

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	847a 853	Comm report: To pass as amended Second reading
05/12/2020	4688	Rule 47, returned to Energy and Utilities Finance and Policy Comm report: To pass as amended and re-refer to Finance Joint rule 2.03, referred to Rules and Administration

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 or cooperative electric

1.11 association. The commission in its order resolving each such dispute shall require payments

1.12 to the prevailing party of the prevailing party's costs, disbursements, and reasonable attorneys'

1.13 fees, except that the qualifying facility will be required to pay the costs, disbursements, and

1.14 attorneys' fees of the public utility or cooperative electric association only if the commission

1.15 finds that the claims of the qualifying facility in the dispute have been made in bad faith,

1.16 or are a sham, or are frivolous.

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

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

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

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