

**CHAPTER 10—S.F.No. 1294**

*An act relating to utilities; authorizing electronic filing with Public Utilities Commission; making technical and clarifying changes; amending Minnesota Statutes 2006, sections 216.15; 216.17; 216.18; 216B.18; 216B.241, by adding a subdivision; 216B.26; 216B.33; 216B.62, subdivisions 3, 4, 6; 216B.63; 216E.07; 237.295.*

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

Section 1. Minnesota Statutes 2006, section 216.15, is amended to read:

**216.15 ANSWER AND REPLY.**

The respondent may file by mail, by personal delivery, or via the commission's electronic filing system and serve ~~by mail~~ upon the complainant, within 20 days after service of the order, an answer alleging that it has already granted the relief demanded or setting up any matter of defense. If the answer ~~allege~~ alleges the granting of the relief, the complainant shall within 20 days reply admitting or denying ~~such~~ the allegation. If the complainant fails to reply or admits the allegation, the proceeding ~~shall~~ must be dismissed.

Sec. 2. Minnesota Statutes 2006, section 216.17, is amended to read:

**216.17 NOTICES AND ORDERS; FILINGS; SERVICE.**

Subdivision 1. Commission notices and orders; signature. All notices and orders in proceedings before the commission ~~shall~~ must be signed by the secretary. Electronic signature by the secretary is permitted.

Subd. 2. Service of notice, order, or other document from commission. Service ~~may be made~~ of all notices, orders, and other ~~papers~~ documents by the commission may be made by mail, personal delivery, or electronic service upon any person or firm, or upon the president, general manager, or other proper executive officer of any corporation interested. If any party has appeared by attorney, such service ~~shall~~ must be made upon ~~such~~ the attorney. Notwithstanding section 14.62, orders and decisions may be served by mail, by personal delivery, or by electronic service. The commission may provide electronic service to any person who has provided an electronic address to the commission for service purposes. For purposes of this section, the term "person" includes a natural person or an organization, whether for profit or not for profit.

Subd. 3. Filings with commission; manner of filing. As of January 1, 2008, any telephone company or telecommunications carrier subject to chapter 237; any public utility, cooperative association, or municipal utility subject to chapter 216B; and state agencies, shall file documents with the commission via the commission's electronic filing system. The executive secretary may approve an exemption from this requirement if an affected company or agency is unable to submit filings via the commission's electronic filing system. All parties, participants, or other interested persons shall submit filings to

the commission via the commission's electronic filing system whenever practicable, but may also file by personal delivery or by mail.

Subd. 4. **Service by a party, participant, or other interested person.** When an applicable statute or commission rule requires service of a filing or other document by a party, participant, or other interested person upon persons on a service list maintained by the commission, service may be made by personal delivery, mail, or electronic service, except that electronic service may only be made upon persons on the official service list who have previously agreed in writing to accept electronic service at an electronic address provided to the commission for electronic service purposes. This section does not apply to the extent another provision of this chapter or chapter 216A requires a specific method of service.

Sec. 3. Minnesota Statutes 2006, section 216.18, is amended to read:

**216.18 POWER TO SUBPOENA WITNESSES AND DOCUMENTS.**

The commission in any hearing or investigation may require the attendance of witnesses and the production of any books, papers documents, and records. Witnesses shall must receive the same fees and mileage as in civil actions. Disobedience of any subpoena in such proceeding or contumacy of a witness may, upon application of the commission, be punished by any district court in the same manner as if the proceedings were pending in such court.

Sec. 4. Minnesota Statutes 2006, section 216B.18, is amended to read:

**216B.18 SERVICE OF NOTICE.**

Service of notice of all hearings, investigations, and proceedings pending before the commission and of complaints, reports, orders, and other documents shall must be made personally, by electronic service as provided in section 216.17, or by mail as the commission may direct.

Sec. 5. Minnesota Statutes 2006, section 216B.241, is amended by adding a subdivision to read:

Subd. 1g. **Manner of filing and service.** (a) A public utility, generation and transmission cooperative electric association, municipal power agency, cooperative electric association, and municipal utility shall submit filings to the department via the department's electronic filing system. The commissioner may approve an exemption from this requirement in the event an affected utility or association is unable to submit filings via the department's electronic filing system. All other interested parties shall submit filings to the department via the department's electronic filing system whenever practicable but may also file by personal delivery or by mail.

(b) Submission of a document to the department's electronic filing system constitutes service on the department. Where department rule requires service of a notice, order, or other document by the department, utility, association, or interested party upon persons on a service list maintained by the department, service may be made by personal delivery, mail, or electronic service, except that electronic service may only be made upon persons on the service list who have previously agreed in writing to accept electronic service at an electronic address provided to the department for electronic service purposes.

**EFFECTIVE DATE.** The electronic filing requirement of paragraph (a) is effective January 1, 2008.

Sec. 6. Minnesota Statutes 2006, section 216B.26, is amended to read:

**216B.26 ORDER; EFFECTIVE DATE.**

Every decision made by the commission constituting an order or determination ~~shall be~~ is in force and effective 20 days after it has been filed and has been served by personal delivery, electronic service as provided in section 216.17, or by mailing a copy thereof to all parties to the proceeding in which the decision was made or to their attorneys, unless the commission ~~shall specify~~ specifies a different date upon which the order ~~shall be~~ becomes effective.

Sec. 7. Minnesota Statutes 2006, section 216B.33, is amended to read:

**216B.33 COMMISSION RULING WRITTEN, FILED, AND CERTIFIED.**

Every order, finding, authorization, or certificate issued or approved by the commission under ~~any provisions of Laws 1974, chapter 429 shall~~ this chapter must be in writing and ~~filed in the office of the secretary of the commission~~ retained in the commission's official record system. A certificate under the seal of the commission that any order, finding, authorization, or certificate has not been modified, stayed, suspended, or revoked, ~~shall must~~ be received ~~as evidence~~ in any proceedings proceeding as evidence as to the facts therein stated.

Sec. 8. Minnesota Statutes 2006, section 216B.62, subdivision 3, is amended to read:

Subd. 3. **Assessing all public utilities.** The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to (1) public utilities under section 216A.085, sections 216B.01 to 216B.67, other than amounts chargeable to public utilities under subdivision 2 or 6, and (2) alternative energy engineering activity under section 216C.261. The remainder, except the amount assessed against cooperatives and municipalities for alternative energy engineering activity under subdivision 5, shall be assessed by the commission and department to the several public utilities in proportion to their respective gross operating revenues from retail sales of gas or electric service within the state during the last calendar year. The assessment shall be paid into the state treasury within 30 days after the bill has been ~~mailed~~ transmitted via mail, personal delivery, or electronic service to the several public utilities, which shall constitute notice of the assessment and demand of payment thereof. The total amount which may be assessed to the public utilities, under authority of this subdivision, shall not exceed one-sixth of one percent of the total gross operating revenues of the public utilities during the calendar year from retail sales of gas or electric service within the state. The assessment for the third quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

Sec. 9. Minnesota Statutes 2006, section 216B.62, subdivision 4, is amended to read:

Subd. 4. **Objections.** Within 30 days after the date of the ~~mailing~~ transmittal of any bill as provided by subdivisions 2 and 3, the public utility against which the bill has been rendered may file with the commission objections setting out the grounds upon which it is

claimed the bill is excessive, erroneous, unlawful or invalid. The commission shall within 60 days hold a hearing and issue an order in accordance with its findings. The order shall be appealable in the same manner as other final orders of the commission.

Sec. 10. Minnesota Statutes 2006, section 216B.62, subdivision 6, is amended to read:

Subd. 6. **Administrative hearing costs.** Any amounts billed to the commission or the department by the Office of Administrative Hearings for public utility contested case hearings shall be assessed by the commission or the department against the public utility. The assessment shall be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been ~~mailed~~ transmitted to the public utility. Money received shall be credited to a special account and is appropriated to the commission or the department for payment to the Office of Administrative Hearings.

Sec. 11. Minnesota Statutes 2006, section 216B.63, is amended to read:

**216B.63 INTEREST ON ASSESSMENT.**

The amounts assessed against any public utility not paid after 30 days after the ~~mailing~~ transmittal of a notice advising the public utility of the amount assessed against it, ~~shall~~ draw interest at the rate of six percent per annum; and, upon failure to pay the assessment, the attorney general shall proceed by action in the name of the state against the public utility to collect the amount due, together with interest and the cost of the suit.

Sec. 12. Minnesota Statutes 2006, section 216E.07, is amended to read:

**216E.07 ANNUAL HEARING.**

The commission shall hold an annual public hearing at a time and place prescribed by rule in order to afford interested persons an opportunity to be heard regarding any matters relating to the siting of large electric generating power plants and routing of high-voltage transmission lines. At the meeting, the commission shall advise the public of the permits issued by the commission in the past year. The commission shall provide at least ten days but no more than 45 days' notice of the annual meeting by mailing or serving electronically, as provided in section 216.17, a notice to those persons who have requested notice and by publication in the EQB Monitor and the commission's weekly calendar.

Sec. 13. Minnesota Statutes 2006, section 237.295, is amended to read:

**237.295 ASSESSMENT OF REGULATORY EXPENSES.**

Subdivision 1. **Filing fee for new authority.** An application for a new authority must be accompanied by a payment not to exceed \$2,000 as determined by the Public Utilities Commission. This fee will be reviewed annually and adjusted accordingly.

Subd. 2. **Assessment of costs.** The department and commission shall quarterly, at least 30 days before the start of each quarter, estimate the total of their expenditures in the performance of their duties relating to telephone companies, other than amounts chargeable to telephone companies under subdivision 1, 5, or 6. The remainder must be assessed by the department to the telephone companies operating in this state in proportion to their respective gross jurisdictional operating revenues during the last calendar year. The assessment must be paid into the state treasury within 30 days after the bill has been ~~mailed~~ transmitted via mail, personal delivery, or electronic service to the telephone

companies. The bill constitutes notice of the assessment and demand of payment. The total amount that may be assessed to the telephone companies under this subdivision may not exceed three-eighths of one percent of the total gross jurisdictional operating revenues during the calendar year. The assessment for the third quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the commission and department for the preceding fiscal year were more or less than the estimated expenditures previously assessed. A telephone company with gross jurisdictional operating revenues of less than \$5,000 is exempt from assessments under this subdivision.

Subd. 3. **Objection.** Within 30 days after the date of the ~~mailing~~ transmittal of any bill as provided by subdivisions 1, 2, 5, and 6, the parties to the proceeding, against which the bill has been assessed, may file with the commission objections setting out the grounds upon which it is claimed the bill is excessive, erroneous, unlawful, or invalid. The commission shall within 60 days issue an order in accordance with its findings. The order ~~shall be~~ is appealable in the same manner as other final orders of the commission.

Subd. 4. **Interest imposed.** The amounts assessed against any telephone company or other party that is not paid after 30 days after the ~~mailing~~ transmittal of a notice advising the telephone company or other party of the amount assessed against it, ~~shall~~ draw interest at the rate of six percent per annum; ~~and~~ upon failure to pay the assessment, the attorney general shall proceed by action in the name of the state against the telephone company or other party to collect the amount due, together with interest and the cost of the suit.

Subd. 5. **Administrative hearing costs; appropriation.** Any amounts billed to the commission or the department by the Office of Administrative Hearings for contested case hearings held pursuant to section 237.25 ~~shall~~ must be assessed by the commissioner or the department against the parties to the proceeding. The assessment ~~shall~~ must be paid into the state treasury within 30 days after a bill, which constitutes notice of the assessment and demand for payment of it, has been ~~mailed~~ transmitted to the parties. Money received ~~shall~~ must be credited to a special account and is appropriated to the commissioner or the department for payment to the Office of Administrative Hearings.

Subd. 6. **Extended area service balloting account; appropriation.** The extended area service balloting account is created as a separate account in the special revenue fund in the state treasury. The commission shall render separate bills to telephone companies only for direct balloting costs incurred by the commission ~~under section 237.161~~. The bill constitutes notice of the assessment and demand of payment. The amount of a bill assessed by the commission under this subdivision must be paid by the telephone company into the state treasury within 30 days from the date of assessment. Money received under this subdivision must be credited to the extended area service balloting account and is appropriated to the commission.

Presented to the governor March 26, 2007

Signed by the governor March 27, 2007, 4:25 p.m.