

**7829.2500 CERTIFICATE OF NEED FILING.**

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota Rules, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute.

Subp. 2. **Summary.** A person filing a certificate of need application shall include, on a separate page, a brief summary of the filing, sufficient to apprise potentially interested parties of its nature and general content.

Subp. 3. **Service.** A certificate of need applicant shall serve copies of the filing on the department and Residential Utilities Division of the Office of the Attorney General. The applicant shall serve the filing or the summary described in subpart 2 on those persons on an applicable general service list and on those persons who were parties to its last general rate case or incentive plan proceeding, if applicable.

Subp. 4. **Publication in State Register.** The commission shall publish notice of the certificate of need filing in the State Register and shall solicit public comment on the application.

Subp. 5. **Publication in newspapers.** The applicant shall publish notice of the filing in newspapers of general circulation throughout the state.

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421 to 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with Minnesota Statutes, sections 216B.2421 to 216B.243; Minnesota Rules, chapters 7851, 7853, and 7855, and parts 7849.0010 to 7849.0400; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

Subp. 8. **Petition to intervene.** The commission shall entertain a petition to intervene until the matter is referred to the Office of Administrative Hearings for a contested case proceeding or until the commission issues a notice under part 7829.1200, subpart 3, stating its intention to decide the matter on the basis of an informal or expedited proceeding. Once a filing is referred for a contested case proceeding, the rules of the Office of Administrative Hearings shall control intervention rights.

Subp. 9. **Public hearing.** If the commission decides to act on the application through an informal proceeding, the commission shall hold a public hearing designed to encourage members of the public to express their views on the application, as required under Minnesota Statutes, section 216B.243, subdivision 4. If the commission refers the application to the Office of Administrative Hearings for a contested case proceeding, the commission shall ensure that at least one public hearing is held.

**Statutory Authority:** *MS s 216A.05*

**History:** *19 SR 116*

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