

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 2084

| (SENATE AUTHORS: OSMEK) | | |
|-------------------------|------|---|
| DATE | D-PG | OFFICIAL STATUS |
| 03/07/2019 | 690 | Introduction and first reading |
| | | Referred to Energy and Utilities Finance and Policy |
| 03/13/2019 | | Comm report: To pass as amended |
| | | Second reading |

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:

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Subd. 5. **Dispute; resolution.** (a) In the event of ~~disputes~~ a dispute between (1) a public

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utility and a qualifying facility, and (2) a public utility or a cooperative electric association

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that has not elected to assume the authority to resolve disputes permitted under subdivision

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11, either party may request a determination of the issue by the commission. In any such

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determination, the burden of proof shall be on the public utility. The commission in its order

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resolving each such dispute shall require payments to the prevailing party of the prevailing

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party's costs, disbursements, and reasonable attorneys' fees, except that the qualifying facility

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will be required to pay the costs, disbursements, and attorneys' fees of the public utility only

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if the commission finds that the claims of the qualifying facility in the dispute have been

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made in bad faith, or are a sham, or are frivolous.

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(b) Notwithstanding subdivisions 9 and 11, a qualifying facility over 20 megawatts may,

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until December 31, 2022, request that the commission resolve a dispute with any utility,

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including a cooperative electric association or municipal utility, under paragraph (a).

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EFFECTIVE DATE. This section is effective the day following final enactment.