

July 8, 2025

Will Seuffert
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, Minnesota 55101-2147

RE: Comments of the Minnesota Department of Commerce
Docket No. G999/CI-21-565

Dear Mr. Seuffert:

Attached are the comments of the Minnesota Department of Commerce (Department) in the following matter:

*In the Matter of a Commission Evaluation of Changes to Natural Gas Utility
Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction
Goals*

The Investigation was initiated by the Minnesota Public Utilities Commission (Commission) on July 23, 2021.

The Department is available to answer any questions the Minnesota Public Utilities Commission may have.

Sincerely,

/s/ Sydnie Lieb, Ph.D.
Assistant Commissioner, Office of Regulatory Analysis

MZ/SS/AB/AD
Att.



Before the Minnesota Public Utilities Commission

Comments of the Minnesota Department of Commerce

Docket No. G999/CI-21-565

I. INTRODUCTION/BACKGROUND

The Legislature enacted the Natural Gas Innovation Act (NGIA or the Act) in 2021.¹ Article 8, Section 27, directs the Minnesota Public Utilities Commission (Commission), by August 1, 2021, to initiate a proceeding to evaluate changes to natural gas utility regulatory and policy structures needed to meet or exceed Minnesota’s greenhouse gas emissions reductions goals. On July 23, 2021, the Commission established the instant docket.² The Natural Gas Innovation Act also requires that by June 1, 2022, the Commission issue an order establishing a framework to calculate lifecycle greenhouse gas emissions intensities of each innovative resource.³ The Commission opened a second proceeding to develop the framework in Docket No. G999/CI-21-566.⁴

On June 4, 1991, the Commission, *In the Matter of an Inquiry into Competition Between Gas Utilities in Minnesota*, issued an Order initiating a study group in Docket No. G999/CI-90-563. The Commission found that a number of important policy issues had been raised in the aforementioned matter and created a study group to look into the issue of service extensions, among other items.⁵ During the proceedings the Commission addressed natural gas service to areas that were not being served. In addition, the Commission addressed the issue of multiple utilities providing service in the same area, and reviewed the utilities service extension tariffs. Finally, on March 31, 1995, the Commission issued an Order terminating the investigation and closing the docket, and stated the following:⁶

Minnesota LDCs provide service to new customers under individual company service extension tariffs. The purpose of a tariffed service extension policy is to ensure that all new customers receive the same treatment. These tariffs specify what length and size of main and service line extension each new customer is entitled to receive without charge and

¹ Minnesota Laws 2021, 1st Special Session, ch. 4, art. 8, §§ 20-21, 27. Minn. Stat. § 216B.2427.

² *In the Matter of a Commission Evaluation of Changes to Natural Gas Utility Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction Goals*.

³ Minn. Stat. § 216B.2428.

⁴ *In the Matter of Establishing Frameworks to Compare Lifecycle Greenhouse Gas Emissions Intensities of Various Resources, and to Measure Cost-Effectiveness of Individual Resources and of Overall Innovative Plans*. Also See the Commission’s *Notice of Stakeholder Engagement Timeline and Docket Process*, April 11, 2023, Docket Nos. G999/CI-21-565 and G008,G002,G011/CI-23-117, (eDockets) [20234-194673-01](#).

⁵ *In the Matter of an Inquiry Into Competition Between Gas Utilities in Minnesota*, Order Initiating Study Group, June 4, 1991, Docket No. G-999/CI-90-563, (eDockets) [323428](#).

⁶ *In the Matter of an Inquiry Into Competition Between Gas Utilities in Minnesota*, Order Terminating Investigation and Closing Docket, March 31, 1995, Docket No. G-999/CI-90-563, (eDockets) [323463](#), (hereinafter “*March 31, 1995 Order*”).

how much they will have to pay for extensions that exceed the free footage allowance.

On the basis of its work in this docket, the Commission finds that its approach to designing LDC service extension rates and policies is reasonable. The Commission's method provides a balance between the two main approaches to service extension rate design.⁵

Footnote ⁵. The two main theoretical approaches are 1) the rolled-in-rates approach which allows LDCs to extend service to new customers without charge and 2) the incremental-rates approach which requires all new customers to pay their own way, i.e. the full cost of their service extensions, at the time they connect to the LDCs system. The method used by Minnesota LDCs is a compromise between these two opposing approaches.

The Commission also directed that gas line extensions be reviewed in future rate cases and that the Department and parties address "the following kinds of questions":⁷

- Should the "free" footage or service extension allowance include the majority of all new extensions with only the extremely long extensions requiring a customer contribution-in-aid-of-construction (CIAC)?
- How should the LDC determine the economic feasibility of service extension projects and whether the excess footage charges are collected?
- Should the LDC's service extension policy be tariffed in number of feet without consideration to varying construction costs amongst projects or should the allowance be tariffed as a total dollar amounts per customer?
- Is the LDC's extension charge refund policy appropriate?
- Should customers be allowed to run their own service line from the street to the house (or use an independent contractor) if it would be less expensive than having the utility construct the line?

⁷ *Id.* at 6-7.

- Should the LDC be required to offer its customers financing for service extension charges? This could be offered as an alternative to paying extension charges in advance of construction.

Finally, the Commission has concern about the impact of service extension-related additions (projects involving multiple customers) on the company's rate base. In future rate cases, the Commission will request the Department to investigate the company's service extension related additions to rate base to make sure

1 that LDCs are applying their tariffs correctly and consistently,

2 that they are appropriately cost and load justified, and

3.that wasteful additions to plant and facilities are not allowed into rate base.

Recent rate cases, as discussed in the Commission's January 17, 2025 notice, explained that each of the three largest rate-regulated gas utilities emphasized continued discussion of line extension policies in the instant docket.

II. PROCEDURAL BACKGROUND

January 17, 2025	The Commission posted a Notice of Current Scope of Docket and Timeline to bring attention back to the specific issues identified for consideration in the Future of Gas Docket or the instant docket. The Commission explained that subject to change, it would issue a Notice of Comment Period on Line Extension Policy Issues in March 2025. ⁸
May 5, 2025	The Commission posted a notice of comment period. ⁹
May 12, 2025	The Commission posted a notice of comment period, fixing the broken links in the May 5, 2025 Notice. ¹⁰

⁸ *In the Matter of a Commission Evaluation of Changes to Natural Gas Utility Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction Goals*, Notice of Current Scope of Docket and Timeline, January 17, 2025, Docket No. G999/CI-21-565, (eDockets) [20251-214100-01](#).

⁹ *In the Matter of a Commission Evaluation of Changes to Natural Gas Utility Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction Goals*, Notice of Comment Period, May 5, 2025, Docket No. G999/CI-21-565, (eDockets) [20255-218596-01](#)

¹⁰ *In the Matter of a Commission Evaluation of Changes to Natural Gas Utility Regulatory and Policy Structures to Meet State Greenhouse Gas Reduction Goals*, Notice of Comment Period, May 5, 2025, Docket No. G999/CI-21-565, (eDockets) [20255-218789-01](#)

Topic(s) open for comment:

- Should the Commission consider any modifications to how gas utilities calculate free footage allowance and other costs related to gas main and service line extensions? If so, what factors or conditions would justify changes? And how would any proposed changes affect new connecting customers and other ratepayers?
- If the Commission should make modifications to regulated gas utilities' gas line extension policies, how would rules, statutes, and Commission orders justify those modifications?
- Which proposed modifications, if any, would necessitate gas utilities to coordinate and/or consult with electric utilities in the service territory where a gas line extension is being contemplated?
- How should the Commission consider the results of Minnesota Energy Resource Corporation's [Line Extension Policy Study](#)¹ in this matter?
- What lessons should the Commission consider from proceedings in other states related to this matter?
- Should any distinctions be made between different customer classes when considering modifications?
- How should the Commission consider the needs of low-income customers and other areas of equity in this matter?
- Are there other issues or concerns related to this matter?

The Minnesota Department of Commerce, Division of Energy Resources (Department) appreciates the opportunity to provide comments in response to the Commission Notice of Comment Period (NOC) dated May 05, 2025.

III. DEPARTMENT ANALYSIS

A. MODIFICATION OF GAS MAIN AND SERVICE-LINE EXTENSION POLICIES

The Department reviews a variety of information to determine what if any modifications should be made to how gas utilities calculate free footage allowances and other costs related to gas main and service line extensions. The Department's review begins with why free footage allowances were originally implemented, and includes a review of Minnesota Rules and Statutes, MERC's Line Extension Policy Study, and roundtable meeting reports from the Great Plains Institute.

Based on this review of the record, the Department recommends eliminating the free footage allowances for all Minnesota gas utilities. The free footage allowance essentially serves as an incentive to expand natural gas usage in the state—at the time of the widespread implementation and approval of allowances in Minnesota, the expansion of the natural gas system was seen as social benefit. As discussed below, incentives to expand natural gas usage directly conflict with several current Minnesota Statutes that call for a reduction in greenhouse gas emissions; these statutes, which have been enacted in the years following the March 31, 1995 Order, demonstrate that the goals of the state have shifted from expanding natural gas usage to reducing it. The Department does not recommend limitations on or stoppage of natural gas service extensions at this time. The Department recommends suspension of incentives to continue expansion of the natural gas system. Under this policy future gas

extensions will be paid for via contributions in aid of construction (CIACs). Requiring CIACs ensures that new customers, whether those be from existing buildings or new construction, face the true costs when making the decision to use natural gas for heating (or for other purposes) instead of electricity or other fuels. This proposed change would protect ratepayers from related future extension costs, as currently the free footage costs are spread over all customers in utility rate cases as well as potential increased stranded asset costs from an expanded system as the state's policies drive Minnesota towards decreased gas use.

A.1. Origins of Free Footage Allowances

As discussed above, in 1991 the Commission began a study group to discuss service area competition and service extensions, which eventually resulted in the March 31, 1995 Order. The March 31, 1995 Order discussed that free footage allowances were being used by competing utilities in service area's with more than one utility in an attempt to draw more customers to natural gas service than competitors, including companies providing heating services other than natural gas. The Commission noted that, "it appears that allowing this level of competition may help to promote wider access to natural gas, which is a substantially less expensive fuel than other fuel options such as propane and heating oil."¹¹ The Commission ultimately concluded that the approach of providing new natural gas customers a free footage amount for extensions was reasonable and provided a balanced approach between traditional methods of completely rolling extension costs into rates or requiring customers to pay for the entirety of their connection.¹² The Commission specifically noted that:

The Minnesota approach recognizes that residents benefit from having access to natural gas service and Minnesota LDCs benefit from being able to provide that service. In addition, the LDCs policies try to balance the interests of existing customers with new customers so that both groups are able to receive reasonably priced service.¹³

This language demonstrates that at the time it was considered socially beneficial to expand the natural gas customer base, as it was the cheapest method of heating customers' homes. By removing the cost of short extensions, the barrier to entry to obtain natural gas service was significantly lowered, which encouraged the proliferation of natural gas heating in Minnesota.

A.2. Minnesota Statutes

Minn. Stat. § 216H.02 covers the state's greenhouse gas emissions reduction goals and demonstrates clearly that the State of Minnesota encourages a reduction in greenhouse gas emissions. Specifically, Minn. Stat. § 216H.02 subdivision 1 (a) states:¹⁴

¹¹ March 31, 1995 Order at 5.

¹² *Id.* at 6.

¹³ *Id.* at 6.

¹⁴ Minn. Stat. § [216H.02](#)

Greenhouse gas emissions-reduction goal.

(a) It is the goal of the state to reduce statewide greenhouse gas emissions across all sectors producing greenhouse gas emissions by at least the following amounts, compared with the level of emissions in 2005:

- (1) 15 percent by 2015;
- (2) 30 percent by 2025;
- (3) 50 percent by 2030; and
- (4) to net zero by 2050.

Additional statutes support this goal for both the electric and natural gas industries. While not directly applicable to this case, but in furtherance of the State's commitment to reducing greenhouse gas emissions, Minn. Stat. § 216B.1691¹⁵ covers electric utilities renewable energy objectives and has more stringent requirements than Minn. Stat. § 216H.02; Minn. Stat. § 216B.1691 requires electric utilities to generate 100 percent of their electricity from carbon-free technologies by 2040.¹⁶

There are several statutes that directly address reducing natural gas utilities emissions. The instant docket was created at the direction of the Legislature via Minnesota Laws 2021 1st Special Session, Chapter 4, Article 8, Section 27, which states:

By August 1, 2021, the Public Utilities Commission must initiate a proceeding to evaluate changes to natural gas utility regulatory and policy structures needed to meet or exceed Minnesota's greenhouse gas emissions reductions goals, including those established in Minnesota Statutes, section 216H.02.

Minn. Stat. § 216B.241 details the state's Energy Conservation and Optimization (ECO) program and Subd. 1c(b) sets a goal for natural gas utilities to achieve an annual energy-savings goal equivalent to one percent of gross annual retail energy sales.¹⁷ This program directly instructs Minnesota gas utilities to undertake conservation programs in order to reduce natural gas usage.¹⁸ While the primary goal of the ECO program is to incentivize cost effective efficiency upgrades that the utilities might otherwise be disincentivized to pursue—as they would reduce sales, and hence income for the companies—this program nevertheless demonstrates a clear incentive structure to reduce carbon emissions.

Finally, and perhaps the most directly, Minn. Stat. § 216B.2427¹⁹ details the process for natural gas utilities to implement Natural Gas Innovation Plans (NGIP) as required by the Natural Gas Innovation Act (NGIA) in 2021.²⁰ The NGIA allows Minnesota's regulated gas utilities to submit a NGIP which will

¹⁵ Minn. Stat. § [216B.1691](#)

¹⁶ *Id.*

¹⁷ Minn. Stat. § [216B.241](#)

¹⁸ *See id.*; *see also* Minn. Stat. § [216B.2042, subd. 5.](#)

¹⁹ Minn. Stat. § [216B.2427](#)

²⁰ Minnesota Laws 2021, 1st Special Session, ch. 4, art. 8, §§ 20-21, 27.

provide a roadmap for how utilities will decarbonize their systems in coming decades. The NGIPs consist of pilot projects for a variety of different proposals to reduce greenhouse gas impacts for the utilities, including strategic electrification, alternative of renewable fuels, carbon capture, or others. The NGIA allows natural gas utilities to undertake projects that might not be currently cost effective in order to explore the options available to help the utilities decarbonize in the future. Minn. Stat. § 216B.2427, subd. 10. states that, “it is the goal of the state of Minnesota that through the Natural Gas Innovation Act and Conservation Improvement Program, utilities reduce the overall amount of natural gas produced from conventional geologic sources delivered to customers.”²¹ The NGIA explicitly demonstrates that the legislature has prioritized the reduction of natural gas usage over time.

The Department is also not aware of any statute or rule that requires the provision of the free footage allowance by these utilities. Natural gas utilities are required to extend service to customers within their service territories under Minn. Stat. § 216B.04, which specifically states:²²

every public utility shall furnish safe, adequate, efficient, and reasonable service; provided that service shall be deemed adequate if made so within 90 days after a person requests service.

Minn. Stat. § 216B.1638 details the process for natural gas utilities obtaining recovery of natural gas extension projects, but primarily covers the process of service mains extensions to areas that are not currently served by a natural gas utility, not the individual service lines that are covered by the free footage allowance.²³ Even Minn. Stat. § 216B.1638 leaves it to the utility to propose a method for revenue deficiency recovery, and it is up to the Commission to approve or deny the proposal.

In addition to the policies and statutes described in this section, Minnesota policy makers can also rely on a report published in July 2021 that provides modeling and recommendations for state policy makers to consider when working to decarbonize natural gas end uses.²⁴ The report is a result of an 18-month convening of a broad group of stakeholders led by Center for Energy and Environment (CEE) and the Great Plains Institute (GPI). In addition to the stakeholder discussions, the group contracted with Energy and Environmental Economics, Inc. (E3) to model a handful high-level scenarios for decarbonizing natural gas end uses by 2050 in Minnesota. In every one of these scenarios new construction was assumed to be electrified and in every scenario throughput of natural gas declined. These modeling assumptions were supported by a broad group of stakeholders. The consensus report and modeling provided by this collaborative further support the Department’s conclusion that incentives for expansion of the gas system are incongruent with current state policy.

²¹ Minn. Stat. § [216B.2427](#)

²² Minn. Stat. § [216B.04](#)

²³ Minn. Stat. § [216B.1638](#)

²⁴ See, Decarbonizing Minnesota’s Natural Gas End Uses, Center for Energy and the Environment and Great Plains institute, last accessed July 6, 2025 at <https://e21initiative.org/wp-content/uploads/2021/07/Decarbonizing-NG-End-Uses-Stakeholder-Process-Summary.pdf>.

In conclusion the Department finds clear and convincing support from current Minnesota Statutes for the reduction of natural gas usage and greenhouse gas emissions. The Department finds no rules or statutes that support or require the provision of free footage allowances. The review of state policy described here demonstrates a clear change in policy goals from those that created and approved the free footage allowances in the 1990s and supports ending the footage allowance.

A.3. *MERC's Line Extension Policy Study*

On November 14, 2024, MERC filed a Line Extension Policy Study with the Commission.²⁵ The Study details MERC's analysis of a number of topics related to MERC's extension policies, including MERC's footage allowances and calculation of CIACs. Much of the document focuses on the specific calculations of MERC's Customer Extension Model, which is used to determine customer CIACs, free footage allowances, and use per customer. This data could be useful if the Commission wished to alter—but not eliminate—the free footage allowance; however, as the data is specific to MERC, it is unlikely that it could be used to establish a new overarching policy for all Minnesota gas utilities. As the Department is recommending elimination of the free footage allowance, the Department's analysis will focus on information presented in the Line Extension Policy Study specific to the relative social costs of natural gas and the social and customer impacts of extending natural gas service.

MERC's line extension policy does not currently consider greenhouse gas emissions; MERC stated that for existing structures that already have some form of heating, it might be difficult to determine the net GHG emissions effects.²⁶ MERC does note that, based on its analysis, many of the new connecting customers to MERC's system could have alternatively connected to a neighboring system, and therefore MERC concluded that the Commission must be careful when adjusting individual utilities free footage allowances or else risk just shifting which utility the new customer connects to.²⁷ The Department agrees with this point and supports the idea that the Commission should likely implement a blanket policy for natural gas utility service extensions.

MERC states there are additional benefits for customers of being connected to the natural gas, including access to conservation programs, gas affordability programs, protections under the cold weather rule statute.²⁸ MERC also states that natural gas could serve as a back-up fuel in the future if customer switch at some point to primarily electric heating.²⁹ MERC states that 31% of residential extensions were to existing premises (and therefore 69% would be to new construction) and that those customers expressed that they obtained natural gas service for economic reasons, and would have continued to use propane for heating otherwise. MERC also stated that 8.3% of 2023 service line

²⁵ *In the Matter of the Application of Minnesota Energy Resources Corporation for Authority to Increase Natural Gas Rates in Minnesota*, Minnesota Energy Resources Corporation, Line Extension Policy Study, November 14, 2024, Docket No. G-011/M-22-504, (eDockets) [202411-211947-02](#), (hereinafter "Line Extension Policy Study").

²⁶ Line Extension Policy Study at 30.

²⁷ *Id.* at 31.

²⁸ *Id.* at 32.

²⁹ *Id.* at 10.

extensions were to premises currently or previously occupied by LIHEAP customers.³⁰ MERC states that 70% of commercial extensions in 2023 indicated that they would have used propane for heating if natural gas was not available.³¹ Finally, MERC states that any increases to the CIAC size, as would occur if the free footage allowance were eliminated, would likely result in fewer new natural gas extensions, with customers unable to receive the above-referenced benefits.³²

The Department reviewed this information and agrees to some extent. However, as MERC stated, 69% of new residential connections were new construction, and thus the free footage allowance likely heavily influences the selection by construction companies of the heating method. Incentivizing natural gas expansion via the free footage allowance means new construction does not face the true costs of fuel selection. While MERC indicates that electric heating might not be the most economically competitive choice for many rural customers at this time, it certainly will not be if line extension policy continues to incentivize natural gas extensions. Rather, making the important and necessary change to cease incentives for gas line extensions will provide signals to electric utilities and policy makers to consider electric space heating rates that address the economics of electric heating as well as increased incentives for electric heating equipment. Further, maintaining the service extension incentive would serve as a barrier against any other action the Commission or the Legislature might wish to do to incentivize other heating methods in the future. Finally, the information from MERC primarily addresses rural customers, and thus MERC's Line Extension Policy Study results might not reflect the experiences of other natural gas utilities.

A.4. *RMI Overextended Paper*

The Department also reviewed a paper by the Rocky Mountain Institute (RMI) which advocates for the elimination of free footage allowances for service extensions. RMI states that a variety of pressures on natural gas utilities have increasingly incentivized natural gas utilities to provide free footage in order to counter incentives for fuel switching away from natural gas. RMI also discusses climate change pressures and various state greenhouse gas reduction goals. In particular RMI focuses on discussions of alternative fuels, and the difficulties faced in replacement of natural gas usage with hydrogen and/or renewable natural gas (RNG). Specifically, RMI states that the American Gas Foundation and ICF International find that potential RNG supply likely could only meet 12% of current gas demand by 2040 and be far more expensive.³³ As such RMI concludes that it is likely that substantial fuel shifting away from natural gas would be necessary to meet the greenhouse gas goals of various states.

RMI argues that line extension allowances reduce the cost of installing natural gas heating by thousands of dollars, which likely impacts developers' and builders' decisions on heating systems. RMI

³⁰ *Id.* at 32.

³¹ *Id.* at 33.

³² *Ibid.*

³³ Abigail Lalakea Alter, Sherri Billimoria, and Mike Henchen, *Overextended: It's Time to Rethink Subsidized Gas Line Extensions*, RMI, 2021, <https://rmi.org/insight/its-time-to-rethink-subsidized-gas-line-extensions/> at page 11

argues that this incentive potentially strands customers with underutilized assets if state policies change to require substantial reductions in natural gas usage.³⁴

A.5. Summary

As discussed above, the Department recommends eliminating the free footage allowances for all Minnesota gas utilities. This return to the *status quo* prior to the March 31, 1995 Order would eliminate incentives for natural gas service extensions and level the playing field for other fuels. Moreover, the Department finds support for this position in GHG reduction goals in Minnesota Statute.

B. LESSONS TO CONSIDER FROM PROCEEDINGS IN OTHER STATES

Several states have addressed or are currently in the process of addressing natural gas line extension policies, either through their respective commission's equivalent Future of Gas Proceedings and/or in concert with legislative changes to the respective state's statutes and rules. The Department briefly summarizes information below for various states.

B.1. Maryland

On June 13, 2025, the Maryland Public Service Commission (MD PSC) issued a press release and a Decision³⁵ that ends the policy of spreading costs out among all gas utility customers for extending gas lines to new customers. The MD PSC decided that the current policy of subsidized gas network extensions is not compatible with Maryland's statute to reduce greenhouse gas emissions. Maryland's 2022 Climate Solutions Now Act, which calls for the state of Maryland to reduce GHG emissions by 60% from 2006 levels by 2031 and reach net-zero status by 2045. The Maryland order directed PSC staff to file proposed regulations on gas line extensions and file them with the commission by December 1, 2025.³⁶ The MD PSC in its press release stated the following:³⁷

The Commission found that Maryland's energy policies, which call for continuing reductions in greenhouse gas emissions and greater electrification, may no longer be compatible with the status-quo for how gas line extensions are funded.

Currently, new gas customers who want to connect to an existing utility gas main can often do so free of charge or at a substantially reduced charge, depending on the utility providing service. This means that existing customers are subsidizing this expense.

³⁴ RMI page 11-12

³⁵ *In the Petition of the Office of People's Counsel for Near-Term, Priority Actions and Comprehensive, Long-Term Planning for Maryland's Gas Companies*, Maryland Public Service Commission, Case No. 9707, June 13, 2025, (See Department Attachment 1).

³⁶ *Id.*

³⁷ *Id.*

In its order, the Commission noted that “to the extent that subsidies encourage more natural gas production and use, they are inconsistent with the goals set by CSNA [the Climate Solutions Now Act of 2022]. While natural gas must play a role during that transition, the Commission is persuaded that new natural gas customers should pay the full cost of extending service to them, thus minimizing any future potential for stranded costs with respect to new extensions, and reducing any subsidization of gas extensions. A customer that prefers to use natural gas should, therefore, be expected to pay the actual cost of obtaining that service without artificial incentives to do so.”

The Commission notes, however, that the road toward meeting Maryland’s climate goals has not been fully marked out, and the role of natural gas in that process remains unclear and may shift over time, as occurred in the 2025 legislative session, which revised numerous laws relating to gas consumption and distribution. The Commission emphasized that it is not removing customer choice by eliminating the gas line extension subsidies and that customers may continue to elect their choice of fuel. This new direction is a neutral stance, neither subsidizing nor discouraging new gas extensions.

The Commission pointed out that this change in the extension policy is also consistent with traditional ratemaking principles, which dictate that, to the degree possible, the entity causing the cost should be the entity that bears the cost. Given the relatively short time horizon for achieving net-zero emissions status, there are legitimate issues concerning whether any investment in new gas service and main line extensions will be fully recovered through rates over the lifetime of those facilities. Under the current utility policies, ratepayers could be faced with recovery of stranded costs resulting from those extensions in the future.

The Commission pointed out that this change in the extension policy is also consistent with traditional ratemaking principles, which dictate that, to the degree possible, the entity causing the cost should be the entity that bears the cost. Given the relatively short time horizon for achieving net-zero emissions status, there are legitimate issues concerning whether any investment in new gas service and main line extensions will be fully recovered through rates over the lifetime of those facilities. Under the current utility policies, ratepayers could be faced with recovery of stranded costs resulting from those extensions in the future.

Similarly, the Department summarizes information from proceedings in Colorado, New York, and Oregon below.

B.2. New York

During the week of June 16, 2025, the New York legislature repealed gas line extensions that allowed not only connections within 100 feet of existing gas main lines but also the spreading of those connection costs across the entire utility's customer base. With this repeal the new legislation would require all new customers to pay their own way, i.e. the full cost of their service extensions, at the time they connect to the Local Distribution Company's (LDC's) system. The legislation bills "A8888" in the New York Assembly and "S8417" in the New York Senate currently await the New York Governor's review.³⁸

B.3. Oregon

Oregon's Department of Environmental Quality (OR DEQ) administers Oregon's Climate Protection Program (OR CPP). OR CPP establishes a declining cap, or limit, on greenhouse gas emissions from fossil fuels used throughout Oregon, including diesel, gasoline, and natural gas. The program is designed to reduce these emissions 50% by 2035 and 90% by 2050.³⁹ Oregon, similar to other states, had a historical line extension allowance and policy that allowed new customers to connect to a utility's system where the connection costs were paid for by existing customers through their rates.

One way that the Oregon Public Utilities Commission (OR PUC) addresses compliance with OR CPP was to, for example, require its largest gas utility—NW Natural—to phase out its line extensions beginning November 1, 2024, and to eliminate them by November 1, 2027. In OR PUC's October 30, 2024, media release, the OR PUC stated the following:⁴⁰

Commissioners upheld their decision from NW Natural's 2023 rate case filing to phase down line extension allowances until completely eliminated as of November 1, 2027, citing high levels of uncertainty about whether subsidies paid to new customers would end up benefitting existing customers over the long term.

In its October 24, 2022, Order No. 22-388, the OR PUC stated, in part the following:⁴¹

³⁸ New York State Assembly Bill A8888, 2025-2026 Legislative Session, *Relates to the provision of gas service to new customers*, at <https://www.nysenate.gov/legislation/bills/2025/A8888> ; <https://www.nysenate.gov/legislation/bills/2025/S8417>. (See Department Attachment 2).

³⁹ The Oregon CPP is administered via OR Administrative Rules Chapter 340, Division 273 available at <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=8651> and also see Attached fact sheet, included as Department Attachment 3.

⁴⁰ Oregon Public Utilities Commission Media Release, *PUC APPROVES AGREEMENT TO INCREASE RATES FOR NW NATURAL CUSTOMERS STARTING NOVEMBER 1*, October 30, 2024. (See Department Attachment 4).

⁴¹ *In the Matter of Northwest Natural Gas Company, dba NW NATURAL, Request for a General Rate Revision (UG435), Advice 20-19, Schedule 198 Renewable Natural Gas Recovery Mechanism (ADV 1215) (UG411)*, Oregon Public Service Commission, Order No. 22-388, October 24, 2022, (See Department Attachment 4).

We find that the record in this case establishes that NW Natural's LEA should be revised downward. The continued use of NW Natural's current allowance would be problematic in several important respects, and thus we order specific changes to it.

... The primary reason that NW Natural's current LEA is problematic is that it fails to take into account any of the costs that are brought to NW Natural's system from new customers associated with greenhouse gas emission abatement obligations placed on the company under the CPP. As shown in this case, those costs could be significant.¹⁶⁸ In fact, the record demonstrates that those costs, when accurately accounted for, could result in no or negligible economic benefit being brought to the existing system from the addition of new customers.¹⁶⁹ As NW Natural rightly explains, LEAs are calculated to ensure that existing customers are not harmed by the addition of new customers to the utility's system while accounting for the benefits that are expected to accrue from new customers.¹⁷⁰ Thus, a LEA that makes no accounting for CPP compliance costs would cause the LEA to fail in its purpose.

Despite the fact that the extent to which the CPP benefits should reduce the LEA is disputed between the parties, at the very least, the company admits that its current policy does not account for CPP costs and revenues but that it should in the future.¹⁷¹ It also acknowledges that the addition of each new customer increases the costs of CPP compliance for all customers, including the average cost per customer.¹⁷²

168 See, e.g. CUB/100, Jenks/12, 13 (identifying costs of compliance associated with new customers added to the system).

169 See CUB/100, Jenks/12-13 (calculating that no benefit results if the carbon reduction costs are around \$80 to \$100 per metric tonne).

170 *In the Matter of Portland General Electric Company, Adv. No. 20-14 (ADV 1130) Sch. 300 Line Extension Allowance*, Docket No. UE 385, Order No. 20-483, Appendix A at 3-4 (Dec 23, 2020); ORS 860-021-00500 (stating that the service extension policy should be related to the investment that may prudently be made for the probable revenue); NW Natural Opening Brief at 34.

171 Tr. at 147 (Aug 25, 2022).

172 Tr. at 16, 18 (Aug 25, 2022).

In addition, the OR PUC further addressed NW Natural's line extension allowances by affirming and deciding that the line extensions needed to be phased out. In support of its reasoning, the OR PUC stated in part the following:⁴²

Under the proposed tier system, NW Natural seeks to attract lower use customers, asserting that these lower use customers will allow the company to "responsibly" grow the system-meaning, add customers to financially support the system's needs-while minimizing the usage from new customers that would exacerbate emissions reduction policy compliance challenges.¹³

While we accept that having fewer customers across whom to spread system costs could make the future more challenging for NW Natural and its customers, it does not necessarily follow-and we find the evidence in the record does not sufficiently support-that existing customers benefit from paying an *incentive* to attract new customers. We conclude that NW Natural's residential LEA should be phased out on the schedule we set in docket UG 435, which would eliminate the residential LEA as of November 1, 2027.

In Order No. 22-388, we stated that if NW Natural sought to modify its LEA, it would need to provide more analysis of the costs of CPP compliance and the timeframe customers are expected to stay on the system. While we find NW Natural's modeling exercise responsive to our direction, upon evaluating parties' perspectives on the model's inputs and assumptions, we find that the benefits to existing customers erode quickly when alternative inputs and assumptions are tested. We credit Staff and intervenors for raising numerous questions about the inputs used in NW Natural's DCF model for demonstrating the customer benefit of LEAs. In particular, Staff, CUB, and the Coalition argue that the 25-year payback timeline is still too high, the assumed price for RNG is too low, and non-RNG alternative fuel costs are not appropriately accounted for.

13 NW Natural/1900, Therrien/3.

B.4. Colorado

On October 1, 2021, a bill was introduced in the Colorado Senate and Colorado legislative session known as Senate Bill (SB) 21-264, codified as § 40-3.2-108 Colorado Revised Statutes. The legislation

⁴² *In the Matter of Northwest Natural Gas Company, dba NW NATURAL, Request for a General Rate Revision, UG490, Oregon Public Service Commission, Order No. 24-359, October 25, 2024, (See Department Attachment 4).*

requires gas distribution utility with more than 90,000 retail customers to file a clean heat plan (plan) with the public utilities commission (CO PUC). The clean heat plan must demonstrate how the gas utility will use clean heat resources to meet clean heat targets (targets) established by the act. The targets are a 4% reduction below 2015 greenhouse gas (GHG) emission levels by 2025 and 22% below 2015 GHG emission levels by 2030.⁴³ The legislation became effective March 16, 2023.⁴⁴

During the 2023 Colorado Legislative Session, a bill known as SB 23-291 was introduced. In this bill, on or before December 31, 2023, each regulated gas utility was required to remove from the utility's rate tariffs any incentives offered to an applicant applying for natural gas service to establish gas service to a property. That is, line extension allowances are removed, and if customers want to connect natural gas service the connecting customer is required to pay the full incremental cost of connection, including any costs associated with increases in design peak demand.⁴⁵ The Bill became effective on August 7, 2023.⁴⁶

The states of New York, Colorado and Maryland have eliminated incentives for line extension allowances while Oregon will phase out line extensions by 2027. The Department recommends that Minnesota join them.

IV. DEPARTMENT RECOMMENDATIONS AND CONCLUSIONS

Based on analysis of Minnesota Statutes, proceedings in other states, and the information in the record, the Department has prepared recommendations, which are provided below. The recommendations correspond to the subheadings of Section III above.

A. MODIFICATION OF GAS MAIN AND SERVICE-LINE EXTENSION POLICIES

- A.5. The Department recommends eliminating the free footage allowances for all Minnesota gas utilities.

B. LESSONS TO CONSIDER FROM PROCEEDINGS IN OTHER STATES

- B.4. States like New York, Colorado and Maryland have eliminated incentives for line extension allowances while Oregon will phase out line extensions by 2027. The Department recommends that Minnesota join them.

⁴³<https://leg.colorado.gov/bills/sb21-264>

⁴⁴ <https://www.sos.state.co.us/CCR/eDocketDetails.do?trackingNum=2021-00643>

⁴⁵ See Colorado Code of Regulations Chapter 723-4 Rule 4210

(<https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=11999&fileName=4%20CCR%20723-4>) and CO §§ 40-3.2-104.3, included as Department Attachment 5.

<https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=2260&deptID=18&agencyID=96&deptName=Department%20of%20Regulatory%20Agencies&agencyName=Public%20Utilities%20Commission&seriesNum=4%20CCR%20723>

-4

⁴⁶ <https://leg.colorado.gov/bills/sb23-291>

Docket No. Docket No. G999/CI-21-565

Analyst(s) assigned: Michael Zajicek, Sachin Shah, Andy Bahn

Attachments

CERTIFICATE OF SERVICE

I, Sharon Ferguson, hereby certify that I have this day, served copies of the following document on the attached list of persons by electronic filing, certified mail, e-mail, or by depositing a true and correct copy thereof properly enveloped with postage paid in the United States Mail at St. Paul, Minnesota.

Minnesota Department of Commerce
Comments

Docket No. G999/CI-21-565

Dated this **8th** day of **July 2025**

/s/Sharon Ferguson

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