

1.1 **Public Utilities Commission**

1.2 **Adopted Permanent Rules Governing Utility Proceeding, Practice, Procedure**

1.3 **7829.0100 DEFINITIONS.**

1.4 [For text of subps 1 to 4, see M.R.]

1.5 Subp. 5. [See repealer.]

1.6 [For text of subps 6 to 9, see M.R.]

1.7 Subp. 10. [See repealer.]

1.8 Subp. 11. **Miscellaneous filing.** "Miscellaneous filing" means a request or notice  
1.9 that does not require determination of a utility's revenue requirement.

1.10 A miscellaneous filing includes a filing involving a new service offering; a change in  
1.11 a utility's rates, services, terms, or conditions of service; a change in a utility's corporate  
1.12 structure, assigned service area, or capital structure, when conducted separately from a  
1.13 general rate proceeding; filings made under the rules governing automatic adjustment of  
1.14 charges in chapter 7825; or any related matter.

1.15 The inclusion of a particular type of filing in this list does not require a filing that  
1.16 would not otherwise be required or confer jurisdiction that would not otherwise be present.

1.17 Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific  
1.18 commission action by a party within the context of an ~~ongoing proceeding~~ existing  
1.19 commission docket. This does not include recommendations for action made in comments,  
1.20 or in motions made during a proceeding before an administrative law judge.

1.21 [For text of subps 12 to 16, see M.R.]

1.22 Subp. 17. [See repealer.]

1.23 [For text of subps 18 and 19, see M.R.]

2.1 Subp. 19a. **Protected data.** "Protected data" means data filed with the commission  
2.2 that is either:

2.3 A. not public data or private data on individuals under the Minnesota  
2.4 Government Data Practices Act, Minnesota Statutes, chapter 13; or

2.5 B. data that is protected from disclosure pursuant to the rules of privilege  
2.6 recognized by law.

2.7 Subp. 20. [See repealer.]

2.8 Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person  
2.9 authorized by law to make a formal complaint to the commission.

2.10 [For text of subps 21 and 22, see M.R.]

2.11 Subp. 23. **Utility.** "Utility" means a gas or electric service provider, or a telephone  
2.12 utility under part 7810.0100, subpart 37.

### 2.13 **7829.0250 REPRESENTATIONS TO COMMISSION.**

2.14 A person who signs a pleading, motion, or similar filing, or enters an appearance at a  
2.15 commission meeting, by doing so represents that the person is authorized to do so, has a  
2.16 good faith belief that statements of fact made are true and correct, and that legal assertions  
2.17 are warranted by existing law or by a nonfrivolous argument for the extension or reversal  
2.18 of existing law or the modification or establishment of rules.

### 2.19 **7829.0400 SERVICE AND FILING REQUIREMENTS.**

2.20 Subpart 1. **Filing.** Filings must be made in a manner consistent with the filing  
2.21 requirements of Minnesota Statutes, section 216.17, subdivision 3, and must be directed  
2.22 to the attention of the executive secretary. ~~If otherwise required to file electronically~~  
2.23 ~~under Minnesota Statutes, section 216.17, subdivision 3, a person may file by facsimile~~  
2.24 ~~transmission, mail, or personal delivery only~~ With the prior consent of the executive  
2.25 secretary, a person may file by facsimile transmission, mail, or personal delivery.

3.1 Subp. 2. [See repealer.]

3.2 [For text of subp 3, see M.R.]

3.3 Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible,  
3.4 for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate  
3.5 that the matter is before the Minnesota Public Utilities Commission. Filings after the  
3.6 original filing must include the title and commission-assigned docket number of the matter.  
3.7 Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes  
3.8 a nonconforming filing for good cause shown. Electronic filings must be submitted in  
3.9 a text-searchable format, and any scanned documents must include optical character  
3.10 recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as  
3.11 well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision  
3.12 17, paragraph (a), shall also include the required data in an industry standard spreadsheet  
3.13 format supported by the agencies' electronic filing system.

3.14 Subp. 5. **Service; method.** Service may be accomplished by first class mail, by  
3.15 delivery in person, or electronically upon recipients who have agreed to electronic service  
3.16 as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise  
3.17 provided by law or commission order. ~~Service may also be accomplished by facsimile~~  
3.18 ~~transmission, followed by first class mail.~~

3.19 Subp. 5a. **Service and filing; completion.** A document filed with the commission  
3.20 must be served the same day on the persons listed on the appropriate service list, except  
3.21 when this chapter permits service of a summary of the filing. Unless the executive  
3.22 secretary directs otherwise for specific documents, electronic service is complete upon  
3.23 receipt of confirmation of submission of the document. If the electronic filing system  
3.24 administrator requires that a document be resubmitted, electronic service is complete only  
3.25 upon <sup>receipt of a</sup> the subsequent confirmation of submission. Filings are filed with the commission  
3.26 when received ~~in the commission offices~~ during regular business hours. Service by

4.1 mail ~~or facsimile transmission plus mail~~ is complete upon mailing, except service upon  
4.2 the department, which is complete upon receipt by the department. When a party or  
4.3 participant is represented by an attorney, service upon the attorney is considered service  
4.4 upon the party or participant.

4.5 [For text of subp 6, see M.R.]

4.6 **7829.0410 MOTION FILINGS.**

4.7 Subpart 1. **Form and content.** A party to a proceeding making a motion filing shall  
4.8 make it in writing, state the grounds for the motion, and set forth the requested commission  
4.9 action. A party shall file and serve a motion filing on the persons listed on the official  
4.10 service list ~~and file it consistent with the electronic filing requirements of Minnesota~~  
4.11 ~~Statutes, section 216.17, subdivision 3. A party shall,~~ As a part of a motion filing, a party  
4.12 shall advise other parties that ~~if they wish~~ any opposition to ~~oppose~~ the motion ~~they~~ must  
4.13 file be filed and serve served on the same list of persons ~~a written response~~ within 14 days  
4.14 of service of the motion filing. The commission will consider only motion filings signed  
4.15 by a party or the party's attorney or authorized representative.

4.16 Subp. 2. **Responses.** A party responding to a motion filing shall file and serve a  
4.17 response on the persons listed on the official service list ~~and file it consistent with the~~  
4.18 ~~electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3,~~ within  
4.19 14 days of service of the motion filing.

4.20 **7829.0430 WITHDRAWAL OF FILINGS.**

4.21 Subpart 1. **Uncontested withdrawal.** The commission delegates to the executive  
4.22 secretary authority to approve the withdrawal of a filing. Approval will be granted by the  
4.23 executive secretary if the following conditions are met:

4.24 A. the party that submitted the filing has requested that the filing be withdrawn  
4.25 and has served notice on the persons listed on the official service list;

5.1 B. no person has expressed opposition to withdrawal of the filing within ten  
5.2 days of service of the notice; and

5.3 C. no commissioner or commission staff person has identified a reason that the  
5.4 matter should not be withdrawn.

5.5 Subp. 2. **Contested withdrawal.** If any person opposes a withdrawal request within  
5.6 ten days of service of the notice, the commission will allow a filing to be withdrawn at the  
5.7 request of the filing party if the commission determines that the proposed withdrawal:

5.8 A. does not contravene the public interest;

5.9 B. does not prejudice any party; and

5.10 C. does not concern a filing that raises issues requiring commission action.

5.11 If the commission determines that withdrawal would contravene the public interest or  
5.12 would prejudice a party, the commission may permit withdrawal only subject to conditions  
5.13 that mitigate the harm identified.

5.14 **7829.0500 PROTECTED DATA.**

5.15 Subpart 1. **Confidentiality protected.** Nothing in this chapter requires public  
5.16 disclosure of protected data or any disclosure of privileged data.

5.17 Subp. 2. **Procedure for excision.** A person filing documents containing protected  
5.18 data or other privileged information shall file one copy of the document with the protected  
5.19 data redacted. The first page or cover page of a document from which protected data has  
5.20 been excised must be clearly captioned in bold print "PUBLIC DOCUMENT - NOT  
5.21 PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end  
5.22 of the excised protected data must be identified. One copy of the document without  
5.23 redactions shall be filed, designated as required in subpart 4, and identified as a not public  
5.24 or trade secret document during the electronic submission process.

6.1 Subp. 3. **Identification of excised material.** When a person classifies an entire  
6.2 document, or a substantial part of a document, as protected data, the person shall file a  
6.3 description of the excised material that includes at least the following information: the  
6.4 nature of the material, its authors, its general import, and the date on which it was prepared.

6.5 Subp. 4. **Document containing protected data.** The first page or cover page of a  
6.6 document containing protected data must be clearly marked in bold print "NOT PUBLIC  
6.7 DOCUMENT – NOT FOR PUBLIC DISCLOSURE" or with words of similar import.  
6.8 Every page on which protected data appears must be similarly marked and the protected  
6.9 data must be underlined, placed in brackets, or otherwise clearly identified as the data  
6.10 which is to be protected from disclosure.

6.11 Subp. 5. **Statement required.** In all cases where a person or entity files data with the  
6.12 commission that is identified as protected data, an accompanying statement justifying the  
6.13 state agencies treating the data as protected data must also be filed. This justification must  
6.14 include an explanation of how the data is classified under the Minnesota Government Data  
6.15 Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege  
6.16 recognized by law.

6.17 **7829.0600 GENERAL SERVICE LIST.**

6.18 Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of  
6.19 filings and who are qualified to intervene under part 7829.0800 shall file with the utility  
6.20 a written list of the types of filings they wish to receive, as well as the person's name,  
6.21 address, and an electronic address if they agree to electronic service. The utility shall  
6.22 maintain general service lists of persons who have filed these requests. The utility shall  
6.23 add to each list the persons who intervened in its last general rate case and persons on  
6.24 the official service list for its last filing of the same type.

6.25 [For text of subps 2 to 5, see M.R.]

7.1 **7829.0700 OFFICIAL SERVICE LIST.**

7.2 Subpart 1. **Content.** The official service list for each proceeding consists of the  
7.3 names, addresses, and electronic addresses of the parties, and of the participants who have  
7.4 filed a written request for inclusion on the service list with the executive secretary.

7.5 Subp. 2. **Establishment and updating.** The commission shall establish the official  
7.6 service list at the conclusion of the initial comment period, or immediately following  
7.7 an initial filing for which no initial comment period is required, and shall maintain and  
7.8 provide the list electronically. Upon request, the commission shall mail a copy of the list  
7.9 to the parties and to participants who have filed written requests for inclusion. A list  
7.10 established before commission action on a petition for intervention must include those  
7.11 persons whose intervention petitions are pending. Upon request, the commission shall  
7.12 mail an updated official service list to the parties and participants if the official service list  
7.13 is later expanded or reduced. The commission need not mail the official service list in  
7.14 proceedings when the only parties are the department and a petitioner, complainant, or  
7.15 respondent. The commission shall provide the official service list electronically rather  
7.16 than by mail to a party who has agreed to electronic service as provided in Minnesota  
7.17 Statutes, section 216.17, subdivision 4.

7.18 [For text of subp 3, see M.R.]

7.19 Subp. 4. **Name and address change.** A party or participant who wishes to change  
7.20 the name or address of a person receiving service on behalf of the party or participant shall  
7.21 provide written notice of the change to the executive secretary and to persons on the  
7.22 official service list. The commission shall remove a participant from the official service  
7.23 list after two attempts at service are returned as undeliverable.

7.24 [For text of subp 5, see M.R.]

8.1 **7829.0800 PETITION TO INTERVENE.**

8.2 Subpart 1. **Filing and service.** A person who desires to become a party to a  
8.3 proceeding shall file a petition to intervene within the time set in this chapter. The petition  
8.4 must be served on known parties and those persons on the utility's general service list for  
8.5 the matter, if applicable. A petition to intervene must be signed by the person wishing to  
8.6 become a party, or by the person's attorney or authorized representative.

8.7 [For text of subp 2, see M.R.]

8.8 Subp. 3. **Intervention as of right.** The department and the Office of the Attorney  
8.9 General may intervene as of right in any proceeding before the commission. They become  
8.10 parties upon filing comments under this chapter or upon written notice to the commission  
8.11 of an intent to intervene, and need not file petitions to intervene, except when the rules of  
8.12 the Office of Administrative Hearings require it.

8.13 [For text of subps 4 to 6, see M.R.]

8.14 **7829.0850 WITHDRAWAL OF A PARTY.**

8.15 A party wishing to withdraw must file a motion, which the commission will consider  
8.16 promptly in the course of the proceeding.

8.17 **7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.**

8.18 Subpart 1. **Delegation of uncontested proceedings.** As authorized by Minnesota  
8.19 Statutes, section 216A.03, subdivision 8, the commission may establish by order a  
8.20 subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of  
8.21 the commission only when:

8.22 A. commission staff determines a proceeding involves no disputed or novel  
8.23 issues; and

8.24 B. no party, participant, or commissioner has requested that the proceeding not  
8.25 be delegated to a subcommittee.

9.1 The commission will maintain on its Web site a list of all proceedings delegated  
9.2 under this subpart, and will indicate the subcommittee's disposition for each proceeding.  
9.3 ~~Electronic filing~~ Service of an order reflecting disposition by the subcommittee constitutes  
9.4 receipt by the parties, participants, and commissioners for the purposes of Minnesota  
9.5 Statutes, section 216A.03, subdivision 8, paragraph (b).

9.6 Subp. 2. **Other subcommittees.** This part does not limit the circumstances under  
9.7 which the commission may delegate other functions to a subcommittee.

9.8 **7829.1250 COMMENT PROCEDURE VARIATION.**

9.9 Subpart 1. **When applied.** Unless otherwise provided in statute or rule, this part shall  
9.10 apply to all comment periods established in this chapter.

9.11 Subp. 2. **Additional comments and comments on supplemental or corrected**  
9.12 **filings.** If further information is required to make a fully informed decision, the  
9.13 commission shall require additional comments and identify specific issues requiring  
9.14 further development. The commission shall provide opportunity for other parties to  
9.15 respond to additional comments, or to a supplemental or corrected filing, when the  
9.16 additional comment, supplement, or correction raises a new issue.

9.17 **7829.1300 MISCELLANEOUS FILINGS.**

9.18 Subpart 1. **Summary.** A miscellaneous filing must include, on a separate page, a  
9.19 one-paragraph summary of the filing, sufficient to apprise potentially interested parties  
9.20 of its nature and general content.

9.21 Subp. 2. **Service.** The filing utility party shall serve copies of each miscellaneous  
9.22 filing on which commission action is required within 60 days of filing, on the persons on  
9.23 the applicable general service list, on the department, and on the Office of the Attorney  
9.24 General. For other filings, the utility filing party may serve the summary described in

10.1 subpart 1 on persons on the applicable general service list. The ~~utility~~ filing party shall  
10.2 serve with the filing or the summary a copy of its general service list for the filing.

10.3 Subp. 3. **Content of filing.** In addition to complying with specific requirements  
10.4 imposed by statute or rule, miscellaneous filings must contain at least the following  
10.5 information:

10.6 A. the name, address, and telephone number of the filing party, without  
10.7 abbreviation;

10.8 B. the name, address, electronic address, and telephone number of ~~the~~ any  
10.9 attorney for that represents the filing party in the matter, if ~~the filing party is so~~ represented  
10.10 ~~by an attorney~~;

10.11 C. the date of the filing and the date the proposed rate or service change, if  
10.12 any, will go into effect;

10.13 D. the statute that the utility believes controls the time frame for processing  
10.14 the filing;

10.15 E. the signature, electronic address, and title of the utility employee responsible  
10.16 for the filing; and

10.17 F. if the contents of the filing are not established by statute or another  
10.18 commission rule, a description of the filing, its impact on rates and services, its impact on  
10.19 any affected person, and the reasons for the filing.

10.20 Subp. 4. [See repealer.]

10.21 [For text of subp 5, see M.R.]

10.22 Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities  
10.23 shall file a compliance filing within ten days of the effective date of a commission order  
10.24 requiring it.

11.1 **7829.1400 COMMISSION ACTION ON MISCELLANEOUS FILING;**  
11.2 **COMMENTS.**

11.3 Subpart 1. **Initial comments.** In the absence of a commission order or notice  
11.4 establishing a different comment period, a person wishing to comment on a miscellaneous  
11.5 filing shall do so within 30 days of its filing with the commission. A person wishing to  
11.6 comment on a new telephone service, competitive or noncompetitive, shall do so within  
11.7 ten days of its filing with the commission. Comments must be served on the persons on  
11.8 the utility's general service list for the filing, as well as on the filing utility.

11.9 [For text of subp 2, see M.R.]

11.10 Subp. 3. **Comments to include procedural recommendation.** A person  
11.11 commenting on a miscellaneous filing and recommending its rejection, denial, or  
11.12 modification shall specify whether the person believes the filing requires a contested  
11.13 case proceeding, informal proceeding, expedited proceeding, or some other procedural  
11.14 treatment, together with the person's reasons for recommending a particular procedural  
11.15 treatment.

11.16 Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility  
11.17 and other persons have ten days from the expiration of the original comment period to file  
11.18 reply comments. Reply comments must be served on the utility and persons who have  
11.19 filed comments on the miscellaneous filing. Reply comments must be limited in scope to  
11.20 the issues raised in the initial comments.

11.21 Subp. 5. [See repealer.]

11.22 Subp. 6. [See repealer.]

11.23 Subp. 7. [See repealer.]

11.24 [For text of subp 8, see M.R.]

12.1 Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial  
12.2 comments requesting a contested case proceeding on a miscellaneous filing, the  
12.3 commission shall immediately set the matter for consideration on a date after the time  
12.4 period for reply comments has run. If the commission finds a contested case proceeding is  
12.5 required, the commission shall refer the matter to the Office of Administrative Hearings  
12.6 pursuant to part 7829.1000, and the utility shall file its direct testimony in question and  
12.7 answer form within 20 days of the commission's notice and order for hearing, unless  
12.8 otherwise directed by the commission.

12.9 **7829.1500 INFORMAL COMPLAINT.**

12.10 Persons engaged in disputes with utilities may submit informal complaints by letter or  
12.11 other writing, by telephone, electronically, or in person. Commission staff shall accept  
12.12 these complaints and shall prepare a memorandum setting forth the substance of each  
12.13 complaint and identifying the customer, the service address, and the utility.

12.14 **7829.1700 FORMAL COMPLAINT.**

12.15 [For text of subp 1, see M.R.]

12.16 Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent,  
12.17 the department, and the Office of the Attorney General, as well as filed with the  
12.18 commission. Formal complaints may also be filed in a manner consistent with the  
12.19 electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. If filed  
12.20 electronically, a formal complaint does not need to be mailed to the state agencies.

12.21 **7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.**

12.22 [For text of subp 1, see M.R.]

12.23 Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that  
12.24 investigation is warranted, the commission shall serve the complaint on the respondent,  
12.25 together with an order requiring the respondent to file an answer either stating that it

13.1 has granted the relief the complainant requests, or responding to the allegations of the  
13.2 complaint. The answer must be filed with the commission and served on the complainant,  
13.3 department, and Office of the Attorney General within 20 days of service of the complaint  
13.4 and order.

13.5 Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent  
13.6 has granted the relief sought by complainant. In that case, the complainant shall file a  
13.7 reply within 20 days admitting or denying that relief has been granted. If the complainant  
13.8 fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must  
13.9 be served on the respondents, department, and Office of the Attorney General.

13.10 [For text of subp 4, see M.R.]

13.11 **7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.**

13.12 [For text of subp 1, see M.R.]

13.13 Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint  
13.14 shall do so within 30 days of the date of a commission order requiring an answer to the  
13.15 complaint. Comments must be served on the complainant, respondent, department, Office  
13.16 of the Attorney General, and any other known parties.

13.17 Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of  
13.18 the original comment period to file reply comments. Reply comments must be limited in  
13.19 scope to the issues raised in the initial comments and must be served on the complainant,  
13.20 respondent, department, Office of the Attorney General, and any other known parties.

13.21 [For text of subps 4 and 5, see M.R.]

13.22 Subp. 6. [See repealer.]

13.23 Subp. 7. [See repealer.]

13.24 Subp. 8. [See repealer.]

14.1 [For text of subp 9, see M.R.]

14.2 **7829.2000 ELECTRIC SERVICE AREA COMPLAINT.**

14.3 [For text of subp 1, see M.R.]

14.4 Subp. 2. **Service and filing.** A service area complaint must be served on the  
14.5 respondent, department, and Office of the Attorney General, as well as filed with the  
14.6 commission.

14.7 **7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT;**  
14.8 **COMMENTS.**

14.9 Subpart 1. **Answer.** Within ten days of service of a service area complaint, a  
14.10 respondent shall file an answer with the commission and serve it on the complainant,  
14.11 department, and Office of the Attorney General.

14.12 Subp. 2. **Initial comments.** A person wishing to comment on a service area  
14.13 complaint shall do so within ten days of the date the person was served. Comments must  
14.14 be served on the complainant, respondent, department, Office of the Attorney General,  
14.15 and any other known parties.

14.16 [For text of subp 3, see M.R.]

14.17 Subp. 4. [See repealer.]

14.18 Subp. 5. [See repealer.]

14.19 [For text of subp 6, see M.R.]

14.20 **7829.2300 CLASSIFICATION PETITION.**

14.21 [For text of subp 1, see M.R.]

14.22 Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the  
14.23 petition on the department and Office of the Attorney General. The utility shall serve  
14.24 the petition or the summary described in subpart 1 on those persons on the applicable

15.1 general service list and on those persons who were parties to its last general rate case or  
15.2 incentive plan proceeding, if applicable.

15.3 Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the  
15.4 form or completeness of a classification petition shall do so within ten days of its filing.  
15.5 The filing utility shall reply to the challenge within five days of its filing. Challenges and  
15.6 responses must be served on the department, Office of the Attorney General, persons on  
15.7 the general service list for the filing, and any other known parties.

15.8 [For text of subp 4, see M.R.]

15.9 Subp. 5. **Initial comments.** A person wishing to comment on a classification  
15.10 petition shall file initial comments within 20 days of the filing. Initial comments must  
15.11 include a recommendation on whether the filing requires a contested case proceeding,  
15.12 expedited proceeding, or some other procedural treatment, together with reasons for  
15.13 recommending a particular procedural treatment. Initial comments must be served on the  
15.14 utility, department, Office of the Attorney General, persons on the general service list  
15.15 for the filing, and any other known parties.

15.16 [For text of subps 6 and 7, see M.R.]

15.17 Subp. 8. [See repealer.]

15.18 Subp. 9. [See repealer.]

15.19 [For text of subps 10 to 12, see M.R.]

15.20 Subp. 13. **Extending disposition period.** The commission may extend the  
15.21 eight-month time frame in subpart 12 with the agreement of all parties or upon a finding  
15.22 that the case cannot be completed within the required time and that there is a substantial  
15.23 probability that the public interest would be harmed by enforcing the eight-month time  
15.24 frame.

16.1 **7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.**

16.2 [For text of subp 1, see M.R.]

16.3 Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of  
16.4 the filing on the department and Office of the Attorney General. The utility shall serve the  
16.5 filing or the summary described in subpart 1 on the persons on the applicable general service  
16.6 list and persons who were parties to its last general rate case or incentive plan proceeding.

16.7 [For text of subp 3, see M.R.]

16.8 Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the  
16.9 form or completeness of a general rate case filing shall do so within ten days of its filing.  
16.10 The filing utility shall reply to the challenge within five days of its filing. Challenges and  
16.11 responses must be served on the department, Office of the Attorney General, persons on  
16.12 the general service list for the filing, and any other known parties.

16.13 Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part  
16.14 found to be substantially out of compliance with Minnesota Statutes, section 216B.16 or  
16.15 237.075, or other requirement imposed by rule, statute, or previous commission order.  
16.16 A filing under this part not rejected within 60 days of filing is considered accepted as in  
16.17 substantial compliance with applicable filing requirements.

16.18 Subp. 6. **Petition to intervene.** The commission shall entertain a petition to intervene  
16.19 until the matter is referred to the Office of Administrative Hearings for a contested case  
16.20 proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating  
16.21 its intention to decide the matter on the basis of an informal or expedited proceeding.

16.22 [For text of subp 7, see M.R.]

16.23 **7829.2500 CERTIFICATE OF NEED FILING.**

16.24 Subpart 1. **Compliance.** Certificate of need applications must comply with the  
16.25 requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota

17.1 Rules, chapters 7849, 7851, 7853, and 7855; and any other requirements imposed by  
17.2 rule or statute.

17.3 [For text of subp 2, see M.R.]

17.4 Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on  
17.5 the department and Office of the Attorney General. The applicant shall serve the filing  
17.6 or the summary described in subpart 2 on those persons on an applicable general service  
17.7 list and on those persons who were parties to its last general rate case or incentive plan  
17.8 proceeding, if applicable.

17.9 Subp. 4. [See repealer.]

17.10 [For text of subp 5, see M.R.]

17.11 Subp. 6. **Solicitation of comments on filing compliance.** The commission shall  
17.12 request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421  
17.13 to 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, when it determines  
17.14 that comments would be helpful in evaluating the filing's substantial compliance with the  
17.15 requirements of those statutes and rules. The commission may delegate the authority to  
17.16 request these comments to the executive secretary.

17.17 Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part  
17.18 that is found to be substantially out of compliance with Minnesota Statutes, sections  
17.19 216B.2421 to 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855; and any  
17.20 other requirements imposed by rule or statute. A filing under this section not rejected  
17.21 within 15 days of filing must be considered accepted as in substantial compliance with  
17.22 applicable filing requirements.

17.23 Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene  
17.24 until the matter is referred to the Office of Administrative Hearings for a contested case

18.1 proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating  
18.2 its intention to decide the matter on the basis of an informal or expedited proceeding.

18.3 [For text of subp 9, see M.R.]

18.4 **7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.**

18.5 Subpart 1. **Filings required, service requirements.** At least three months before  
18.6 filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or  
18.7 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably  
18.8 likely to be affected by the proposed pipeline. Applicants shall serve their proposed  
18.9 plans on the following persons:

18.10 A. the Office of Energy Security of the Department of Commerce;

18.11 B. the Office of the Attorney General; and

18.12 C. the Army Corps of Engineers.

18.13 [For text of subps 2 to 8, see M.R.]

18.14 **7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.**

18.15 Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject  
18.16 to statutory deadlines or as otherwise specified by the commission, parties shall file and  
18.17 serve on the other parties any exceptions to an administrative law judge's report within 20  
18.18 days of its filing ~~unless otherwise specified by the commission~~. In cases subject to statutory  
18.19 deadlines, exceptions must be filed and served within 15 days of the filing of the report.

18.20 [For text of subp 2, see M.R.]

18.21 Subp. 3. **Oral argument.** Parties will be granted an opportunity for oral argument  
18.22 before the commission prior to its decision.

19.1 **7829.2900 DECISION AND ORDER.**

19.2 The executive secretary shall serve a decision and order of the commission on all  
19.3 parties and participants in the proceeding who are on the official service list.

19.4 **7829.3000 PETITION AFTER COMMISSION DECISION.**

19.5 Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by  
19.6 a commission decision or order may file a petition for rehearing, amendment, vacation,  
19.7 reconsideration, or reargument within 20 days of the date the decision or order is served  
19.8 by the executive secretary. This subpart does not affect any statutory limit on the time  
19.9 allowed for a petition for judicial review that may run concurrently.

19.10 [For text of subp 2, see M.R.]

19.11 Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration,  
19.12 or reargument, and an answer, reply, or comment, must be served on the parties and  
19.13 participants in the proceeding.

19.14 [For text of subps 4 to 7, see M.R.]

19.15 **7829.3150 UNTIMELY FILINGS.**

19.16 Subpart 1. **When filings may be excluded.** On its own motion or at the request of  
19.17 any party or participant, the commission may exclude a filing from the record:

19.18 A. when the filing was not made within a time period established by rule,  
19.19 notice, or commission order; and

19.20 B. upon a commission determination that the value of the document to the  
19.21 commission's deliberative process is outweighed by prejudice to a party, participant, or the  
19.22 public interest caused by the untimeliness.

19.23 Documents in the agencies' electronic filing system excluded under this part shall remain  
19.24 in the agencies' electronic filing system, but shall be marked as "excluded from record  
19.25 by commission order" in search results.

20.1 Subp. 2. **Required statement.** A person filing a document outside a time period  
20.2 established by rule, notice, order, or statute shall clearly mark the document as "late filed"  
20.3 and include a statement explaining why the filing was untimely and why it should not  
20.4 be excluded by the commission.

20.5 Subp. 3. **Documents offered less than one day before consideration.** A party  
20.6 or participant offering a document less than one full business day prior to, or at, the  
20.7 commission meeting to consider issues relevant to the document, must provide ten paper  
20.8 copies to commission staff and sufficient paper copies for the offering party to distribute to  
20.9 all parties and to be available to members of the public in attendance. The offering party  
20.10 or participant must electronically file the document within one business day following the  
20.11 commission meeting if it was not electronically filed prior to the meeting.

20.12 **7829.4000 EMERGENCY CIRCUMSTANCES.**

20.13 Subpart 1. **Declared emergency or pandemic.** If the executive secretary determines  
20.14 that an in-person meeting of the commission is not practical or prudent because of a health  
20.15 pandemic or an emergency declared under Minnesota Statutes, chapter 12, commissioners  
20.16 may participate by telephone or other electronic means. If at least one commissioner  
20.17 intends to participate remotely, the commission shall provide the public notice required  
20.18 by Minnesota Statutes, section 13D.021, subdivision 4.

20.19 Subp. 2. **Remote participation.** If the required public notice has been given, the  
20.20 commission shall afford any absent commissioner or commissioners an opportunity to  
20.21 participate in a commission meeting by telephone or other electronic means in a manner  
20.22 consistent with Minnesota Statutes, section 13D.021. The commission shall ensure that  
20.23 all commissioners, regardless of their location, can hear all discussion, testimony, and  
20.24 votes. Unless the meeting is closed for reasons authorized by statute, the commission  
20.25 shall ensure that members of the public who are present at the regular meeting location

21.1 or monitoring remotely can hear all discussion, testimony, and votes. Commission votes  
 21.2 shall be conducted via roll call.

21.3 **RENUMBERING INSTRUCTION.** The provisions of Minnesota Rules listed in  
 21.4 Column A shall be renumbered to those listed in Column B. The revisor of statutes shall  
 21.5 also make necessary cross-reference changes in Minnesota Rules consistent with the  
 21.6 renumbering.

21.7	Column A	Column B
21.8	7829.2300, subpart 5	7829.2350, subpart 1
21.9	7829.2300, subpart 6	7829.2350, subpart 2
21.10	7829.2300, subpart 7	7829.2350, subpart 3
21.11	7829.2300, subpart 10	7829.2350, subpart 4
21.12	7829.2300, subpart 11	7829.2350, subpart 5
21.13	7829.2300, subpart 12	7829.2350, subpart 6
21.14	7829.2300, subpart 13	7829.2350, subpart 7
21.15	7829.3100	7829.1275
21.16	7829.3150	7829.0420

21.17 **REPEALER.** Minnesota Rules, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400,  
 21.18 subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts  
 21.19 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500,  
 21.20 subpart 4, are repealed.