

1.1 **Public Utilities Commission**

1.2 **Proposed 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 tariff filing.** "Miscellaneous tariff filing" means a request
1.9 or notice that does not require determination of the utility's revenue requirement.

1.10 A miscellaneous tariff filing includes a filing involving a new service offering; a
1.11 change in a utility's rates, services, terms, or conditions of service; a change in a utility's
1.12 corporate structure, assigned service area, or capital structure, when conducted separately
1.13 from a general rate proceeding; filings made under parts 7825.2390 to 7825.2850
1.14 governing automatic adjustment of charges; or any related matter. ~~The term also includes~~
1.15 ~~a language change filing, cost increase filing, and rate reduction filing.~~

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

1.18 Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific
1.19 commission action by a party within the context of an ongoing proceeding. This does not
1.20 include recommendations for action made in comments authorized by part 7829.1400, nor
1.21 motions made during a proceeding before an administrative law judge.

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

1.23 Subp. 17. [See repealer.]

1.24 [For text of subp 18, see M.R.]

2.1 Subp. 19. **Proof of service.** "Proof of service" means a certificate of service stating
2.2 the facts of service, including the time and manner of service and the parties served.

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

2.5 A. nonpublic data or private data on individuals under the Minnesota
2.6 Government Data Practices Act, Minnesota Statutes, section 13.37; or

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

2.9 Subp. 20. [See repealer.]

2.10 Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person
2.11 authorized by statute to make a formal complaint to the commission.

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

2.13 Subp. 23. **Utility.** "Utility" means a gas; or electric service provider, or a telephone
2.14 company utility, subject to the jurisdiction of the commission.

2.15 **7829.0250 REPRESENTATIONS TO COMMISSION.**

2.16 A person who signs a filing or enters an appearance at a commission meeting, by
2.17 doing so, represents that the person is authorized to do so and has had a good faith belief
2.18 that statements of fact made are true and correct, and that legal assertions made are
2.19 warranted by existing law or by a reasonable extension or reversal of existing law.

2.20 **7829.0400 SERVICE AND FILING REQUIREMENTS.**

2.21 Subpart 1. **Filing.** ~~Documents are filed with the commission when they are received~~
2.22 ~~in the commission offices during regular business hours. Specific documents may be filed~~
2.23 ~~by facsimile transmission or filed when mailed, with the consent of the executive secretary.~~
2.24 ~~Documents must be directed to the attention of the executive secretary.~~ The commission
2.25 only accepts filings made in a manner with the filing requirements of Minnesota Statutes,

3.1 section 216.17, subdivision 3, which describes who must use the commission's electronic
3.2 filing system. Documents must be directed to the attention of the executive secretary.

3.3 A. If submitted and accepted into the commission's electronic filing system,
3.4 documents are considered filed at the time of electronic submission, regardless of whether
3.5 the submission occurred during regular business hours.

3.6 B. If not filed electronically, documents are considered filed when received in
3.7 the commission offices during regular business hours. Specific documents may be filed by
3.8 facsimile transmission or filed when mailed, with the consent of the executive secretary.

3.9 Subp. 2. [See repealer.]

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

3.11 Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible,
3.12 for example, "Replies to Exceptions to Report of Administrative Law Judge," and
3.13 indicate that the matter is before the Minnesota Public Utilities Commission. Filings
3.14 after the original filing must include the title and commission-assigned docket number
3.15 of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive
3.16 secretary authorizes a nonconforming filing for good cause shown. Electronic filings
3.17 must be submitted in a text-searchable format, and any scanned documents must include
3.18 optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685,
3.19 and 7825.3900, as well as schedules provided pursuant to Minnesota Statutes, section
3.20 216B.16, subdivision 17, paragraph (a), shall also include the required data in an industry
3.21 standard spreadsheet format.

3.22 Subp. 5. **Service; method.** ~~A document filed with the commission must be served~~
3.23 ~~the same day on the persons listed on the appropriate service list, except when this chapter~~
3.24 ~~permits service of a summary of the filing.~~ Service may be accomplished by first class
3.25 mail ~~or~~₂ by delivery in person, or electronically upon recipients who have agreed to
3.26 electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4, unless

4.1 otherwise provided by law or commission order. Service may also be accomplished by
4.2 facsimile transmission, followed by first class mail. ~~Service on the department is complete~~
4.3 ~~upon receipt by the department. For all other persons;~~

4.4 Subp. 5a. **Service; completion.** A document filed with the commission must be
4.5 served the same day on the persons listed on the appropriate service list, except when
4.6 this chapter permits service of a summary of the filing. Unless the executive secretary
4.7 directs otherwise for specific documents, electronic service is complete upon electronic
4.8 transmission of the document. Service by mail or facsimile transmission plus mail is
4.9 complete upon mailing, ~~unless the executive secretary directs otherwise for specific~~
4.10 ~~documents~~ except service upon the department, which is complete upon receipt by the
4.11 department. When a party or participant is represented by an attorney, service upon the
4.12 attorney is considered service upon the party or participant.

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

4.14 **7829.0410 MOTION FILINGS.**

4.15 Subpart 1. **Form and content.** A party to a proceeding making a motion filing
4.16 shall make it in writing, state the grounds for the motion, and set forth the requested
4.17 commission action. A party shall serve a motion filing on the persons listed on the official
4.18 service list and file it consistent with the electronic filing requirements of Minnesota
4.19 Statutes, section 216.17, subdivision 3. A party shall, as a part of a motion filing, advise
4.20 other parties that if they wish to oppose the motion they must file and serve on the same
4.21 list of persons a written response within ten days. The commission will consider only
4.22 motion filings signed by a party or the party's attorney or authorized representative.

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

5.1 **7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION~~**
5.2 **PROTECTED DATA.**

5.3 Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public
5.4 disclosure of ~~privileged proprietary information, trade secrets, or other privileged~~
5.5 ~~information~~ protected data.

5.6 Subp. 2. **Procedure for excision.** ~~Persons~~ A person filing documents containing
5.7 ~~proprietary information, trade secrets, protected data~~ or other privileged information shall
5.8 ~~excise this information in all copies but the original and six copies.~~ file one copy of the
5.9 document with the information redacted. The first page or cover page of a document
5.10 from which protected information has been excised must be clearly captioned in bold
5.11 print "PUBLIC DOCUMENT - NONPUBLIC (OR PRIVILEGED) DATA HAS BEEN
5.12 EXCISED." The beginning and end of the excised protected data must be identified. One
5.13 copy of the document without redactions shall be filed, designated as required in subpart
5.14 4, and identified as a nonpublic document during the electronic submission process.

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

5.20 Subp. 4. **Document containing protected information.** The first page or cover
5.21 page of a document containing protected ~~information~~ data must be clearly marked in
5.22 bold print "~~TRADE SECRET INFORMATION~~ NONPUBLIC DOCUMENT – NOT
5.23 FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which
5.24 protected information appears must be similarly marked and the protected information
5.25 must be underlined, placed in brackets, or otherwise clearly identified as the information
5.26 which is to be protected from disclosure.

6.1 Subp. 5. **Statement required.** In all cases where a person or entity files data with the
6.2 commission that is identified as protected data, an accompanying statement justifying the
6.3 state agencies treating the data as protected data must also be filed. This justification must
6.4 include an explanation of how the data is classified under Minnesota Statutes, section
6.5 13.37, or is privileged under a rule of privilege recognized by law.

6.6 **7829.0600 GENERAL SERVICE LIST.**

6.7 Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of
6.8 filings and who are qualified to intervene under part 7829.0800 shall file with the utility a
6.9 written list of the types of filings they wish to receive, and an electronic address if they agree
6.10 to electronic service. The utility shall maintain general service lists of persons who have
6.11 filed these requests. The utility shall add to each list the persons who intervened in its last
6.12 general rate case and persons on the official service list for its last filing of the same type.

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

6.14 **7829.0700 OFFICIAL SERVICE LIST.**

6.15 Subpart 1. **Content.** The official service list for each proceeding consists of the
6.16 names of the parties and the names of participants who have filed a written request for
6.17 inclusion on the service list with the executive secretary. The official service list shall be
6.18 limited to one individual per party or participant.

6.19 Subp. 2. **Establishment and updating.** The commission shall establish the official
6.20 service list at the conclusion of the initial comment period and shall mail a copy of the
6.21 list to the parties and to participants who have filed written requests for inclusion. A list
6.22 established before commission action on a petition for intervention must include those
6.23 persons whose intervention petitions are pending. The commission shall mail an updated
6.24 official service list to the parties and participants if the official service list is later expanded
6.25 or reduced. The commission need not mail the official service list in proceedings when
6.26 the only parties are the department and a petitioner, complainant, or respondent. The

7.1 commission shall provide the official service list electronically rather than by mail to a
7.2 party who has agreed to electronic service as provided in Minnesota Statutes, section
7.3 216.17, subdivision 4.

7.4 Subp. 3. **Limiting service list.** On its own motion or at the request of a party, the
7.5 commission shall limit the service list to parties to the proceeding if it finds that requiring
7.6 service on participants is unduly burdensome.

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

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

7.13 **7829.0800 PETITION TO INTERVENE.**

7.14 [For text of subps 1 and 2, see M.R.]

7.15 Subp. 3. **Intervention as of right.** The department and the Office of the Attorney
7.16 General, ~~through its Residential Utilities Division,~~ may intervene as of right in any
7.17 proceeding before the commission. They become parties upon filing comments under this
7.18 chapter and need not file petitions to intervene, except when the rules of the Office of
7.19 Administrative Hearings require it.

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

7.21 **7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.**

7.22 Subpart 1. Consent calendar subcommittee. The commission may refer filings to a
7.23 subcommittee for disposition as authorized by Minnesota Statutes, section 216A.03,
7.24 subdivision 8, when:

7.25 A. the proceeding involves no disputed or novel issues; and

8.1 B. no person has objected to subcommittee delegation.

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

8.4 **7829.1250 COMMENT PROCEDURE VARIATION.**

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

8.7 Subp. 2. **Additional comments and comments on supplemental or corrected**
8.8 **filings.** If further information is required to make a fully informed decision, the
8.9 commission shall require additional comments and identify specific issues requiring
8.10 further development. The commission shall provide opportunity for other parties to
8.11 respond to a supplemental or corrected filing when the filing raises a new issue.

8.12 **7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.**

8.13 Subpart 1. **Summary.** A miscellaneous tariff filing and price list filing must include,
8.14 on a separate page, a one-paragraph summary of the filing, sufficient to apprise potentially
8.15 interested parties of its nature and general content.

8.16 Subp. 2. **Service.** The filing utility shall serve copies of each miscellaneous tariff
8.17 filing on which commission action is required within 60 days of filing, and each price
8.18 list filing increasing the price of a competitive service, on the persons on the applicable
8.19 general service list, on the department, and on the Residential Utilities Division of the
8.20 Office of the Attorney General. For other filings, the utility may serve the summary
8.21 described in subpart 1 on persons on the applicable general service list. The utility shall
8.22 serve with the filing or the summary a copy of its general service list for the filing.

8.23 Subp. 3. **Content of filing subject to specific requirements.** In addition to
8.24 complying with specific requirements imposed by statute or rule, miscellaneous tariff and
8.25 price filings subject to specific filing rules must contain at least the following information:

9.1 A. the name, address, and telephone number of the utility, without abbreviation;

9.2 B. the name, address, electronic address, and telephone number of the attorney
9.3 for the utility, if the utility is using an attorney;

9.4 C. the date of the filing and the date the proposed rate or service change will
9.5 go into effect;

9.6 D. the statute that the utility believes controls the time frame for processing
9.7 the filing; ~~and~~

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

9.10 F. if the contents of the filing are not established by another commission rule,
9.11 a description of the filing, its impact on rates and services, its impact on the utility and
9.12 affected ratepayers, and the reasons for the filing.

9.13 Subp. 4. [See repealer.]

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

9.15 Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities
9.16 shall file a compliance filing within ten days of a commission order requiring it.

9.17 **7829.1400 COMMISSION ACTION ON MISCELLANEOUS ~~TARIFF, PRICE~~**
9.18 **~~LIST FILING; COMMENTS.~~**

9.19 Subpart 1. **Initial comments.** A person wishing to comment on a miscellaneous
9.20 ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. A
9.21 ~~person wishing to comment on one of the following noncompetitive rate change filings~~
9.22 ~~shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost~~
9.23 ~~increase filing, or a request for a significant change in a condition of telephone service. A~~
9.24 person wishing to comment on a new telephone service, competitive or noncompetitive,

10.1 shall do so within ten days of its filing with the commission. Comments must be served on
10.2 the persons on the utility's general service list for the filing, as well as on the filing utility.

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

10.4 Subp. 3. **Comments to include procedural recommendation.** A person
10.5 commenting on a miscellaneous ~~tariff or price list~~ filing and recommending its rejection,
10.6 denial, or modification shall specify whether the person believes the filing requires a
10.7 contested case proceeding, informal proceeding, expedited proceeding, or some other
10.8 procedural treatment, together with the person's reasons for recommending a particular
10.9 procedural treatment.

10.10 Subp. 4. **Reply comments.** The utility and other persons have ten days from the
10.11 expiration of the original comment period to file reply comments. Reply comments must
10.12 be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~
10.13 filing. Reply comments must be limited in scope to the issues raised in the initial comments.

10.14 Subp. 5. [See repealer.]

10.15 Subp. 6. [See repealer.]

10.16 Subp. 7. [See repealer.]

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

10.18 Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments
10.19 requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing,
10.20 the commission shall immediately set the matter for consideration on a date after the time
10.21 period for reply comments has run. If the commission finds a contested case proceeding is
10.22 required, the commission shall refer the matter to the Office of Administrative Hearings
10.23 pursuant to part 7829.1000, and the utility shall file its direct testimony in question and
10.24 answer form within 20 days of the commission's notice and order for hearing.

11.1 **7829.1500 INFORMAL COMPLAINT.**

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

11.6 **7829.1700 FORMAL COMPLAINT.**

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

11.8 Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent,
11.9 the department, and ~~the Residential Utilities Division~~ of the Office of the Attorney
11.10 General, as well as filed with the commission. Formal complaints may also be filed in a
11.11 manner consistent with the electronic filing requirements of Minnesota Statutes, section
11.12 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be
11.13 mailed to the state agencies.

11.14 **7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.**

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

11.16 Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that
11.17 investigation is warranted, the commission shall serve the complaint on the respondent,
11.18 together with an order requiring the respondent to file an answer either stating that it
11.19 has granted the relief the complainant requests, or responding to the allegations of the
11.20 complaint. The answer must be filed with the commission and served on the complainant,
11.21 ~~the department, and the Residential Utilities Division~~ of the Office of the Attorney General
11.22 within 20 days of service of the complaint and order.

11.23 Subp. 3. **Reply.** Replies are not required unless the answer alleges that respondent
11.24 has granted the relief sought by complainant. In that case, the complainant shall file a
11.25 reply within 20 days admitting or denying that relief has been granted. If the complainant

12.1 fails to file the reply, the commission shall dismiss the complaint. Copies of the reply must
12.2 be served on the respondents, the department, and ~~the Residential Utilities Division of the~~
12.3 Office of the Attorney General.

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

12.5 **7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.**

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

12.7 Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint
12.8 shall do so within 30 days of the date of a commission order requiring an answer to the
12.9 complaint. Comments must be served on the complainant, respondent, department,
12.10 ~~Residential Utilities Division of the~~ Office of the Attorney General, and any other known
12.11 parties.

12.12 Subp. 3. **Reply comments.** A commenting party has ten days from the expiration of
12.13 the original comment period to file reply comments. Reply comments must be limited in
12.14 scope to the issues raised in the initial comments and must be served on the complainant,
12.15 respondent, department, ~~Residential Utilities Division Of the~~ Office of the Attorney
12.16 General, and any other known parties.

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

12.18 Subp. 6. [See repealer.]

12.19 Subp. 7. [See repealer.]

12.20 Subp. 8. [See repealer.]

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

12.22 **7829.2000 ELECTRIC SERVICE AREA COMPLAINT.**

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

13.1 Subp. 2. **Service and filing.** A service area complaint must be served on the
13.2 respondent, department, and ~~Residential Utilities Division of the Office of the Attorney~~
13.3 General, as well as filed with the commission.

13.4 **7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT;**
13.5 **COMMENTS.**

13.6 Subpart 1. **Answer.** Within ten days of service of a service area complaint, a
13.7 respondent shall file an answer with the commission and serve it on the complainant,
13.8 department, and ~~Residential Utilities Division of the Office of the Attorney General.~~

13.9 Subp. 2. **Initial comments.** A person wishing to comment on a service area
13.10 complaint shall do so within ten days of the date the person was served. Comments must
13.11 be served on the complainant, respondent, department, ~~Residential Utilities Division of~~
13.12 ~~the Office of the Attorney General,~~ and any other known parties.

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

13.14 Subp. 4. [See repealer.]

13.15 Subp. 5. [See repealer.]

13.16 Subp. 6. **Time for disposition.** Service area complaints must come before the
13.17 commission within 15 days of filing. The commission shall issue its order within 30
13.18 days after the hearing.

13.19 **7829.2300 CLASSIFICATION PETITION.**

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

13.21 Subp. 2. **Service.** A utility filing a classification petition shall serve copies of the
13.22 petition on the department and ~~Residential Utilities Division of the Office of the Attorney~~
13.23 General. The utility shall serve the petition or the summary described in subpart 1 on those
13.24 persons on the applicable general service list and on those persons who were parties to its
13.25 last general rate case or incentive plan proceeding, if applicable.

14.1 Subp. 3. **Challenges to form and completeness.** A person wishing to challenge the
14.2 form or completeness of a classification petition shall do so within ten days of its filing.
14.3 The filing utility shall reply to the challenge within five days of its filing. Challenges and
14.4 responses must be served on the department, ~~Residential Utilities Division~~ of the Office
14.5 of the Attorney General, persons on the general service list for the filing, and any other
14.6 known parties.

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

14.8 Subp. 5. **Initial comments.** A person wishing to comment on a classification
14.9 petition shall file initial comments within 20 days of the filing. Initial comments must
14.10 include a recommendation on whether the filing requires a contested case proceeding,
14.11 expedited proceeding, or some other procedural treatment, together with reasons for
14.12 recommending a particular procedural treatment. Initial comments must be served on the
14.13 utility, department, ~~Residential Utilities Division~~ of the Office of the Attorney General,
14.14 persons on the general service list for the filing, and any other known parties.

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

14.16 Subp. 8. [See repealer.]

14.17 Subp. 9. [See repealer.]

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

14.19 Subp. 13. **Extending disposition period.** The commission may extend the
14.20 eight-month time frame set forth in subpart 12 with the agreement of all parties or upon
14.21 a finding that the case cannot be completed within the required time and that there is
14.22 a substantial probability that the public interest would be harmed by enforcing the
14.23 eight-month time frame.

14.24 **7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.**

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

15.1 Subp. 2. **Service.** A utility filing a general rate change request shall serve copies of
15.2 the filing on the department and ~~Residential Utilities Division of the Office of the Attorney~~
15.3 General. The utility shall serve the filing or the summary described in subpart 1 on the
15.4 persons on the applicable general service list and persons who were parties to its last
15.5 general rate case or incentive plan proceeding.

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

15.7 Subp. 4. **Challenge to form and completeness.** A party wishing to challenge the
15.8 form or completeness of a general rate case filing shall do so within ten days of its filing.
15.9 The filing utility shall reply to the challenge within five days of its filing. Challenges and
15.10 responses must be served on the department, ~~Residential Utilities Division of the Office~~
15.11 of the Attorney General, persons on the general service list for the filing, and any other
15.12 known parties.

15.13 Subp. 5. **Rejection of filing.** The commission shall reject a filing under this part ~~that~~
15.14 ~~is found to be~~ as substantially out of compliance with Minnesota Statutes, section 216B.16
15.15 or 237.075, or other requirement imposed by rule, statute, or previous commission order,
15.16 if it finds the filing will impair the commission's ability to evaluate the need for a change
15.17 in gross revenue of a utility. A filing under this part not rejected within 60 days of filing is
15.18 considered accepted as in substantial compliance with applicable filing requirements.

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

15.20 **7829.2500 CERTIFICATE OF NEED FILING.**

15.21 Subpart 1. **Compliance.** Certificate of need applications must comply with the
15.22 requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota
15.23 Rules, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400;~~ and any other
15.24 requirements imposed by rule or statute.

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

16.1 Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on
16.2 the department and ~~Residential Utilities Division of the Office of the Attorney General.~~
16.3 The applicant shall serve the filing or the summary described in subpart 2 on those persons
16.4 on an applicable general service list and on those persons who were parties to its last
16.5 general rate case or incentive plan proceeding, if applicable.

16.6 Subp. 4. [See repealer.]

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

16.8 Subp. 6. **Solicitation of comments on filing compliance.** The commission shall
16.9 request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421 to
16.10 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to~~
16.11 ~~7849.0400~~, when it determines that comments would be helpful in evaluating the filing's
16.12 substantial compliance with the requirements of those statutes and rules. The commission
16.13 may delegate the authority to request these comments to the executive secretary.

16.14 Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part
16.15 that is found to be substantially out of compliance with Minnesota Statutes, sections
16.16 216B.2421 to 216B.243; Minnesota Rules, chapters 7851, 7853, and 7855, ~~and parts~~
16.17 ~~7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute. A filing
16.18 under this section not rejected within 15 days of filing must be considered accepted as in
16.19 substantial compliance with applicable filing requirements.

16.20 [For text of subps 8 and 9, see M.R.]

16.21 **7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.**

16.22 Subpart 1. **Filings required, service requirements.** At least three months before
16.23 filing a certificate of need application for any pipeline under chapter 7851, 7853, or 7855,
16.24 the applicant shall file a proposed plan for providing notice to all persons reasonably

17.1 likely to be affected by the proposed pipeline. Applicants shall serve their proposed
 17.2 plans on the following persons:

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

17.4 B. ~~the Residential and Small Business Utilities Division~~ of the Office of the
 17.5 Attorney General; and

17.6 C. the Army Corps of Engineers.

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

17.8 **7829.2600 STAFF COMMENTS.**

17.9 Written comments on a filing by commission staff must be made available to those
 17.10 persons on the service list at the same time they are provided to the commission. If
 17.11 commission staff recommend action not advocated by any party, at the request of any party
 17.12 all parties must be granted ~~oral~~ an opportunity to comment at the request of any party.

17.13 **7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.**

17.14 Subpart 1. **Exceptions to administrative law judge's report.** Except in cases
 17.15 subject to statutory deadlines, parties shall file and serve on the other parties any
 17.16 exceptions to an administrative law judge's report within 20 days of its filing unless
 17.17 otherwise specified by order. In cases subject to statutory deadlines, exceptions must be
 17.18 filed and served within 15 days of the filing of the report.

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

17.20 Subp. 3. **Oral Argument.** Parties must be granted an opportunity for ~~oral~~ argument
 17.21 before the commission as required under Minnesota Statutes, section 14.61.

17.22 **7829.2900 DECISION AND ORDER.**

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

18.1 **7829.3000 PETITION AFTER COMMISSION DECISION.**

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

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

18.8 Subp. 3. **Service.** A petition for rehearing, amendment, vacation, reconsideration,
18.9 or reargument, and an answer, reply, or comment, must be served on the parties and
18.10 participants in the proceeding ~~to which they relate.~~

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

18.12 **7829.3150 UNTIMELY FILINGS.**

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

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

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

18.20 Documents in the commission's electronic filing system excluded under this part shall
18.21 remain in the commission's electronic filing system, but shall be marked as "excluded
18.22 from record by commission order."

18.23 Subp. 2. **Required statement.** A person filing a document outside a time period
18.24 established by rule, notice, order, or statute shall include a statement explaining why the
18.25 filing was untimely and why it should not be excluded by the commission.

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

| | <u>Column A</u> | <u>Column B</u> |
|-------|------------------------------|-----------------------------|
| 19.6 | <u>7829.2300, subpart 5</u> | <u>7829.2350, subpart 1</u> |
| 19.7 | <u>7829.2300, subpart 6</u> | <u>7829.2350, subpart 2</u> |
| 19.8 | <u>7829.2300, subpart 7</u> | <u>7829.2350, subpart 3</u> |
| 19.9 | <u>7829.2300, subpart 10</u> | <u>7829.2350, subpart 4</u> |
| 19.10 | <u>7829.2300, subpart 11</u> | <u>7829.2350, subpart 5</u> |
| 19.11 | <u>7829.2300, subpart 12</u> | <u>7829.2350, subpart 6</u> |
| 19.12 | <u>7829.2300, subpart 13</u> | <u>7829.2350, subpart 7</u> |

19.13 **REPEALER.** Minnesota Rules, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400,
 19.14 subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts
 19.15 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500,
 19.16 subpart 4, are repealed.