

CHAPTER 7610
DEPARTMENT OF COMMERCE
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ELECTRICAL UTILITIES

7610.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7610.0100 to 7610.0700, the following definitions shall apply.

Subp. 2. **Adjusted net demand.** "Adjusted net demand" means system demand, minus firm purchases, plus firm sales.

Subp. 3. [Repealed, 16 SR 1400]

Subp. 4. **Annual adjusted net demand.** "Annual adjusted net demand" means annual system demand, minus firm purchases, plus firm sales.

Subp. 5. **Annual electrical consumption.** "Annual electrical consumption" means sales of megawatt hours of electricity to ultimate consumers over a 12-month period beginning January 1 and ending December 31 of the reporting year.

Subp. 6. **Annual system demand.** "Annual system demand" means the highest system demand occurring during the 12-month period ending with the current month. For seasonal reporting the current month is the last month of the season being reported.

Subp. 7. **Capacity factor.** "Capacity factor" is the ratio, expressed as a percent, of gross generation in megawatt hours to the product of period hours times maximum dependable capacity. There are 8,760 period hours per year, except during a leap year when there are 8,784. Maximum dependable capacity is the dependable plant capacity in winter or summer, whichever is smaller.

Subp. 8. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Department of Commerce.

Subp. 8a. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 9. [Repealed, 16 SR 1400]

Subp. 10. **Firm purchases; firm sales.** "Firm purchases" and "firm sales" mean the amount of power to be purchased or sold and intended to have assured availability.

Subp. 10a. **Interruptible load.** "Interruptible load" means the amount of electric power made available under agreements permitting curtailment or cessation of delivery by the supplier.

Subp. 11. **Forced outage rate.** "Forced outage rate" is a measure of the total time the plant was unavailable due to forced outage. It is the ratio, expressed as a percent of forced outage hours to the sum of the total number of hours the plant was actually operated with breakers closed to the station bus plus the forced outage hours.

Subp. 12. [Repealed, 16 SR 1400]

Subp. 13. [Repealed, 16 SR 1400]

Subp. 14. **Last calendar year.** "Last calendar year" means the calendar year immediately preceding the year in which reports are required to be filed.

Subp. 15. **Load factor.** "Load factor" means the ratio of the average load in megawatts supplied during a designated period to the maximum load in megawatts that was supplied during that designated period.

Subp. 16. **Minnesota service area.** "Minnesota service area" means that portion of a utility's system lying within Minnesota.

Subp. 17. [Repealed, L 2001 c 23 s 1]

Subp. 18. **Municipal power agency.** "Municipal power agency" means a municipal corporation incorporated under Minnesota Statutes, sections 453.51 to 453.62. For purposes of these parts, a municipal power agency may elect to supply in aggregate the data required by these parts for its members. Data submitted in this fashion must be in the format specified by the commissioner.

Subp. 19. **Net generating capacity.** "Net generating capacity" means the total amount of kilowatts, less station use, that all the generating facilities of a system could supply at the time of its maximum system demand, including the capacity of the generating units that are temporarily out of service for maintenance or repair.

Subp. 20. **Net generation.** "Net generation" means gross generation minus megawatt hours used for station use.

Subp. 21. **Net reserve capacity obligation.** "Net reserve capacity obligation" means the annual adjusted net demand multiplied by the percent reserve capacity requirement.

Subp. 22. **Operating availability.** "Operating availability" is a measure of the total time during which a plant is available. It is the ratio, expressed as a percent, of available hours to period hours. Available hours are the sum of service hours and reserve shutdown hours.

Subp. 23. **Participation power.** "Participation power" means power and energy that are sold from a specific generating unit or units for a period of six or more months on a continuously available basis (except when such unit or units are temporarily out of service for maintenance, during which time the delivery of energy from other generating units is at the seller's option).

Subp. 24. **Participation purchases; participation sales.** "Participation purchases" and "participation sales" mean purchases and sales under a participation power agreement or a seasonal participation power agreement.

Subp. 25. **Peak demand.** "Peak demand" means the highest megawatt demand during a designated period recorded on a one hour integrated reading basis.

Subp. 26. **Residential electrical space heating customer.** "Residential electrical space heating customer" means a residential customer who uses electricity as a source of space heating throughout the entire premises from permanently installed electric heating equipment.

Subp. 26a. **Schedule L purchase.** "Schedule L purchase" means the amount of interruptible load replacement energy that is planned to be purchased for the purpose of serving interruptible load.

Subp. 27. **Seasonal adjusted net demand.** "Seasonal adjusted net demand" means seasonal system demand, minus firm purchases, plus firm sales.

Subp. 28. **Seasonal participation power.** "Seasonal participation power" means participation power sold and bought on a seasonal (summer or winter) basis.

Subp. 29. **Seasonal system demand.** "Seasonal system demand" means the maximum system demand on the applicant's system that occurs or is expected to occur in any normal summer season or winter season.

Subp. 30. **Summer season.** "Summer season" means the period from May 1 through October 31.

Subp. 31. **System.** "System" means that combination of generating, transmission, and distribution facilities that makes up the operating physical plant of the utility, whether owned or nonowned, for the delivery of electrical energy to ultimate consumers, and includes the geographic area where the utility's ultimate consumers are located.

Subp. 32. **System demand.** "System demand" means the number of megawatts that is equal to the megawatt hours required in any clock hour, attributable to energy required by the system during such hour for supply of firm energy to ultimate consumers, including system losses, and also including any transmission losses occurring on other systems and supplied by the system for transmission of firm energy, but excluding generating station uses and excluding transmission losses charged to another system.

Subp. 33. **Ultimate consumers.** "Ultimate consumers" means consumers purchasing electricity for their use and not for resale.

Subp. 34. **Utility.** "Utility" means any entity engaged in the generation, transmission, or distribution of electrical energy, including but not limited to a private investor-owned utility or a public or municipally owned utility.

Subp. 35. **Winter season.** "Winter season" means the period from November 1 through April 30.

Statutory Authority: *MS s 216C.10*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 186 s 15; c 312 art 1 s 9,10; 16 SR 1400; L 2001 c 23 s 1; L 2001 1Sp4 art 6 s 1*

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7610.0110 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0100 to 7610.0700 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. Parts 7610.0100 to 7610.0700 are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, clause (1), and are designed to identify emerging energy trends based on supply and demand, conservation and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. **Scope.** Each electric utility serving Minnesota shall submit the information required by parts 7610.0100 to 7610.0700 to the commissioner in the form specified by the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9,10 subd 1; 16 SR 1400*

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7610.0120 REGISTRATION.

Any electric utility that commences operations in the state shall file a registration statement with the commissioner within 30 days after commencing operation. Each registration statement shall be on forms issued by the commissioner and shall contain the name and headquarter address of the utility, the type of utility, the names and addresses of all officers of the utility, and the name, address, and telephone number of a person who may be contacted for information about the utility. Registration statements must be updated as a part of each utility's annual report.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

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7610.0130 ANNUAL REPORTING DATES.

Subpart 1. **Annual.** Utilities listed under part 7610.0300 shall file the information required by parts 7610.0100 to 7610.0700 by July 1 of each year. All other electric utilities shall file only the information required by parts 7610.0120, 7610.0170, and 7610.0600, items B to J, by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. [Repealed, 16 SR 1400]

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.0140 CORRECTIONS.

Substantial corrections of any report or statement must be filed with the department within ten days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0150 FEDERAL OR STATE DATA SUBSTITUTION.

Upon written request by any utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in lieu of data required by these parts if the data required by both agencies is substantially the same.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

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7610.0160 [Repealed, L 2001 c 23 s 1]

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7610.0170 FEDERAL REPORTS FILED BY UTILITIES.

A utility shall identify to the commissioner the energy-related forms and reports that it regularly files with the Federal Energy Regulatory Commission, the United States Department of Energy, the Rural Electrification Administration, and other federal agencies. Upon request of the commissioner, a utility shall make copies of the forms or reports available to the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.0200 [Repealed, 16 SR 1400]

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7610.0210 [Repealed, 16 SR 1400]

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7610.0220 [Repealed, 16 SR 1400]

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EXTENDED FORECAST

7610.0300 WHO MUST FILE.

The following utilities must file the information required by parts 7610.0100 to 7610.0700: Northern States Power Company, Minnesota Power, Otter Tail Power Company, Interstate Power Company, Minnkota Power Cooperative, Cooperative Power Association, United Power Association and Dairyland Power Cooperative, and the Southern Minnesota Municipal Power Agency. Data that is compiled within the same calendar year for either an extended forecast or a certificate of need application may be substituted interchangeably to satisfy those portions of both sets of rules that have identical data requirements. For these cases, references to the material substituted and a copy of the appropriate reference material must be submitted to meet the reporting requirements.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0310 CONTENT OF HISTORICAL DATA AND FORECAST.

The following data must be provided:

A. the annual electrical consumption by ultimate consumers and number of customers at year's end within the utility's system and for its Minnesota service area only for the past calendar year, the present calendar year, and the subsequent 14 years, for each of the following categories:

(1) farm, which for reporting purposes means a tract of land used primarily for agricultural purposes, including irrigation and drainage pumping;

(2) nonfarm residential, including electricity supplied through a single meter for both residential and commercial uses reported according to its principal use and apartment buildings reported as residential even if not separately metered;

(3) commercial, including wholesale and retail trade; communications industries; public and private office buildings, banks, and dormitories; insurance, real estate, and rental agencies; hotels and motels; personal business and auto repair services; medical and educational facilities; governmental units, excluding military bases; warehouses other than manufacturer owned; and electric, gas, water, water pumping other than pumping for agricultural irrigation, and other utilities;

(4) industrial and mining, including manufacturing industries, construction operations, and petroleum refineries, except that mining must be reported as a separate category if annual sales are greater than 1,000 gigawatt hours;

(5) street and highway lighting;

(6) other ultimate consumers, including municipal water pumping facilities, oil and gas pipeline pumping facilities, military camps and bases, and other consumers not reported in subitems (1) to (5); and

(7) the sum of subitems (1) to (6);

B. the annual system consumption and generation data for the last year, the present year, and the 14 subsequent years for each of the following categories:

(1) annual total electrical consumption in megawatt hours by ultimate consumers within the utility's Minnesota service area;

(2) annual total electrical consumption in megawatt hours by the utility's ultimate consumers outside its Minnesota service area;

(3) the number of megawatt hours the utility has received or expects to receive from other systems for sale to its ultimate consumers or to other utilities;

(4) the number of megawatt hours the utility has delivered or expects to deliver to other systems for resale;

(5) total annual net generation of electrical energy by the utility in megawatt hours;

(6) electrical energy loss in megawatt hours due to transmission line and substation losses; and

(7) total semiannual electrical consumption by the utility's ultimate consumers during May through October and November through April;

C. an estimate of the demand for power by ultimate consumers in the utility's system for each of the categories listed in item A at the time of the last annual system peak demand;

D. the utility's system peak demand by month for the last calendar year;

E. the utility's seasonal firm purchases and seasonal firm sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

F. the utility's seasonal participation purchases and participation sales for each utility involved in each transaction for the last year, the present year, and the 14 subsequent years;

G. for the summer season and for the winter season of the last year, the present year, and the 14 subsequent years, the load and generation capacity data requested in subitems (1) to (13), including anticipated purchases, sales, capacity retirements, and capacity additions, including those that may depend upon certificates of need not yet issued:

(1) seasonal maximum demand;

(2) schedule L purchase at the time of seasonal system demand;

(3) seasonal system demand;

(4) annual system demand;

(5) firm purchases - total;

(6) firm sales - total;

(7) seasonal adjusted net demand, which is subitem (3) minus subitem (5) plus subitem (6);

- (8) annual adjusted net demand, which is subitem (4) minus subitem (5) plus subitem (6);
- (9) net generating capability;
- (10) participation purchases - total;
- (11) participation sales - total;
- (12) adjusted net capability, which is subitem (9) plus subitem (10) minus subitem (11);
- (13) net reserve capacity obligation;
- (14) total firm capacity obligation, which is subitem (7) plus subitem (13); and
- (15) surplus or deficit (-) capacity, which is subitem (12) minus subitem (14);

H. for the present calendar year and the subsequent 14 years, a list in megawatts of proposed additions and retirements in generating capability; and

I. the utility's method of determining its system reserve margin and the appropriateness of the margin.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0315 FORECASTS USING ALTERNATIVE SECTOR DEFINITIONS.

Utilities required to provide forecasts by category of consumption under part 7610.0310, item A, may request in writing that the department accept alternative definitions for one or more of the categories defined in part 7610.0310, item A. A utility must provide the alternative definition or definitions in writing. This must be filed with each subsequent forecast following approval by the department. If the department concludes that a previously accepted alternative definition is no longer acceptable, the department must inform the utility in writing at least six months before the reporting date for the next annual forecast.

Statutory Authority: *MS s 216C.10*

History: *16 SR 1400*

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7610.0320 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** An applicant may use the forecast methodology that yields the most useful results for its system. However, the applicant shall detail in written form the forecast methodology employed to obtain the forecasts provided under parts 7610.0300 to 7610.0315, including:

- A. the overall methodological framework that is used;
- B. the specific analytical techniques that are used, their purpose, and the components of the forecast to which they have been applied;
- C. the manner in which these specific techniques are related in producing the forecast;
- D. where statistical techniques have been used, the purpose of the technique, typical computations (e.g., computer printouts, formulas used) specifying variables and data, and the results of appropriate statistical tests;

E. forecast confidence levels or ranges of accuracy for annual peak demand and annual electrical consumption; and

F. a brief analysis of the methodology used, including its strengths and weaknesses, its suitability to the system, cost considerations, data requirements, past accuracy, and any other factors considered significant by the utility.

Subp. 2. **Data base for forecasts.** The utility shall discuss in written form the data base used in arriving at the forecast presented in part 7610.0310, including:

A. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how each was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer); and

B. a clear identification of any adjustments made to raw data to adapt them for use in forecasts, including the nature of the adjustment, the reason for the adjustment, and the magnitude of the adjustment.

Subp. 3. **Discussion.** The utility shall discuss in writing each essential assumption made in preparing the forecasts, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the essential assumptions.

Subp. 4. **Subject of assumption.** The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, the expected conversion from other fuels to electricity or vice versa, future prices of electricity for customers in the utility's system and the effect that such price changes will likely have on the utility's system demand, the assumptions made in arriving at any data requested in part 7610.0310 that is not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation on long term electrical demand, the projected effect of new conservation programs that the utility deems likely to occur through future state and federal legislation on long term electrical demand, and any other factor considered by the utility in preparing the forecast. In addition the utility shall state what assumptions were made, if any, regarding current and anticipated saturation levels of major electric appliances and electric space heating within the utility's service area. If a utility makes no assumptions in preparing its forecast with regard to current and anticipated saturation levels of major electrical appliances and electric space heating it shall simply state this in its discussion of assumptions.

Subp. 5. **Coordination of forecasts with other systems.** The utility shall provide in writing:

A. a description of the extent to which the utility coordinates its load forecasts with those of other systems, such as neighboring systems, associate systems in a power pool, or coordinating organizations; and

B. a description of the manner in which such forecasts are coordinated, and any problems experienced in efforts to coordinate load forecasts.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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GENERATING FACILITIES**7610.0400 PRESENT FACILITIES.**

A utility required to report under part 7610.0300 shall provide the following information on each power plant serving or capable of serving its Minnesota service area as of January 1 of the current year:

- A. the name and type of the plant;
- B. the statutory or home rule charter city or town and the county in which the plant is located;
- C. actual summer and winter plant capacity as measured by the maximum load that could be supplied by present equipment on a peaking basis;
- D. the total number of net megawatt hours generated by the plant for nonplant use during the last calendar year;
- E. if coal is a fuel source, the average Btu content of the coal;
- F. the quantities of primary and secondary fuels consumed during the last calendar year;
- G. the year in which the plant or each unit of a multiunit plant began operation;
- H. the type of unit for each unit of generating equipment in the plant; and
- I. if available, for base load plants provide the capacity factor, operating availability, and forced outage rate.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0410 FUTURE FACILITY ADDITIONS.

A utility required to report under part 7610.0300 shall estimate the additional power plants or additions to existing plants necessary to provide for the energy growth predicted by the forecasts in parts 7610.0300 to 7610.0320. A utility shall supply the following information about each additional plant or addition:

- A. the proposed general location of each plant currently in the planning stage, or the actual location of each plant currently under construction;
- B. the year the plant is to begin operation;
- C. the estimated cost of the new facility at the time of construction;
- D. the estimated summer and winter plant capacity of anticipated generating equipment;
- E. the estimated total annual net megawatt hours generated for nonplant use by the plant operating at normal conditions under normal maintenance and circumstances, during its first full calendar year of operation;
- F. the estimated type and amount of fuel to be used to operate the plant on an annual basis under conditions set forth in item E; and
- G. the type of unit or units proposed for the plant.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0420 FUTURE FACILITY RETIREMENTS.

A utility required to report under part 7610.0300 shall list the planned facility retirements that will take place within the next 15 years. The utility shall provide the following information about a facility retirement: the location and type of the plant; the forecasted retirement date; and the plant's actual summer and winter capacity.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0430 FUEL REQUIREMENTS AND GENERATION BY FUEL TYPE.

Subpart 1. **Quantity used.** Based on the data reported under part 7610.0400 each utility shall report the quantity of coal, natural gas, middle distillates, heavy oils, nuclear energy, and other fuels used by its Minnesota power plants during the last calendar year, and the net megawatt hours of electrical energy generated by each type of fuel. Net generation from Minnesota hydropower plants shall also be provided. If data is reported for other fuels, the type of fuel shall be specified.

Subp. 2. **Estimated quantity necessary.** Each utility shall estimate the quantities of the fuel which will be necessary for use by its Minnesota power plants to provide for the electrical energy growth predicted by the forecast projected in parts 7610.0300 to 7610.0320. Each utility shall also estimate by fuel type the net megawatt hours electricity which will be produced by its Minnesota power plants under the forecast. A forecast of net generation from Minnesota hydropower plants shall also be provided. In preparing such estimates, each utility shall consider increases in fuel use by existing facilities and possible conversions between fuel types.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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TRANSMISSION LINES

7610.0500 TRANSMISSION LINES.

Subpart 1. **Existing transmission lines.** Each utility shall report the following information in regard to each transmission line over 200 kilovolts now in existence:

- A. a map showing the location of each line;
- B. the design voltage of each line;
- C. the size and type of conductor;
- D. the approximate location of d.c. terminals or a.c. substations; and

E. the approximate length of each line in Minnesota.

Subp. 2. **Transmission line additions.** Each generating and transmission utility, as defined in part 7610.0100, shall report the information required in subpart 1 for all future transmission lines over 200 kilovolts that the utility plans to build within the next 15 years.

Subp. 3. **Transmission line retirements.** Each generation and transmission utility, as defined in part 7610.0100, shall identify all present transmission lines over 200 kilovolts that the utility plans to retire within the next 15 years.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

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OTHER INFORMATION REPORTED ANNUALLY

7610.0600 OTHER INFORMATION REPORTED ANNUALLY.

A utility shall provide the following information for the last calendar year:

- A. the demand in megawatts by hour over a 24-hour period for:
 - (1) the 24-hour period during the summer season when the megawatt demand on the system was the greatest; and
 - (2) the 24-hour period during the winter season when the megawatt demand on the system was the greatest;
- B. the names, addresses, and the kilowatt hours of electricity consumed by customers of the utility who annually consume over 10,000 megawatt hours;
- C. a detailed map, on which the scale is shown, of the utility's Minnesota service area, identifying power plants, principal substations, and transmission lines over 200 kilovolts, identified by voltage;
- D. a listing of the purchases and sales for resales the utility had with other utilities, including the names of the other utilities and megawatt hours purchased or sold for resale during the last year;
- E. its present rate schedules as of June 1 of the present year;
- F. a copy of report form EIA-861 filed with the Energy Information Administration of the United States Department of Energy;
- G. for rural electric cooperatives, part D. of the financial and statistical report to the United States Department of Agriculture;
- H. for utilities that are not members of the MWPSG, the total megawatts of generation capacity, the megawatt hours generated during the last calendar year, the amount of fuel used to generate the electricity, and the average Btu content of the coal used for electric generation;
- I. actual data on the number of residential electric space heating customers and units it has and the total megawatt hours of electricity sold these customers during the past calendar year (if a utility cannot provide actual data estimates may be accepted); and

J. its deliveries to ultimate consumers and revenues for the last calendar year broken down by categories determined by the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0700 [Repealed, L 2001 c 23 s 1]

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GAS AND GAS PIPELINE UTILITIES

7610.0800 DEFINITIONS.

Subpart 1. **Scope.** For purposes of parts 7610.0800 to 7610.1230, the following definitions shall apply.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. **Annual gas consumption.** "Annual gas consumption" means the total amount of gas used or disposed of in Minnesota for all purposes by either a gas utility or interstate pipeline company. This definition shall not include natural gas in storage at the end of the reporting year.

Subp. 4. **Annual sales to ultimate consumers.** "Annual sales to ultimate consumers" means gas sales to end use customers in a utility's or pipeline company's Minnesota service area.

Subp. 5. **Basic forecast.** "Basic forecast" refers to that more elementary, less documented forecast required of all Minnesota gas utilities. While all utilities must file a basic forecast, only specifically designated utilities must in addition file an extended forecast that requires additional data and greater documentation.

Subp. 6. [Repealed, 16 SR 1400]

Subp. 7. **Curtailement.** "Curtailement" means a reduction or cutoff of supply to firm or interruptible customers that is related directly to deficiencies in gas supply.

Subp. 7a. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 8. **Design day.** "Design day" means the 24-hour period of the greatest theoretical gas demand at a given 24-hour average temperature.

Subp. 9. **Design day availability.** "Design day availability" means the volume of each type of gas available on the design day and the maximum total volume of such supplies.

Subp. 10. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 11. **Firm contract customers.** "Firm contract customers" means customers served under schedules or contracts that neither anticipate nor permit interruption.

Subp. 12. **Gas.** "Gas" means any form of gaseous fuel distributed as a vapor through distribution systems to ultimate consumers, including natural gas and all gaseous fuels equivalent in performance to natural gas.

Subp. 13. **Gas volume.** "Gas volume" means the volume of gas as measured at 14.73 psia at 60 degrees Fahrenheit. All volumes shall be in thousands of cubic feet (MCF) unless otherwise stated.

Subp. 14. **Interruptible contract customers.** "Interruptible contract customers" means customers served under schedules or contracts that anticipate or permit interruption of service during the term of the contract.

Subp. 15. **Interstate gas pipeline company.** "Interstate gas pipeline company" means an entity that operates an interstate gas pipeline that provides gas to any utility located in Minnesota, also referred to in these rules as "pipeline company" or "interstate pipeline company."

Subp. 16. **Large energy facility.** "Large energy facility" means any pipeline for transporting natural or synthetic gas at pressure in excess of 200 pounds per square inch with more than 50 miles of its length in Minnesota, any facility designed for or capable of storing on a single site more than 100,000 gallons of liquefied natural gas or synthetic gas, or any underground gas storage facility requiring a permit pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (a).

Subp. 17. **Last calendar year.** "Last calendar year" means the calendar year immediately preceding the year in which reports are required to be filed.

Subp. 18. **Liquefied natural gas.** "Liquefied natural gas" means natural gas stored as a liquid at or near atmospheric pressure at a temperature of approximately minus 260 degrees Fahrenheit.

Subp. 19. **Minnesota service area.** "Minnesota service area" means the geographical area within the state of Minnesota where a gas utility or interstate pipeline company serves ultimate consumers. The Minnesota service area for an interstate pipeline company shall also include all Minnesota utilities which it services.

Subp. 20. **Natural gas.** "Natural gas" means a naturally occurring mixture of hydrocarbons and nonhydrocarbon gases found in porous geologic formations beneath the earth's surface, the principal constituent of which is methane.

Subp. 21. **Peak day.** "Peak day" means the 24-hour period of greatest gas sendout.

Subp. 22. **Substitute natural gas.** "Substitute natural gas" means any gaseous fuel equivalent in performance to natural gas that is created from other gases, liquids, or solid hydrocarbons. Substitute natural gas shall include manufactured gas, gas produced from liquid petroleum gases such as propane, butane, and gas produced from naphtha. Whenever the term "synthetic gas" is used within these parts it shall be construed to mean the same as substitute natural gas.

Subp. 23. **Ultimate consumer.** "Ultimate consumer" means end use customers who do not sell gas for resale.

Subp. 24. **Utility.** "Utility" means any entity in Minnesota whose primary business is the distribution of gas to ultimate consumers, including but not limited to a private investor-owned utility or a public or municipally owned utility.

Statutory Authority: *MS s 216C.10*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400; L 2001 1Sp4 art 6 s 1*

Published Electronically: *January 19, 2005*

7610.0810 PURPOSE AND SCOPE.

Subpart 1. **Purpose.** The purpose of parts 7610.0800 to 7610.1230 is to implement the forecasting, statistical, and informational reporting requirements of Minnesota Statutes, sections 216C.17 and 216C.18. These parts are adopted under the powers of the commissioner conferred by Minnesota Statutes, section 216C.10, clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

Subp. 2. **Scope.** Each gas utility serving ultimate consumers in the state of Minnesota and each interstate gas pipeline company serving any gas utility located in the state of Minnesota or ultimate consumers in the state shall submit the information required by these parts to the commissioner in the form specified by the commissioner.

Any entity that is both a gas utility company and an interstate gas pipeline company shall file one report on its pipeline operations and one report on its utility operations.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9,10 subd 1; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.0820 ANNUAL REPORTING DATES.

Subpart 1. **Gas utilities.** A utility and interstate gas pipeline company shall file with the commissioner the information required by parts 7610.0850 to 7610.1230 by July 1 of each year. For good cause shown, the department may grant a utility an extension from the deadline following receipt of a written request from the utility.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. [Repealed, 16 SR 1400]

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.0830 CORRECTIONS.

Corrections of a substantial nature to any report or statement which pertain to historical data and not forecasts shall be filed with the department within ten days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.0840 FEDERAL OR STATE DATA SUBSTITUTION.

Upon written request by a utility, the commissioner may allow it to substitute data provided to the federal government or another state agency in place of data required by parts 7610.0800 to 7610.1230 if the data required by both agencies is substantially the same.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.0850 REGISTRATION.

A gas utility serving ultimate consumers and an interstate gas pipeline company serving a utility in Minnesota must file a registration statement with the commissioner. A utility or interstate pipeline company that begins operation in the state shall file a registration statement with the commissioner within 30 days after beginning operation. The registration statement must be on forms issued by the commissioner and available from the department. The registration statement must contain the name and headquarters address of the utility or interstate pipeline company, the names and addresses of officers of the utility or interstate pipeline company, and the name, address, and telephone number of a person who may be contacted for information about the utility or interstate pipeline company.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.0860 FEDERAL REPORTS: UTILITY, PIPELINE COMPANY.

A utility and interstate pipeline company shall identify to the commissioner the forms and reports pertaining to gas supply and demand that it regularly filed with the Federal Energy Regulatory Commission, the federal Department of Energy, and other federal agencies. Upon request of the commissioner, a utility or pipeline company shall make copies of any forms or reports available to the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.0900 [Repealed, 16 SR 1400]

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BASIC FORECASTS AND CURRENT STATISTICS FOR GAS UTILITIES**7610.0910 OVERALL SUPPLY AND DEMAND.**

The basic forecast and current data shall contain the following data and forecasts for the last calendar year, the present year, and the subsequent five years:

- A. annual sales to ultimate consumers within the utility's Minnesota service area;

- B. other deliveries of gas to commercial consumers in Minnesota;
- C. other deliveries of gas to industrial consumers in Minnesota;
- D. the annual volume of gas delivered or expected to be delivered to other utilities for resale;
- E. the annual volume of gas used in the operation of the utility within its Minnesota service area;
- F. the annual volume of gas used in the utility's Minnesota service area but unaccounted for in items A to E;
- G. the total annual gas consumption, for all purposes, in the utility's Minnesota service area, with total consumption equaling the sum of items A to F, excluding gas held in storage at year's end;
- H. the total annual volume of substitute natural gas provided by the utility to supplement the utility's supply of natural gas for use in its Minnesota service area;
- I. the total annual volume of liquefied natural gas supply withdrawn from storage by the utility for use in its Minnesota service area;
- J. the total volume of natural gas withdrawn from underground storage by the utility for use in its Minnesota service area;
- K. the total annual volume of gas received or estimated to be received from the interstate pipeline company for use in its Minnesota service area;
- L. the design-day maximum gas demand volume for the utility's Minnesota service area firm customers;
- M. the maximum winter peak-day volume of gas sent out or expected to be sent out in the utility's Minnesota service area;
- N. the design-day availability of each type of gas and the maximum one-day volume of gas the supplies will provide;
- O. the amount of substitute natural gas the utility can produce from the feedstock it will have in storage at the beginning of the winter heating season for use in its Minnesota service area;
- P. the amount of liquid natural gas the utility will have for use in storage at the beginning of the winter heating season for use in its Minnesota service area;
- Q. the amount of natural gas the utility will have in underground storage for use at the beginning of the winter heating season; and
- R. the type and amount of fuel used or to be used in Minnesota to produce substitute natural gas.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.0914 SALES BY CUSTOMER CATEGORY.

Subpart 1. **Sales of 3,000,000 Mcf or more.** Utilities with annual Minnesota sales during the last calendar year of 3,000,000 Mcf or greater shall provide historic and forecast data on sales to ultimate

customers and the number of customers during the last calendar year, the present year, and the subsequent first through the fifth, tenth, and 15th years for:

- A. residential firm sales;
- B. commercial firm sales;
- C. commercial interruptible sales;
- D. industrial firm sales;
- E. industrial interruptible sales; and
- F. total annual gas consumed in Minnesota, which is the sum of items A to E.

Subp. 2. **Sales of less than 3,000,000 Mcf.** Utilities with annual Minnesota sales during the last calendar year of less than 3,000,000 Mcf shall provide data on sales to ultimate customers and the number of customers for the categories listed in subpart 1, items A to F, for the last calendar year only.

Statutory Authority: *MS s 216C.10*

History: *16 SR 1400*

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7610.0920 LAST CALENDAR YEAR HISTORICAL DATA.

For the last calendar year, historical data must be supplied. For each other reporting year, the forecasts must be made using the utility's or pipeline company's best estimate for each of the items requested. Utilities must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur. The assumptions and factors used in deriving the forecasts must be stated in writing. The utility shall evaluate the size of the estimating error, given the conditions and factors used in the estimate. The utility shall comment on possible deviations from the forecast and what factors might create those deviations. A utility required to file a forecast documentation under part 7610.1010 need not file forecast documentation required in this part.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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EXTENDED FORECAST AND DOCUMENTATION

7610.1000 PEAK-DAY FORECAST.

Utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year must file a peak-day consumption forecast. A utility required to file a forecast under this part shall identify or estimate the demand for gas on the peak sendout day during the last calendar year, the current year, and the subsequent five years for the following categories of demand:

- A. residential firm sales;
- B. commercial industrial firm sales;
- C. commercial industrial interruptible sales;
- D. other deliveries to ultimate customers;

- E. own company gas;
- F. gas unaccounted for;
- G. gas delivered to other utilities for sale;
- H. total peak-day gas consumed in Minnesota; and
- I. total peak-day consumption in Minnesota.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.1010 FORECAST DOCUMENTATION.

Subpart 1. **Forecast methodology.** A utility may use whatever forecast methodology it believes is most appropriate for its Minnesota service area. However, utilities with annual Minnesota sales of more than 10,000,000 Mcf during the last calendar year shall describe the forecast methodology employed by providing the following documentation:

- A. the overall methodological framework used;
- B. the specific analytical techniques used, their purpose, and the components of the forecast to which they have been applied;
- C. the manner in which these specific techniques are related in producing the forecast;
- D. where statistical techniques have been used, the purpose of the techniques, typical computations (e.g., computer printouts, formulas used) specifying variables and data, and the results of appropriate statistical tests;
- E. forecast confidence levels or ranges of accuracy for annual peak demand and annual gas consumption;
- F. a brief analysis of the methodology used, including its strengths and weaknesses, its suitability to the utility's service area, cost considerations, data requirements, past accuracy, and any other factors considered significant by the utility; and
- G. an explanation of any discrepancies between the forecasts presented by the utility and forecasts submitted in past years.

Subp. 2. **Data base for forecasts.** The utility shall provide a written discussion of the data base used in arriving at the forecast presented in parts 7610.0900 to 7610.1010 including:

- A. a complete list of all data sets used in making the forecast, including a brief description of each data set and an explanation of how it was obtained, (e.g., monthly observations, billing data, consumer survey, etc.) or a citation to the source (e.g., population projection from the state demographer); and
- B. a clear explanation of any adjustments made to raw data to adapt them for use in forecasts, including the nature of the adjustments, the reasons for the adjustments, and the magnitude of the adjustments.

Subp. 3. **Discussion of assumptions.** The utility shall discuss in writing each essential assumption made in preparing the forecasts, including the need for the assumption, the nature of the assumption, and the sensitivity of forecast results to variations in the essential assumption.

Subp. 4. **Subject of assumption.** The utility shall discuss the assumptions made regarding the availability of alternative sources of energy, any expected conversion from other fuels to gas or vice versa, future prices of gas for customers in the utility's Minnesota service area and the effect that such price changes will likely have on demand, the assumptions made in arriving at any data requested in parts 7610.0900 to 7610.1010 that are not available historically or not generated by the utility in preparing its own internal forecast, the effect of existing energy conservation programs under federal or state legislation or long term gas demand, the projected effect of new conservation programs that the utility deems likely to occur through future state and federal legislation on long term gas demand, and any other factor considered by the utility in preparing the forecast.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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FACILITY REQUIREMENTS FOR GAS UTILITIES

7610.1100 PRESENT FACILITIES.

Each gas utility shall provide the following information with regard to existing facilities serving its Minnesota service area as of January 1 of the current year:

A. The name and geographic location of all underground storage facilities for natural gas. For each facility include:

- (1) the total storage capacity of the facility in MCF minus the required reserves of gas;
- (2) the actual volume of gas in storage in MCF at the beginning of the winter heating season not including required reserves of gas;
- (3) the maximum single-day withdrawal capacity of the facility in MCF; and
- (4) the anticipated facility retirement date.

B. The name and geographic location of all liquefied natural gas facilities. For each facility include:

- (1) the total storage capacity of the facility in MCF of natural gas minus the required reserves;
- (2) the actual equivalent volume in MCF of natural gas in storage in the facility at the beginning of the winter heating season minus the required reserves;
- (3) the maximum single-day withdrawal capacity of natural gas in MCF; and
- (4) the anticipated facility retirement date.

C. The name and geographic location of all substitute natural gas facilities. For each facility include:

- (1) the maximum storage capacity of the substitute natural gas facility in converted MCF of substitute natural gas;
- (2) the volume in storage at the beginning of the winter heating season in MCF;

(3) the maximum single-day production capacity in MCF that can be injected into the utility's pipeline;

(4) the anticipated facility retirement year; and

(5) the type of fuel to be converted to substitute natural gas.

D. A map, on which the general scale is indicated, of the utility's Minnesota service area, identifying municipalities served, substitute natural gas facilities, underground natural gas storage facilities, liquefied natural gas facilities, major distribution lines, interconnections with other utilities, and delivery points with interstate pipeline companies.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

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7610.1110 FUTURE FACILITY REQUIREMENTS.

Each utility shall estimate the additional facilities or additions to existing facilities necessary to meet the level of gas consumption predicted in its forecast under parts 7610.0900 to 7610.0920. Each utility shall supply the following information:

A. The name and geographic location of all new underground natural gas storage facilities or additions to existing facilities. For each facility include:

(1) the anticipated year and month the facility will be ready for operation;

(2) the estimated storage capacity of the new facility in MCF minus necessary reserves that must be kept in storage;

(3) the estimated actual storage in MCF of the volume that will be available for usage at the beginning of each heating season (this figure should not include necessary reserves of gas); and

(4) the maximum single-day withdrawal capacity of the proposed facility.

B. The name and geographic location of all new liquefied natural gas storage facilities or additions to existing facilities. For each facility include:

(1) the anticipated year and month the facility will be ready for operation;

(2) the estimated storage capacity in equivalent MCF of natural gas of the new facility minus reserves that must be kept in storage;

(3) the estimated actual storage in equivalent MCF of natural gas that will be available at the beginning of each heating season when the facility is in operation; and

(4) the maximum single-day withdrawal capacity of the proposed facility.

C. The name and geographic location of all new substitute natural gas facilities or additions to existing facilities. For each facility include:

(1) the type of fuel which will be converted to substitute natural gas;

(2) the month and year in which the plant is predicted to begin operation;

(3) the storage capability of the facility in equivalent MCF of substitute natural gas;

(4) the estimated actual storage in equivalent MCF of substitute natural gas that will be available for use at the beginning of each heating season when plant begins operation; and

(5) the maximum daily volume of substitute natural gas that can be produced by the facility and injected into the utility's system.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9*

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7610.1120 [Repealed, 16 SR 1400]

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7610.1130 OTHER INFORMATION REPORTED BY UTILITIES.

Subpart 1. **General data.** Gas utilities must also report:

A. the total monthly consumption of gas during the last calendar year in the following classifications:

- (1) residential firm;
- (2) commercial industrial firm;
- (3) commercial industrial interruptible;
- (4) electric generation;
- (5) other deliveries to ultimate consumers;
- (6) gas to storage;
- (7) other dispositions and losses; and
- (8) level of contract demand;

B. additional municipalities or geographic areas outside the utility's current service area that it expects to serve and the year when service will begin;

C. the total number of customers and total sales during the last calendar year to:

- (1) firm commercial industrial customers that use more than 200 Mcf on peak day; and
- (2) interruptible commercial industrial customers that use more than 200 Mcf on peak day;

D. the criteria used to determine the classification of a customer as a firm or interruptible customer; and

E. its total sales in MCF to ultimate customers by county for the last calendar year.

Subp. 2. **Customer information.** For the last calendar year, a utility shall provide a list of customers and their addresses who have gas requirements in excess of 200 Mcf on their peak day each year. For a customer so identified, the utility shall list:

- A. annual actual sales;

- B. annual estimated curtailment;
- C. annual estimated requirements, which should equal the sum of items A and B;
- D. alternative fuel used; and
- E. curtailment priority rank.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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INTERSTATE PIPELINES

7610.1200 INTERSTATE GAS PIPELINES; FORECAST, STATISTICS.

Subpart 1. **Requirement.** Each interstate pipeline company shall annually submit to the commissioner, for the last calendar year, the present calendar year, and the subsequent first, fifth, tenth, and 15th years, actual data and forecasts of anticipated annual Minnesota service area consumption and supply of natural gas.

Subp. 2. **Contents of report.** The basic forecast and current data report must contain the following data for each year cited in subpart 1:

- A. the annual sales and deliveries to Minnesota gas utility distribution companies for resale;
- B. the annual sales and deliveries to ultimate consumers in Minnesota, excluding sales and deliveries that are transported in part by Minnesota distribution utilities; and
- C. the maximum one-day amount of gas that must be provided to the Minnesota service area to meet contractual obligations to the gas utilities served.

Subp. 3. **Basis of forecasts.** In meeting the requirements of subpart 1, historical data for the last calendar year must be supplied.

For each other reporting year, the forecasts must be made using the interstate pipeline company's best estimate for each of the items. Interstate pipeline companies must prepare these forecasts to the best of their ability and knowledge based on those assumptions and factors that the reporting utility considers most likely to occur. An interstate pipeline company shall evaluate the size of estimating error possible given the conditions and factors used in the estimate. A utility company shall comment on possible deviation from the forecast and what factors might create the deviation.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.1210 MAP OF PRESENT FACILITIES.

An interstate pipeline company shall provide a map, on which the general scale is shown, of the utility's Minnesota service area identifying distribution utility companies served, underground natural gas storage facilities, underground liquid natural gas facilities, substitute natural gas facilities, major transmission lines, and interconnection with other interstate pipeline companies.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.1220 MAP OF FUTURE FACILITIES.

An interstate pipeline company shall provide a Minnesota service area map identifying future transmission lines, natural gas storage facilities, liquefied natural gas storage facilities, substitute natural gas storage facilities, additional distribution utility companies to be served, and additional interconnections with other interstate natural gas pipeline companies.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.1230 DISPOSITION OF GAS BY INTERSTATE PIPELINES.

Each interstate pipeline company shall file a copy of its annual FERC form 2 with the department.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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PRIME PETROLEUM SUPPLIERS AND PETROLEUM PIPELINES

7610.1300 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7610.1300 to 7610.1610, the following definitions shall apply.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. **Aviation gasoline.** "Aviation gasoline" means all of the various grades of aviation gasoline as defined in American Society for Testing and Materials (ASTM) D 910-70.

Subp. 4. [Repealed, 16 SR 1400]

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 5a. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 6. **End user.** "End user" means any person who is an ultimate consumer of a petroleum product other than a wholesale purchaser consumer.

Subp. 7. **Jet fuel.** "Jet fuel" means those fuels commonly known as kerosene base jet fuel and naphtha base jet fuel.

Subp. 8. **Large energy facility.** "Large energy facility" means any facility on a single site designed for or capable of storing more than 1,000,000 gallons of crude petroleum, petroleum fuels, oil, or derivatives

thereof, or any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 9. **Middle distillate.** "Middle distillate" means any derivative of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel that has a 50 percent boiling point in the ASTM D86 standard distillation test falling between 371 degrees Fahrenheit and 700 degrees Fahrenheit. "Middle distillate" shall not include kerosene-based and naphtha-based jet fuel, heavy fuel oils grades numbers 4, 5, and 6, intermediate fuel oils that are blends containing number 6 oil, and all specialty items such as solvents, lubricants, waxes, and process oil.

Subp. 10. **Motor gasoline.** "Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140 degrees Fahrenheit to 390 degrees Fahrenheit and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

Subp. 11. **Petroleum pipeline company.** "Petroleum pipeline company" means any company that owns or operates in Minnesota any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 12. **Prime petroleum supplier.** "Prime petroleum supplier" means the supplier or producer that makes the first sale of any petroleum product into the state distribution system for consumption within the state. Any supplier or producer that is considered a Minnesota prime supplier by the Federal Energy Agency shall be deemed to be a prime petroleum supplier under these rules. "Prime petroleum supplier" shall not include any licensed petroleum distributor or propane retailer who takes delivery of a product in another state for use in Minnesota, if the distributor or retailer has in possession a letter from the supplier stating that the supplier has or will report the sales of said product to the Federal Energy Agency and the state, or if the total amount of any single product so received by the distributor or retailer is less than 500,000 gallons per year.

Subp. 13. **Propane.** "Propane" means the chemical C_3H_8 in its commercial forms including propane butane mixes in which propane constitutes greater than ten percent of the mixture by weight. Included within the definition of propane is the propane content of natural gas liquids and refinery gas when used for refinery fuel use.

Subp. 14. **Residual fuel oil.** "Residual fuel oil" means the fuel oil commonly known as: numbers 4, 5, and 6 fuel oils; bunker C; Navy special fuel oil; crude oil when burned directly as a fuel; and all other fuel oils which have a 50 percent boiling point over 700 degrees Fahrenheit in the ASTM D-86 standard distillation test.

Subp. 15. **Total petroleum products.** "Total petroleum products" means propane, butane, propane/butane mix, motor gasoline, kerosene, number 2 heating oil, diesel fuel, other middle distillates, aviation gasoline, jet fuel, number 4 for utilities, numbers 5 and 6 for utilities, number 4 for nonutilities, numbers 5 and 6 for nonutilities, bunker C, Navy special, other residuals, lubricants, special naphthas, and solvents.

Subp. 16. **Wholesale purchaser consumer.** "Wholesale purchaser consumer" means any ultimate consumer that, as part of its normal business practices, purchases or obtains a product from a supplier and receives delivery of that product into a storage tank substantially under the control of that consumer at a fixed location; and that: purchased or obtained more than 20,000 gallons of that allocated product for its

own use in agricultural production in any completed calendar year subsequent to 1971; or purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more multifamily residences; or purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971.

Subp. 17. **Wholesale purchaser reseller.** "Wholesale purchaser reseller" means any firm that purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.

Statutory Authority: *MS s 216C.10*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400; L 2001 1Sp4 art 6 s 1*

Published Electronically: *January 19, 2005*

7610.1310 PURPOSE.

The purpose of parts 7610.1300 to 7610.1610 is to implement the forecasting, statistical, and informational requirements of Minnesota Statutes 1974, sections 116H.10 and 116H.11. These parts are adopted pursuant to the powers of the commissioner conferred by Minnesota Statutes 1974, section 116H.08, clause (a), and are designed to identify emerging energy trends based on supply and demand, conservation, and public health and safety factors, and to determine the level of statewide and service area energy needs.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

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7610.1320 SCOPE.

Each prime petroleum supplier and petroleum pipeline company in the state shall submit the information required by these parts to the commissioner in the form specified by the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

Published Electronically: *January 19, 2005*

7610.1330 ANNUAL REPORTING DATES.

Subpart 1. **Prime petroleum supplier, pipeline company.** A prime petroleum supplier and pipeline company shall file with the commissioner or its trade association, as applicable, the information required by parts 7610.1300 to 7610.1500 by July 1 of each reporting year. For good cause shown, the department may grant a prime petroleum supplier an extension from the deadline following receipt of a written request from the company.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. [Repealed, 16 SR 1400]

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.1340 CORRECTIONS.

Corrections of any report or statement must be filed with the department within ten days following the date of the event prompting the change in reported information or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph of the information to be changed or corrected.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.1350 FEDERAL OR STATE DATA SUBSTITUTION.

The commissioner may, upon written request, allow any prime petroleum supplier or petroleum pipeline company to substitute data provided to the federal government or another state agency in lieu of data required by these parts if the data required by both agencies is substantially the same.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

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7610.1360 REGISTRATION.

A prime petroleum supplier or petroleum pipeline company that begins operations in the state shall file a registration statement with the commissioner within 30 days after beginning operation. The registration statement must be on forms issued by the commissioner. The registration statement must contain the name and headquarters address of the prime petroleum supplier or petroleum pipeline company, the names and addresses of officers of the supplier or company, and the name, address, and telephone number of a person who may be contacted for information about the prime petroleum supplier or petroleum pipeline company.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.1370 FEDERAL REPORTS; PETROLEUM SUPPLIERS, PIPELINES.

Each prime petroleum supplier and petroleum pipeline company shall identify to the commissioner all forms and reports pertaining to energy supply and demand that it regularly files with any federal agency. Upon request of the commissioner, each firm shall make copies of any such forms or reports available to the commissioner.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9*

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7610.1380 HISTORICAL SUPPLY DATA.

Each prime petroleum supplier shall submit annually to the commissioner the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area. This data must be submitted for the last calendar year only.

Statutory Authority: *MS s 216C.10*

History: *16 SR 1400*

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FORECASTS

7610.1400 ANNUAL FORECASTS.

Each prime petroleum supplier that operates a refinery located in Minnesota or an adjacent state must submit annually to the commissioner five-, ten-, and 15-year forecasts of crude inputs and production at its Minnesota area refinery.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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7610.1410 CONTENT OF FORECASTS.

The energy forecast required under part 7610.1400 must contain the following data for each reporting year:

A. the annual supply of motor gasoline, middle distillates, jet fuels, aviation gasoline, residual fuel oil, propane, and total petroleum products that the supplier provides or will provide to its Minnesota service area; and

B. the annual volume of crude oil in number of barrels available to the supplier's refinery.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.1420 REPORTING YEARS.

The data required in part 7610.1410 shall be supplied for the following years:

A. the last calendar year;

B. the present calendar year;

- C. the year five years after the present calendar year;
- D. the year ten years after the present calendar year; and
- E. the year 15 years after the present calendar year.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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7610.1430 CRITERIA FOR FORECAST.

For the last calendar year, historical data must be supplied. If recorded figures are not available, estimates must be used and be identified as estimates. For each other reporting year, the forecast must be made using the supplier's best estimates of the amount of each petroleum product that will be supplied. These estimates must be based on the factors that the supplier considers most likely to occur in its Minnesota service area. The data for each reporting year must be calculated by applying these factors to the data for the last calendar year for which actual data required in part 7610.1410 is available.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 312 art 1 s 9; 16 SR 1400*

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FACILITY REQUIREMENTS

7610.1500 PRESENT FACILITIES.

A prime petroleum supplier or pipeline company shall provide to the commissioner the following information on facilities that it owns in Minnesota as of January 1 of the current year:

- A. for storage tanks at any one site in excess of 1,000,000 gallons:
 - (1) the location and address of the site;
 - (2) the total storage capacity for the site; and
 - (3) the total storage capacity for the site by product stored; and
- B. a map depicting the location of pipelines from their origin to their termination in Minnesota.

Statutory Authority: *MS s 216C.10*

History: *L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400*

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