

CHAPTER 7840
PUBLIC UTILITIES COMMISSION
ENERGY CONSERVATION IMPROVEMENT APPEALS

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7840.0700 [Renumbered 7690.0700]

7840.0800 [Renumbered 7690.0800]

7840.0900 [Renumbered 7690.0900]

7840.1000 [Repealed, 14 SR 2193]

7840.1100 [Renumbered 7690.1100]

7840.1150 [Renumbered 7690.1200]

7840.1200 [Renumbered 7690.1300]

7840.1300 [Renumbered 7690.1400]

7840.1400 [Repealed, 14 SR 2193]

7840.1500 RIGHT OF APPEAL.

A utility, a political subdivision, or a nonprofit or community organization that has proposed, or filed comments on, a conservation improvement program under part 7690.0500 or 7690.0900, or the attorney general acting on behalf of consumers and small business interests, may petition the Public Utilities Commission to modify or reject a Department of Commerce decision under part 7690.1300 or 7690.1400 regarding a conservation improvement program.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123; L 2001 1Sp4 art 6 s 1*

7840.1600 TIMELINESS OF APPEAL.

A petition challenging a department decision under part 7690.1300 or 7690.1400 must be filed with the Public Utilities Commission within 20 days after the department's decision. A petition is considered filed when received at the commission offices during normal business hours.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123*

7840.1700 CONTENTS OF PETITION AND SUPPORTING DOCUMENTATION.

A petition filed under part 7840.1500 must comply with part 7830.2100, except that the petitioner shall provide the Public Utilities Commission with 15 copies of the

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petition. The petition must include as attachments a copy of the Department of Commerce's written decision being challenged and the relevant written materials not already provided to the commission. The petition may incorporate by reference the relevant documents that have already been provided to the commission.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123; L 2001 1Sp4 art 6 s 1*

7840.1800 SERVICE OF PETITION.

The petition and accompanying documents must be served on the Department of Commerce and the persons who were served with the department's proposed decision under part 7690.1000, subpart 2. Service may be in person or by mail and must be simultaneous with the filing of the petition.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123; L 2001 1Sp4 art 6 s 1*

7840.1900 COMMENTS IN RESPONSE TO PETITION.

A person may submit written comments replying to the petition filed under part 7840.1500. These comments must be filed with the Public Utilities Commission within 15 days after the deadline for filing under part 7840.1600.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123*

7840.2000 COMMISSION DECISION.

Subpart 1. **Burden of proof and decision criteria.** The petitioner has the burden of proving that the decision of the Department of Commerce will result in a conservation improvement program that is ineffective, does not adequately address the needs of renters and low-income persons, or is otherwise not in the public interest. The Public Utilities Commission shall sustain the department's decision if the petitioner fails to meet this burden.

Subp. 2. **Insufficient information.** On determining that more information is needed before issuing a decision on the merits of the petition, the commission shall issue an order requiring supplemental filings. The supplemental information must be filed with the commission and served on the department, the utility, and other parties who filed comments replying to the petition. The supplemental information must be filed and served within 15 days after the commission issues its order under this subpart unless otherwise ordered by the commission. The responses, if any, to the supplemental filings must be filed with the commission and served on the department, the utility, and the persons who filed supplemental information within 15 days after the deadline for supplemental filings.

Subp. 3. **Final disposition.** After review of the petition and comments, the commission shall issue an order that accepts, rejects, or modifies the department's decision, or that orders a contested case under Minnesota Statutes, chapter 14.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *15 SR 1123; L 2001 1Sp4 art 6 s 1*