" by the Commission's electronic filing system, or "when they are received by the commission offices *during regular business hours, if not filed electronically . . .*" Accordingly, the proposal appears to indicate the documents submitted electronically must not be filed during regular business hours. For clarity, however, the OAG recommends the Commission add the following language to rule 7829.0400, Sub. 1:

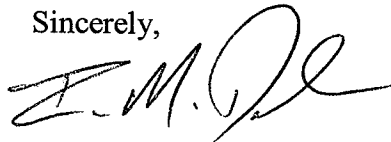
Documents submitted and accepted into the Commission's electronic filing system will be considered filed on the day in which they are submitted, regardless of whether the submission occurred during regular business hours.



Second, in addition to requiring that all electronic filings be made in a text-searchable format, utilities should be required to automatically provide Microsoft Excel (or comparable native format) spreadsheets for certain, specific filings. Utilities typically provide native format spreadsheets of their annual jurisdictional reports filed pursuant to 7825.3900, 7810.8685 and 7810.8620, although they are not required by rule to do so. In addition, utilities are required to file schedules of their travel, entertainment, and employee expenses during a rate case pursuant to Minn. Stat. § 216B.16, subd. 17. The OAG has routinely served information requests on utilities, asking that the schedules filed pursuant to Minn. Stat. § 216B.16, subd. 17 be provided in a Microsoft spreadsheet. Certain utilities have provided Microsoft Excel spreadsheets of this information at the outset of their rate cases. For consistency, and for efficiency of rate case investigations, the OAG suggests that the Commission add language to its proposed rule 7829.0400, subpt. 3, stating that “filings made pursuant to rule 7825.3900, 7810.8685, and 7810.8620, as well as schedules provided pursuant to Minn. Stat. § 216B.16, subd. 17 (a) shall also include the required data in a Microsoft Excel (or comparable native format) spreadsheet format.”

Finally, the OAG suggests amending the language of rule 7829.2400, which requires the Commission to reject a utility’s rate case filing if it is “substantially out of compliance” with applicable filing requirements. The standard that a filing be rejected if “substantially out of compliance” is vague and provides little guidance for parties or the Commission. Instead, the OAG recommends the Commission adopt a rule based on the parties’ ability to evaluate a utility filing, which provides a more meaningful benchmark for the Commission to consider. Accordingly, the OAG recommends the Commission replace the language of rule 7829.2400 with the following: “The Commission may accept a filing that is out of compliance with Minnesota Statutes section 216B.16 or 237.075, or other requirement imposed by rule, statute, or previous commission order if it finds that the filing does not impair the parties’ ability to evaluate the need for a change in gross revenue of a utility.”

Sincerely,



IAN DOBSON  
Assistant Attorney General

(651) 757-1432 (Voice)  
(651) 296-9663 (Fax)



First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Julia	Anderson	Julia.Anderson@ag.state.mn.us	Office of the Attorney General-DOC	1800 BRM Tower 445 Minnesota St St. Paul, MN 551012134	Electronic Service	Yes	OFF_SL_13-24_Official
Linda	Chavez	linda.chavez@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 55101-2198	Electronic Service	No	OFF_SL_13-24_Official
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	No	OFF_SL_13-24_Official
Burf W.	Haar	burf.haar@state.mn.us	Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes	OFF_SL_13-24_Official
John	Lindell	agorud.ecf@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes	OFF_SL_13-24_Official