

SENATOR DAN SPARKS
2201 Minnesota Senate Building
95 University Avenue West
St. Paul, MN 55155-1606
Office Phone: (651) 296-9248
E-mail: sen.dan.sparks@senate.mn



Senate

State of Minnesota

December 13, 2019

Minnesota Public Utilities Commission
121 7th Pl E Ste 350
St. Paul, MN 55101

Dear Public Utilities Commissioners,

I am writing to speak to the legislative intent and history of Minn. Stat. § 216B.2422, subd. 2b. I authored this statute during the 2012 legislative session as Senate File 2098, which was signed into law by Governor Mark Dayton on May 2, 2012.

The goal of this legislation was to streamline the reporting requirements for electric cooperatives with relatively little presence in Minnesota and to save them time, money, and resources. It was also intended to save time, money, and resources for the Minnesota Public Utilities Commission and the Department of Commerce. This legislation also reflected the desire of the Legislature to focus limited taxpayer funds on higher priority issues before the Commission. These goals were responsibly balanced with the State's interest in ensuring resource adequacy.

I am concerned that granting the Motion to Compel Basin's Response to Information Requests (IRs) would be contrary to the legislative intent of the Optional-IRP Statute. The parties here disagree as to the interpretation of the statute, so it is helpful to turn to Minn. Stat. § 645.16.

645.16 LEGISLATIVE INTENT CONTROLS.

The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature. Every law shall be construed, if possible, to give effect to all its provisions.

When the words of a law in their application to an existing situation are clear and free from all ambiguity, the letter of the law shall not be disregarded under the pretext of pursuing the spirit.

When the words of a law are not explicit, the intention of the legislature may be ascertained by considering, among other matters:

- (1) the occasion and necessity for the law;
- (2) the circumstances under which it was enacted;
- (3) the mischief to be remedied;
- (4) the object to be attained;
- (5) the former law, if any, including other laws upon the same or similar subjects;
- (6) the consequences of a particular interpretation;
- (7) the contemporaneous legislative history; and
- (8) legislative and administrative interpretations of the statute.

The legislative history and record, which is documented in the exhibits Basin submitted with their response to the IRs, make clear that the intent of the statute is to streamline the reporting process, reduce regulatory burden, and to ensure the Commission uses limited taxpayer dollars on higher priority issues.

Granting the Motion to Compel Basin's Response to IRs would defeat this intent, as Basin would be required to put significant time, money, and personnel towards the arduous and burdensome regulatory process that the Optional-IRP Statute seeks to avoid. The Commission would also have to continue putting time, money, and resources towards this matter, which would conflict with the Legislature's desire for the Commission to focus its limited funding on higher priority issues.

As these proceedings continue, I hope the Commission gives the legislative intent and history of the Optional-IRP Statute the weight it deserves.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Sparks", with a long, sweeping flourish extending to the right.

Dan Sparks
State Senator, District 27