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State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. 3685

03/12/2018 Authored by Albright and Smith
The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act
1.2 relating to energy; modifying the definition of public utility; amending Minnesota
1.3 Statutes 2016, section 216B.02, subdivision 4.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2016, section 216B.02, subdivision 4, is amended to read:

1.6 Subd. 4. **Public utility.** "Public utility" means persons, corporations, or other legal
1.7 entities, their lessees, trustees, and receivers, now or hereafter operating, maintaining, or
1.8 controlling in this state equipment or facilities for furnishing at retail natural, manufactured,
1.9 or mixed gas or electric service to or for the public or engaged in the production and retail
1.10 sale thereof but does not include (1) a municipality or a cooperative electric association,
1.11 organized under the provisions of chapter 308A, producing or furnishing natural,
1.12 manufactured, or mixed gas or electric service; (2) a retail seller of compressed natural gas
1.13 used as a vehicular fuel which purchases the gas from a public utility; or (3) a retail seller
1.14 of electricity used to recharge a battery that powers an electric vehicle, as defined in section
1.15 169.011, subdivision 26a, and that is not otherwise a public utility under this chapter. Except
1.16 as otherwise provided, the provisions of this chapter shall not be applicable to any sale of
1.17 natural, manufactured, or mixed gas or electricity by a public utility to another public utility
1.18 for resale. In addition, the provisions of this chapter shall not apply to a public utility whose
1.19 total natural gas business consists of supplying natural, manufactured, or mixed gas to not
1.20 more than 650 customers within a city pursuant to a franchise granted by the city, provided
1.21 a resolution of the city council requesting exemption from regulation is filed with the
1.22 commission. The city council may rescind the resolution requesting exemption at any time,
1.23 and, upon the filing of the rescinding resolution with the commission, the provisions of this

2.1 chapter shall apply to the public utility. No person shall be deemed to be a public utility if
2.2 it furnishes its services only to tenants or cooperative or condominium owners in buildings
2.3 owned, leased, or operated by such person. No person shall be deemed to be a public utility
2.4 if it furnishes service to occupants of a manufactured home or trailer park owned, leased,
2.5 or operated by such person. No person shall be deemed to be a public utility if it produces
2.6 or furnishes service to less than 25 persons. No person shall be deemed to be a public utility
2.7 solely as a result of the person furnishing consumers with electricity or heat generated from
2.8 wind or solar generating equipment located on the consumer's property, provided the
2.9 equipment is owned or operated by an entity other than the consumer.