

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rule
Amendment to Rules Governing Utility
Proceeding, Practice, and Procedure,
Minnesota Rules Chapter 7829, excluding
Part 7829.2550

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

The Minnesota Public Utilities Commission (Commission) sought review and approval of the above-entitled rules under Minn. Stat. § 14.26, subd. 3 (2014). On January 13, 2016, the Office of Administrative Hearings received the documents that must be filed by the Commission under Minn. Stat. § 14.26 (2014) and Minn. R. 1400.2310 (2015). Based upon a review of the written submissions, Minnesota Statutes, and Minnesota Rules,

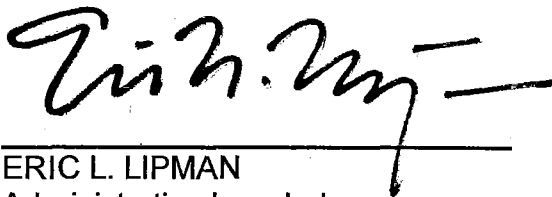
IT IS HEREBY DETERMINED:

1. The Commission has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2014), and Minnesota Rules, Chapter 1400 (2015).
3. The record demonstrates the rules are needed and reasonable.
4. If the Commission makes revisions to proposed rule parts 7829.0100, subp. 9, or 7829.0430, subp. 2, as detailed in the accompanying memorandum, those revisions would be needed and reasonable and not result in a rule that was substantially different than that proposed by the Commission. See Minn. Stat. § 14.05, subd. 2.

IT IS HEREBY ORDERED THAT:

The rules are **APPROVED**.

Dated: January 27, 2016


ERIC L. LIPMAN
Administrative Law Judge

MEMORANDUM

The Administrative Law Judge recommends two technical corrections to the rules for the Commission's review and consideration. Technical corrections are not defects in the rules. The suggested corrections are recommendations that the agency may choose to adopt, if it sees fit, to aid in the administration of the rules.

Miscellaneous Filings - Proposed Minn. R. 7829.0100, subp. 11:

The Commission proposes to modify the term "miscellaneous tariff filing" by deleting the word "tariff," so that the revised rule would encompass a broader range of less common filings. The proposed rule also defines a "miscellaneous filing" as "a request or notice that does not require determination of a utility's revenue requirement."

The Commission should consider whether the rule, as modified, includes a request for a site permit for a large electric power generating plant or a route permit for a high-voltage transmission line. Minn. Stat. §§ 216E.03, subd. 9 and 216E.04, subd. 7 (2014) each label these applications as "requests." These "requests" are likewise submitted to the Commission and, presumably, do not require a determination of a utility's revenue requirement. See Proposed Rule Minn. R. 7829.0100, subp.11.

A revision that clarified whether a request for a site permit for a large electric power generating plant or a route permit for a high-voltage transmission line is a "miscellaneous filing," is needed and reasonable and would not be a substantial change from the rules as proposed.

Contested Withdrawals - Proposed Minn. R. 7829.0430, subp. 2:

The Commission proposes to require a pleading that opposes the withdrawal of an application to be filed "within ten days of service of the notice" of withdrawal. In a different rule, Minn. R. 7829.0410, the time period for opposing other requests for relief is 14 days.

The Commission should consider whether setting the response period for contested withdrawals at a different, and shorter interval than routine opposition filings, would be a trap for the unwary and result in a higher number of untimely filings.

A revision that set the same response period for both sets of filings is needed and reasonable, and would not be a substantial change from the rules as proposed.

E. L. L.