

**SENATE  
STATE OF MINNESOTA  
NINETY-FIRST SESSION**

**S.F. No. 4422**

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DATE  
03/16/2020

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Introduction and first reading  
Referred to Energy and Utilities Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to energy; extending the period covered by the cold weather rule; amending  
1.3 Minnesota Statutes 2018, sections 216B.096, subdivision 2; 216B.097, subdivisions  
1.4 1, 2, 3.

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

1.6 Section 1. Minnesota Statutes 2018, section 216B.096, subdivision 2, is amended to read:

1.7 Subd. 2. **Definitions.** (a) The terms used in this section have the meanings given them  
1.8 in this subdivision.

1.9 (b) "Cold weather period" means the period from October ~~15~~ 1 through April ~~15~~ 30 of  
1.10 the following year.

1.11 (c) "Customer" means a residential customer of a utility.

1.12 (d) "Disconnection" means the involuntary loss of utility heating service as a result of  
1.13 a physical act by a utility to discontinue service. Disconnection includes installation of a  
1.14 service or load limiter or any device that limits or interrupts utility service in any way.

1.15 (e) "Household income" means the combined income, as defined in section 290A.03,  
1.16 subdivision 3, of all residents of the customer's household, computed on an annual basis.  
1.17 Household income does not include any amount received for energy assistance.

1.18 (f) "Reasonably timely payment" means payment within five working days of agreed-upon  
1.19 due dates.

1.20 (g) "Reconnection" means the restoration of utility heating service after it has been  
1.21 disconnected.

2.1 (h) "Summary of rights and responsibilities" means a commission-approved notice that  
2.2 contains, at a minimum, the following:

2.3 (1) an explanation of the provisions of subdivision 5;

2.4 (2) an explanation of no-cost and low-cost methods to reduce the consumption of energy;

2.5 (3) a third-party notice;

2.6 (4) ways to avoid disconnection;

2.7 (5) information regarding payment agreements;

2.8 (6) an explanation of the customer's right to appeal a determination of income by the  
2.9 utility and the right to appeal if the utility and the customer cannot arrive at a mutually  
2.10 acceptable payment agreement; and

2.11 (7) a list of names and telephone numbers for county and local energy assistance and  
2.12 weatherization providers in each county served by the utility.

2.13 (i) "Third-party notice" means a commission-approved notice containing, at a minimum,  
2.14 the following information:

2.15 (1) a statement that the utility will send a copy of any future notice of proposed  
2.16 disconnection of utility heating service to a third party designated by the residential customer;

2.17 (2) instructions on how to request this service; and

2.18 (3) a statement that the residential customer should contact the person the customer  
2.19 intends to designate as the third-party contact before providing the utility with the party's  
2.20 name.

2.21 (j) "Utility" means a public utility as defined in section 216B.02, and a cooperative  
2.22 electric association electing to be a public utility under section 216B.026. Utility also means  
2.23 a municipally owned gas or electric utility for nonresident consumers of the municipally  
2.24 owned utility and a cooperative electric association when a complaint in connection with  
2.25 utility heating service during the cold weather period is filed under section 216B.17,  
2.26 subdivision 6 or 6a.

2.27 (k) "Utility heating service" means natural gas or electricity used as a primary heating  
2.28 source, including electricity service necessary to operate gas heating equipment, for the  
2.29 customer's primary residence.

3.1 (l) "Working days" means Mondays through Fridays, excluding legal holidays. The day  
3.2 of receipt of a personally served notice and the day of mailing of a notice shall not be counted  
3.3 in calculating working days.

3.4 Sec. 2. Minnesota Statutes 2018, section 216B.097, subdivision 1, is amended to read:

3.5 Subdivision 1. **Application; notice to residential customer.** (a) A municipal utility or  
3.6 a cooperative electric association must not disconnect and must reconnect the utility service  
3.7 of a residential customer during the period between October ~~15~~ 1 and April ~~15~~ 30 if the  
3.8 disconnection affects the primary heat source for the residential unit and all of the following  
3.9 conditions are met:

3.10 (1) The household income of the customer is at or below 50 percent of the state median  
3.11 household income. A municipal utility or cooperative electric association utility may (i)  
3.12 verify income on forms it provides or (ii) obtain verification of income from the local energy  
3.13 assistance provider. A customer is deemed to meet the income requirements of this clause  
3.14 if the customer receives any form of public assistance, including energy assistance, that  
3.15 uses an income eligibility threshold set at or below 50 percent of the state median household  
3.16 income.

3.17 (2) A customer enters into and makes reasonably timely payments under a payment  
3.18 agreement that considers the financial resources of the household.

3.19 (3) A customer receives referrals to energy assistance, weatherization, conservation, or  
3.20 other programs likely to reduce the customer's energy bills.

3.21 (b) A municipal utility or a cooperative electric association must, between August 15  
3.22 and October 15 each year, notify all residential customers of the provisions of this section.

3.23 Sec. 3. Minnesota Statutes 2018, section 216B.097, subdivision 2, is amended to read:

3.24 Subd. 2. **Notice to residential customer facing disconnection.** Before disconnecting  
3.25 service to a residential customer during the period between October ~~15~~ 1 and April ~~15~~ 30,  
3.26 a municipal utility or cooperative electric association must provide the following information  
3.27 to a customer:

3.28 (1) a notice of proposed disconnection;

3.29 (2) a statement explaining the customer's rights and responsibilities;

3.30 (3) a list of local energy assistance providers;

3.31 (4) forms on which to declare inability to pay; and

4.1 (5) a statement explaining available time payment plans and other opportunities to secure  
4.2 continued utility service.

4.3 Sec. 4. Minnesota Statutes 2018, section 216B.097, subdivision 3, is amended to read:

4.4 Subd. 3. **Restrictions if disconnection necessary.** (a) If a residential customer must be  
4.5 involuntarily disconnected between October ~~15~~ 1 and April ~~15~~ 30 for failure to comply with  
4.6 subdivision 1, the disconnection must not occur:

4.7 (1) on a Friday, unless the customer declines to enter into a payment agreement offered  
4.8 that day in person or via personal contact by telephone by a municipal utility or cooperative  
4.9 electric association;

4.10 (2) on a weekend, holiday, or the day before a holiday;

4.11 (3) when utility offices are closed; or

4.12 (4) after the close of business on a day when disconnection is permitted, unless a field  
4.13 representative of a municipal utility or cooperative electric association who is authorized  
4.14 to enter into a payment agreement, accept payment, and continue service, offers a payment  
4.15 agreement to the customer.

4.16 Further, the disconnection must not occur until at least 20 days after the notice required  
4.17 in subdivision 2 has been mailed to the customer or 15 days after the notice has been  
4.18 personally delivered to the customer.

4.19 (b) If a customer does not respond to a disconnection notice, the customer must not be  
4.20 disconnected until the utility investigates whether the residential unit is actually occupied.  
4.21 If the unit is found to be occupied, the utility must immediately inform the occupant of the  
4.22 provisions of this section. If the unit is unoccupied, the utility must give seven days' written  
4.23 notice of the proposed disconnection to the local energy assistance provider before making  
4.24 a disconnection.

4.25 (c) If, prior to disconnection, a customer appeals a notice of involuntary disconnection,  
4.26 as provided by the utility's established appeal procedure, the utility must not disconnect  
4.27 until the appeal is resolved.