

## HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1842

02/28/2019 Authored by Wagenius  
The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division  
03/11/2019 Adoption of Report: Placed on the General Register  
Read for the Second Time  
05/20/2019 Pursuant to Rule 4.20, returned to the Energy and Climate Finance and Policy Division

- 1.1 A bill for an act
- 1.2 relating to energy; clarifying an arbiter of disputes for certain utilities; amending
- 1.3 Minnesota Statutes 2018, section 216B.164, subdivision 5.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. Minnesota Statutes 2018, section 216B.164, subdivision 5, is amended to read:
- 1.6 Subd. 5. **Dispute; resolution.** (a) In the event of ~~disputes~~ a dispute between (1) a public
- 1.7 ~~utility and a~~ qualifying facility, and (2) a public utility or a cooperative electric association
- 1.8 that has not elected to assume the authority to resolve disputes permitted under subdivision
- 1.9 11, either party may request a determination of the issue by the commission. In any such
- 1.10 determination, the burden of proof shall be on the public utility. The commission in its order
- 1.11 resolving each such dispute shall require payments to the prevailing party of the prevailing
- 1.12 party's costs, disbursements, and reasonable attorneys' fees, except that the qualifying facility
- 1.13 will be required to pay the costs, disbursements, and attorneys' fees of the public utility only
- 1.14 if the commission finds that the claims of the qualifying facility in the dispute have been
- 1.15 made in bad faith, or are a sham, or are frivolous.
- 1.16 (b) Notwithstanding subdivisions 9 and 11, a qualifying facility over 20 megawatts may,
- 1.17 until December 31, 2022, request that the commission resolve a dispute with any utility,
- 1.18 including a cooperative electric association or municipal utility, under paragraph (a).
- 1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.