

**7843.0300 FILING REQUIREMENTS AND PROCEDURES.**

Subpart 1. **Procedural rules.** Except as otherwise shown in parts 7843.0100 to 7843.0600, the procedures prescribed by parts 7830.0100 to 7830.4400 apply to resource plan filings.

Subp. 2. **Filing date.** Beginning July 1, 1991, and July 1, 1992, and every two years afterward, an electric utility shall submit a proposed resource plan covering the forecast period. The commission shall designate by order those utilities who shall make their initial filings in 1991 and those who shall make their initial filings in 1992. In deciding between the years for a given utility, the commission shall consider the size of the utility and its likely need for additional resources, including large energy facilities, defined in Minnesota Statutes, section 216B.2421, subdivision 2, and major utility facilities.

Subp. 3. **Completeness of filing.** The resource plan filing must contain the information required by part 7843.0400, unless an exemption has been granted under subpart 4. If the commission determines before September 1 of the filing year that the filed information is incomplete or unclear, it may order the utility to augment or clarify the filing.

This subpart does not limit the right of process participants to submit information requests under subpart 8.

Subp. 4. **Exemptions from data requirements.** Before submitting a proposed resource plan, the utility may be exempted from a data requirement of parts 7843.0100 to 7843.0600 if the utility (1) submits a written request for an exemption from specified rules and (2) shows that the data requirement is unnecessary or may be satisfied by submitting another document. A request for exemption must be filed at least 90 days before the resource plan is due. Interested persons or parties may submit comments on the request within 30 days of the date the request is filed. As soon as practicable, the commission shall provide a written response to the request and include the reasons for its decision.

Subp. 5. **Copies of filings.** A covered utility shall submit 15 copies of its resource plan filing to the commission. The commission may request up to ten additional copies of combined and common filings. A utility shall also provide copies to the Minnesota Department of Commerce, the Residential and Small Business Utilities Division of the Office of the Attorney General, the Minnesota Environmental Quality Board and member agencies, and other interested persons or parties who request copies. A utility shall maintain a distribution list. The list must include the names and addresses of the persons or organizations receiving copies and the number of copies provided. A utility is not required to distribute more than 100 copies. However, a utility shall honor reasonable requests for copies of the nontechnical summary identified in part 7843.0400, subpart 4.

Subp. 6. **Changes to filings.** After the resource plan filing is submitted, each page of a change or correction to a previously filed page must be marked with the word "REVISED" and with the date the revision was made. The utility shall send to persons receiving copies of the resource plan filing a like number of copies of changed or corrected pages.

Subp. 7. **Intervention.** Interested persons may become, or may petition to become, parties under parts 7830.0100 to 7830.4400. The Minnesota Department of Commerce, the Residential and Small Business Utilities Division of the Office of the Attorney General, and the Minnesota Environmental Quality Board may petition as of right in a resource plan proceeding.

"Petition as of right" means a petition for intervention that confers party status upon the petitioner without formal approval from either the commission or an administrative law judge.

The deadline for intervention is November 1 of the year the utility's proposed resource plan is filed. The commission may allow late intervention, upon good cause.

Subp. 8. **Information requests.** The parties shall comply with reasonable requests for information by the commission, other parties, and other interested persons. A copy of an information request must be provided to the commission and to known parties. Parties shall reply to information requests within ten days of receipt, unless this would place an extreme hardship upon the replying party. At least one copy of information provided to a party or other interested person must be filed with the commission. The replying party must also provide a copy of the information to any other party or interested person upon request. Disputes regarding information requests may be taken to the commission or, if a contested case proceeding has been ordered, to the assigned administrative law judge.

Subp. 9. **Uncontested proceeding.** The commission shall conduct the resource planning process as an uncontested proceeding, unless a contested case proceeding is required by statute or constitutional right.

"Uncontested proceeding" means a proceeding before the commission that has not been referred to the Office of Administrative Hearings for proceedings under Minnesota Statutes, sections 14.57 to 14.62.

Subp. 10. **Written comments.** Parties and other interested persons have until November 1 of the filing year to review and comment upon the resource plan filings. The comments may include proposed alternative resource plans described in subpart 11.

Subp. 11. **Proposed alternative resource plans.** Parties and other interested persons may express support for the proposed resource plan filed by a utility. Alternatively, parties and other interested persons may file proposed resource plans different from the plan proposed by the utility. When a plan differs from that submitted by the utility, the plan must

be accompanied by a narrative and quantitative discussion of why the proposed changes would be in the public interest, considering the factors listed in part 7843.0500, subpart 3.

Subp. 12. **Response comment period.** Parties and other interested persons may file responses to the comments and to the proposed alternative resource plans of other parties or interested persons from November 1 to December 31 of the filing year.

Subp. 13. **Official service list.** The commission shall maintain an official service list for a resource plan proceeding. The preparer of a filing shall serve copies on persons on the official service list at the time of service, except as provided in subpart 8.

**Statutory Authority:** *MSs 216B.03; 216B.08; 216B.09; 216B.13; 216B.16; 216B.24; 216B.33; 216C.05*

**History:** *15 SR 336; L 2001 1Sp4 art 6 s 1*

**Published Electronically:** *January 20, 2005*