

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In The Matter of the Application of
Minnesota Power for Authority to
Increase Rates for Electric Service
in the State of Minnesota

**ORDER DENYING
PETITION TO INTERVENE BY AARP**

To: All Persons on the Attached Service List

On March 1, 2017, AARP filed a Petition to Intervene.¹ No objections to the petition have been filed.

Based on the petition and all of the files and proceedings in this matter, and for the reasons described in the Memorandum below, the Administrative Law Judge makes the following:

ORDER

AARP's Petition to Intervene in this proceeding as a full party is **DENIED**.

Dated: April 13, 2017



JIM MORTENSON
Administrative Law Judge

MEMORANDUM

AARP is a nonprofit member organization that advocates for, among other things, affordable utilities for families. AARP has 660,000 members in Minnesota, many of whom are residential electric customers of Minnesota Power. AARP has petitioned to intervene as a full party in this case.

¹ Due to a technical problem with the eDocket system, the Administrative Law Judge was not electronically served with the Petition. Once alerted by Petitioner's counsel on March 23, 2017, an investigation determined that the Administrative Law Judge was the only individual not electronically served with the Petition. Thus, all current parties had an opportunity to object to the Petition.

A petition to intervene must “show how the petitioner’s legal rights, duties, or privileges may be determined or affected by the contested case[.]”² The petitioner must also “show how the petitioner may be directly affected by the outcome or that petitioner’s participation is authorized by statute, rule, or court decision[.]”³ Also, a petition in this case must “set forth the grounds and purposes for which intervention is sought[.]”⁴ If the petitioner can make these showings, and the petitioner’s interest is not adequately represented by one or more of the existing parties to the case, the administrative law judge must allow intervention.⁵ “An order allowing intervention shall specify the extent of participation permitted the petitioner and shall state the judge’s reasons.”⁶

In this matter, AARP desires to advocate for residential customers and, in particular, those who are ages 50 and over. According to AARP, these customers are more vulnerable to increases in energy prices, devote a higher percentage of their total spending towards residential energy costs than other age groups, and often have special needs and safety concerns regarding their access to electric service.

AARP intends to provide expert witness testimony regarding the structure and potential impact of Minnesota Power’s proposed rate increase, the impact of certain rate design issues on the customer class as a whole, and the impact of those rate design issues upon low-usage customers within the residential customer class.

None of the current parties to this proceeding objected to the intervention of AARP. However, AARP’s constituency is identical to that of a current party: the Energy CENTS Coalition (ECC). The ECC intends to analyze the impact of Minnesota Power’s proposed rate increase on residential customers, particularly low-income and low-use residential customers. This effort is identical to AARP’s advocacy and concerns the same constituency. The Office of the Minnesota Attorney General – Residential Utilities and Antitrust Division is also a party that will be advocating for the interests of residential customers in this matter.

AARP represents a group and interests that are currently represented by other parties to this case. AARP’s proposed input will duplicate the input likely to be provided by those parties. AARP is encouraged to work with those parties and offer its input to those parties. AARP may also have the opportunity to participate as a member of the public to the extent it is offering evidence that is not incompetent, irrelevant, immaterial, or unduly repetitious.⁷ However, because the interests of and advocacy by some of the existing parties is nearly identical to the people, interests, and advocacy proposed by AARP, its Petition to Intervene as a full party is **DENIED**.

J. R. M.

² Minn. R. 1400.6200, subp. 1 (2015).

³ *Id.*

⁴ *Id.*

⁵ *Id.*, subp. 3 (2015).

⁶ *Id.*

⁷ Minn. R. 1400.6200, subp. 5, .7150, .7300, subp. 1 (2015).

April 13, 2017

See Attached Service List

Re: In the Matter of the Application by Minnesota Power for Authority to Increase Rates for Electric Services in Minnesota

**OAH 5-2500-34078
MPUC E-015/GR-16-664**

To All Persons on the Attached Service List:

Enclosed and served upon you is the Administrative Law Judge's **ORDER DENYING PETITION TO INTERVENE BY AARP** in the above-entitled matter.

If you have any questions, please contact my legal assistant Sheena Denny at (651) 361-7881 or Sheena.Denny@state.mn.us, or facsimile at (651) 539-0310.

Sincerely,



JIM MORTENSON
Administrative Law Judge

JRM:klm
Enclosure
cc: Docket Coordinator

STATE OF MINNESOTA
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PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of the Application by Minnesota Power for Authority to Increase Rates for Electric Services in Minnesota (E-015/GR-16-664)	OAH Docket No.: 5-2500-34078
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Kendra McCausland certifies that on April 13, 2017 she served the true and correct **ORDER DENYING PETITION TO INTERVENE BY AARP** by eService, and U.S. Mail, (in the manner indicated below) to the following individuals:

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