

7843.0600 RELATIONSHIP TO OTHER COMMISSION PROCESSES.

Subpart 1. **Other proceedings begun before plan proceeding completed.** The commission shall not use the resource planning process as a reason to delay unduly the completion of a proceeding begun under other law.

Subp. 2. **Resource plan findings of fact and conclusions.** The findings of fact and conclusions from the commission's decision in a resource plan proceeding may be officially noticed or introduced into evidence in related commission proceedings, including, for example, rate reviews, conservation improvement program appeals, depreciation certifications, security issuances, property transfer requests, cogeneration and small power production filings, and certificate of need cases. In those proceedings, the commission's resource plan decision constitutes prima facie evidence of the facts stated in the decision. This subpart does not prevent an interested person from submitting substantial evidence to rebut the findings and conclusions in another proceeding.

Subp. 3. **Construction of major utility facilities.** A utility submitting a proposed resource plan is exempt from the requirements of other rules covering construction of major utility facilities and adopted under Minnesota Statutes, section 216B.24. The exemption does not constitute a waiver of the commission's right to review the prudence of the construction or planning in later resource plan and general rate case proceedings.

Subp. 4. **Exemption from filing when certificate of need proceeding initiated.** The commission shall grant an exemption from the filing requirements of parts 7843.0100 to 7843.0600 if the conditions in items A to E are met:

A. The utility plans to submit a certificate of need application under Minnesota Statutes, section 216B.243.

B. The utility submits a written request for an exemption that indicates the utility's intent to apply for a certificate of need, the size and type of facility for which certification will be sought, the projected application date, and the utility's willingness to submit all the information required by part 7843.0400, subparts 1 to 4, with the certificate of need application. The request must be filed by April 1 of the filing year and at least 90 days before the projected filing date for the certificate of need application.

C. The utility agrees that, if the exemption is granted and it fails to submit the certificate of need application by the projected application date, it will submit either the certificate of need application or a resource plan filing within 60 days of the projected application date or by July 1, whichever is later.

D. The commission determines that the utility's filings in the anticipated certificate of need proceeding will provide the information needed to issue a decision and select a preferred resource plan under part 7843.0500. In deciding whether the certificate

of need filings will provide the necessary information, the commission shall consider factors such as the size and type of facility for which the certificate of need is sought.

E. The commission determines that the exemption will foster administrative efficiency, considering:

(1) the extent and consequences of any delay in the receipt of information that will result from the exemption; and

(2) the likelihood and extent of administrative cost savings that may result from the exemption.

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

History: *15 SR 336*

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