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PO Box 496
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218 739-8200
www.otpc.com (web site)

March 22, 2021



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

**Re: In the Matter of Otter Tail Power Company's Petition for Approval of a Variance to the Customer Service Rules Governing Billing Errors
Docket No. E017/M-21-
Initial Filing**

Dear Mr. Seuffert:

Enclosed for filing, please find the Petition of Otter Tail Power Company (Otter Tail) requesting approval of a variance to Minn. Rule 7820.3800 and a one-time modification to the terms of Otter Tail's Billing Adjustments – Overbilled tariff language contained in its Tariff Book.

Prior to submitting this Petition, Otter Tail has informally provided a brief summary of this filing to the Commission's Consumer Affairs Office and Minnesota Department of Commerce, as outlined in the March 29, 2010 Order in Minnesota Docket No. E017/M-09-1302. They agreed that the request to refund this customer is appropriate under Minn. Rule 7820.3800 and 7829.3200.

Otter Tail has electronically filed this document with the Commission. In compliance with Minn. Rule 7829.1300, subp. 2, Otter Tail is serving a copy of this filing on the Department of Commerce – Division of Energy Resources and Office of Attorney General – Antitrust & Utilities Division. A Summary of the filing has been served on all persons on Otter Tail's general service list. A Certificate of Service is also enclosed.

Should you have any questions regarding this filing, please contact me at (218) 739-8049 or mgunderson@otpc.com.

Respectfully,

/s / *MICHELLE GUNDERSON*
Michelle Gunderson
Tariff Admin

cjh
Enclosures
By electronic filing
c: Service List

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of Otter Tail Power
Company's Petition for Approval of a
Variance to the Customer Service Rules
Governing Billing Errors**

Docket No. E017/M-21-

SUMMARY OF FILING

Pursuant to Minn. Rules part 7829.3200, Otter Tail Power Company petitions the Minnesota Public Utilities Commission for approval of a variance to the Minn. Rules 7820.3800 and a one-time modification to Otter Tail's Billing Adjustments – Overbilled Section 4.09 of its General Rules and Regulations.

**STATE OF MINNESOTA
BEFORE THE
MINNESOTA PUBLIC UTILITIES COMMISSION**

**In the Matter of Otter Tail Power
Company’s Petition for Approval of a
Variance to the Customer Service Rules
Governing Billing Errors**

**Docket No. E017/M-21-
PETITION OF OTTER TAIL
POWER COMPANY**

I. INTRODUCTION

Pursuant to Minn. Rules 7829.3200, Otter Tail Power Company (Otter Tail or the Company), respectfully requests the Minnesota Public Utilities Commission (Commission) approve a variance to the Minn. Rules 7820.3800 (Billing Errors Rule) and a one-time modification to Otter Tail’s Billing Adjustments – Overbilled and Underbilled Section 4.09 of its General Rules and Regulations (Billing Adjustments tariff), approving a refund to a customer for an overcharge during the billing period October 2011 – October 2019 due to a change to the customer’s metering that did not get updated on the customer’s account.

II. SUMMARY OF FILING

Pursuant to Minn. Rules 7829.1300, subp. 1, a one-paragraph summary of the Petition is included with this filing.

III. SERVICE ON OTHER PARTIES

Pursuant to Minn. Stat. § 216.17, subd. 3, and Minn. Rules 7829.1300, subp. 2, Otter Tail has served a copy of this filing on the Minnesota Department of Commerce, Division of Energy Resources and the Office of Attorney General, Antitrust and Utilities Division. A summary of the filing prepared in accordance with Minn. Rules 7829.1300, subp. 1, was served on all parties on the attached general service list.

IV. GENERAL FILING INFORMATION

Pursuant to Minn. Rules 7829.1300, subp. 3, Otter Tail provides the following general information:

A. Name, Address, and Telephone Number of Utility.

(Minn. Rules 7829.1300, subp. 3(A))

Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8200

B. Name, Address, and Telephone Number of Utility Attorney.

(Minn. Rules 7829.1300, subp. 3(B))

Cary Stephenson
Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8956

C. Date of Filing.

(Minn. Rules 7829.1300, subp. 3(C))

This Petition is being filed on March 22, 2021. The Company requests approval of the proposed variance to Minn. Rules 7820.3800 and one-time modification to the Billing Error Tariff provisions in its Tariff Book to be effective immediately upon issuance of the Commission's Order granting our Petition.

D. Statute Controlling Schedule for Processing the Filing.

(Minn. Rules 7829.1300, subp. 3(D))

This Petition is made pursuant to Minn. Stat. § 216B.16, subd. 1, which prescribes general timelines for rate and tariff changes, including but not limited to, a requirement of 60-day notice prior to any rate or tariff change.

Commission Rules define this filing as a "miscellaneous tariff filing" under Minn. Rules 7829.0100, subp. 11, since no determination of Otter Tail's overall revenue

requirement is necessary. Minn. Rules 7829.1400, subp. 1 and 4, permits comments in response to a miscellaneous filing to be filed within 30 days and reply comments to be filed not later than 10 days thereafter.

E. Title of Utility Employee Responsible for Filing.

(Minn. Rules 7829.1300, subp. 3(E))

Michelle Gunderson
Tariff Admin
Regulatory Proceedings
Otter Tail Power Company
215 South Cascade Street
P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8049
mgunderson@otpc.com

F. Service List.

Pursuant to Minn. Rules 7829.0700, Otter Tail requests that the following persons be placed on the Commission’s official service list for this proceeding:

Michelle Gunderson Tariff Admin Regulatory Proceedings Otter Tail Power Company 215 South Cascade Street P. O. Box 496 Fergus Falls, MN 56538-0496 (218) 739-8049 mgunderson@otpc.com	Jessica Fyhrie Supervisor, Regulatory Proceedings Regulatory Proceedings & Compliance Otter Tail Power Company 215 South Cascade Street P. O. Box 496 Fergus Falls, MN 56538-0496 (218) 739-8395 jfyhrie@otpc.com
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V. DESCRIPTION OF FILING

A. Background.

An incorrect meter multiplier was set up in our Customer Information System (CIS) at the time of the meter installation on 9/22/2011.

This customer uses the Small General Service (less than 20kW) (Section 10.01) Rate code M404.

The customer experienced duplicate billing of their kWh. They were billed with a kWh multiplier of 40 rather than 20. The error was found in May of 2020 by the Meter Department after the service representative re-energized the meter after seasonal closing.

On March 11, 2021, Otter Tail contacted the Minnesota Public Utilities Commission's Consumer Affairs Office and the Minnesota Department of Commerce to inform them of the situation. They agreed that the request to refund this customer is appropriate under Minn. Rule 7820.3800 and 7829.3200.

The Billing Errors Rule (Minn. Rule 7820.3800) limits the period for refunding overcharges to three years. To fully correct the inadvertent overcharges, Otter Tail is requesting a variance from the Billing Errors Rule three-year limitation on refunds and a one-time modification to Otter Tail's Billing Adjustments tariff.

The total amount overbilled, over the time period of the error including interest, is \$28,850.50.

B. Company Action.

On May 27, 2020, Otter Tail corrected the metering so the billing would be accurate.

The time period associated with this billing error exceeds the three-year timeframe identified in the Commission's Billing Errors Rule for over collection (Minn. Rule 7820.3800, subp. 2) and Otter Tail's Billing Adjustments tariff (Section 4.09). Because this timeframe has been exceeded, a variance to the Commission's Billing Errors Rule and a one-time modification to our tariff provisions are required for Otter Tail to provide the Customer with an additional refund.

Otter Tail has calculated and provided the refund amounts in accordance with Minn. Rules 7820.3800 and calculated interest consistent with Minn. Stat. § 325E.02(b). Table 1 below shows the total overbilled and corresponding interest amounts owed to the Customer for the periods within and exceeding the Commission's Billing Errors Rule.

Table 1			
Time Period	Principal	Interest	Total
Within Commission Rules and Tariff period: January 25, 2018 through October 24, 2019	\$602.47	\$24.31	\$626.78
Exceeding Rules and Tariff Period: October 25, 2011 – December 22, 2017	\$26,275.14	\$1,948.58	\$28,223.72
Total	\$26,877.61	\$1,972.89	\$28,850.50

C. Applicable Law.

Minn. Rules 7820.3800, subp. 1, provides the criteria for remedy of billing errors related to electric bills, and provides in relevant part:

When a customer has been overcharged or undercharged as a result of incorrect reading of the meter, incorrect application of rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reasons, the amount of the overcharge shall be refunded to the customer...

Minn. Rules 7820.3800, subp. 2, provides the method of calculating and the time period for providing refunds associated with billing errors to customers and states in relevant part:

[T]he utility shall calculate the difference between the amount collected for service rendered and the amount the utility should have collected for service rendered, plus interest, for the period beginning three years before the date of discovery...

Minn. Rules 7820.3800, subp. 4, provides an exception if the error date is known and states in relevant part:

If the date the error occurred can be fixed with reasonable certainty, the remedy shall be calculated on the basis of payments for service rendered after that date, but in no event for a period beginning more than three years before the discovery of an overcharge...

In this situation, the Customer was overcharged due to incorrect billing of a meter multiplier. Application of an incorrect multiplier is one of the criteria identified in Minn. Rules 7820.3800, subp. 1, for when a billing error warrants a remedy. The Company's Billing Adjustments tariff contains similar provisions that permit an adjustment for overcharges up to a maximum of three years from the date of discovery of the billing error.

Otter Tail is seeking a variance from the Commission's Billing Errors Rule and a one-time modification to our Billing Adjustments tariff to allow a refund of the charges billed to the customer that exceed three-year timeframe identified in the Commission's Billing Errors Rule and the Company's Tariff Book.

VI. REQUEST FOR VARIANCE

In this Petition, Otter Tail seeks authority to refund charges and interest associated with the over-billing to the Customer, beyond the three-year limitations contained in the Billing Errors Rule.

Otter Tail believes the circumstances of this billing error warrant that the Customer should receive a full and complete refund of the overcharges. Therefore, based upon the foregoing, Otter Tail requests a variance to the Billing Errors Rule and a one-time modification to our Billing Adjustments tariff to allow a refund of the over-billing in excess of the Rule's limitation period. Minn. Rules 7829.3200 sets forth the criteria for evaluating variance requests:

- (1) Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule.
- (2) Granting the variance would not adversely affect the public interest.
- (3) Granting the variance would not conflict with standards imposed by law.

Otter Tail believes that its request satisfies these criteria.

A. Enforcement of the Rule Would Impose an Excessive Burden on Customer.

Given the period of time at hand, strict enforcement of the rule would impose an excessive and unreasonable burden on the Customer by limiting the refund for the total over-billed amount.

B. Granting the Variance Does Not Adversely Affect the Public Interest.

Granting the waiver as requested does not adversely affect the public interest.

C. Granting the Variance would not Conflict with Standards Imposed by Law.

Otter Tail is not aware of any conflict with any standards imposed by law. Indeed, the rules expressly contemplate waivers under circumstances like those presented here. The Commission has, on several occasions, granted variances to the limitation on refunds for over-billings.

VII. CONCLUSION

For the foregoing reasons, Otter Tail respectfully requests that the Commission grant a variance to the Billing Errors Rule and a one-time modification to our Billing Adjustments tariff as requested herein.

Dated: March 22, 2021

Respectfully submitted,

OTTER TAIL POWER COMPANY

By: /s/ MICHELLE GUNDERSON
Michelle Gunderson
Tariff Admin
Regulatory Proceedings
Otter Tail Power Company
215 South Cascade Street, P. O. Box 496
Fergus Falls, MN 56538-0496
(218) 739-8049

CERTIFICATE OF SERVICE

**Re: In the Matter of Otter Tail Power Company's Petition for Approval of a Variance to the Customer Service Rules Governing Billing Errors
Docket No. E017/M-21-**

I, Carly Haiby, hereby certify that I have this day served a copy of the following, or a summary thereof, on Will Seuffert and Sharon Ferguson by e-filing, and to all other persons on the attached service list by electronic service or by First Class Mail.

**Otter Tail Power Company
Initial Filing**

Dated this **22nd** day of **March, 2021**.

/s/ CARLY HAIBY _____
Carly Haiby
Regulatory Filing Coordinator
Otter Tail Power Company
215 South Cascade Street
Fergus Falls MN 56537
(218) 739-8472

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Ray	Choquette	rchoquette@agp.com	Ag Processing Inc.	12700 West Dodge Road PO Box 2047 Omaha, NE 68103-2047	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Generic Notice	Commerce Attorneys	commerce.attorneys@ag.state.mn.us	Office of the Attorney General-DOC	445 Minnesota Street Suite 1400 St. Paul, MN 55101	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Brooke	Cooper	bcooper@allete.com	Minnesota Power	30 W Superior St Duluth, MN 558022191	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
James C.	Erickson	jericksonkbc@gmail.com	Kelly Bay Consulting	17 Quechee St Superior, WI 54880-4421	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Sharon	Ferguson	sharon.ferguson@state.mn.us	Department of Commerce	85 7th Place E Ste 280 Saint Paul, MN 551012198	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Jessica	Fyhrie	jfyhrie@otpc.com	Otter Tail Power Company	PO Box 496 Fergus Falls, MN 56538-0496	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Shane	Henriksen	shane.henriksen@enbridge.com	Enbridge Energy Company, Inc.	1409 Hammond Ave FL 2 Superior, WI 54880	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Douglas	Larson	dlarson@dakotaelectric.com	Dakota Electric Association	4300 220th St W Farmington, MN 55024	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
James D.	Larson	james.larson@avantenergy.com	Avant Energy Services	220 S 6th St Ste 1300 Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Kavita	Maini	kmairi@wi.rr.com	KM Energy Consulting, LLC	961 N Lost Woods Rd Oconomowoc, WI 53066	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List

First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret	Service List Name
Andrew	Moratzka	andrew.moratzka@stoel.com	Steel Rives LLP	33 South Sixth St Ste 4200 Minneapolis, MN 55402	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Matthew	Olsen	molsen@otpc.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Generic Notice	Residential Utilities Division	residential.utilities@ag.state.mn.us	Office of the Attorney General-RUD	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Larry L.	Schedin	Larry@LLSResources.com	LLS Resources, LLC	332 Minnesota St, Ste W1390 St. Paul, MN 55101	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Will	Seuffert	Will.Seuffert@state.mn.us	Public Utilities Commission	121 7th PI E Ste 350 Saint Paul, MN 55101	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Cary	Stephenson	cStephenson@otpc.com	Otter Tail Power Company	215 South Cascade Street Fergus Falls, MN 56537	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List
Stuart	Tommerdahl	stommerdahl@otpc.com	Otter Tail Power Company	215 S Cascade St PO Box 496 Fergus Falls, MN 56537	Electronic Service	No	GEN_SL_Otter Tail Power Company_OTP 2021 Variance -Billing Error Service List