

1 Public Utilities Commission

2

3 Adopted Rules Relating to the Resource Planning Process

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5 Rules as Adopted

6 7843.0100 DEFINITIONS.

7 Subpart 1. **Scope.** The terms used in parts 7843.0100 to  
8 7843.0600 have the meanings given them in this part.

9 Subp. 2. **Commission.** "Commission" means the Minnesota  
10 Public Utilities Commission.

11 Subp. 3. **Construction.** "Construction" means significant  
12 physical alteration of a site to install or enlarge a major  
13 utility facility, but does not include activities incident to  
14 preliminary engineering or environmental studies.

15 Subp. 4. **Contested case proceeding.** "Contested case  
16 proceeding" means a resource plan proceeding that has been  
17 referred to the Office of Administrative Hearings ~~to resolve~~  
18 ~~factual-disputes~~ for proceedings under Minnesota Statutes,  
19 sections 14.57 to 14.62.

20 Subp. 5. **Electric utility.** "Electric utility" means a  
21 person, corporation, or other legal entity engaged in  
22 generating, transmitting, and selling at retail electricity in  
23 Minnesota and whose retail rates are regulated by the commission.

24 Subp. 6. **Forecast period.** "Forecast period" means the  
25 first 15 calendar years following the year the proposed resource  
26 plan is filed.

27 Subp. 7. **Major utility facility.** "Major utility facility"  
28 has the meaning given the term in Minnesota Statutes, section  
29 216B.24, subdivision 1.

30 Subp. 8. **Party.** "Party" means the utility that submitted  
31 a specific proposed resource plan or an entity permitted to  
32 intervene in the proceeding to evaluate that plan.

33 Subp. 9. **Resource plan.** "Resource plan" means a ~~ranking~~  
34 set of resource options that a utility could use to meet the  
35 service needs of its customers over the forecast period,

1 including an explanation of the supply and demand circumstances  
2 under which, and the extent to which, each resource option would  
3 be used to meet those service needs. These resource options  
4 include using, modifying, and constructing utility plant and  
5 equipment; buying power generated by other entities; controlling  
6 customer loads; and implementing customer energy  
7 conservation. ~~The ranking of resource options is accomplished~~  
8 ~~by stating the circumstances under which a particular resource~~  
9 ~~option would be used to meet the service needs of the utility's~~  
10 ~~customers.~~

11 Subp. 10. **Socioeconomic effects.** "Socioeconomic effects"  
12 means changes in the social and economic environments,  
13 including, for example, job creation, effects on local  
14 economies, geographical concentration of persons and structures,  
15 concentration of investment capital, and the ability of  
16 low-income and rental households to receive conservation  
17 services.

18 Subp. 11. **Utility.** "Utility" means electric utility.

19 7843.0200 PURPOSE AND SCOPE.

20 Subpart 1. **Purpose.** The purpose of parts 7843.0100 to  
21 7843.0600 is to prescribe the contents of and procedures for  
22 regulatory review of resource plan filings.

23 Subp. 2. **Scope.** Parts 7843.0100 to 7843.0600 apply to an  
24 electric utility with more than 1,000 retail customers in  
25 Minnesota. If the electric utility is part of an entity that  
26 also sells or transports gas, parts 7843.0100 to 7843.0600 apply  
27 only to the entity's electric operations.

28 7843.0300 FILING REQUIREMENTS AND PROCEDURES.

29 Subpart 1. **Procedural rules.** Except as otherwise shown in  
30 parts 7843.0100 to 7843.0600, the procedures prescribed by parts  
31 7830.0100 to 7830.4400 apply to resource plan filings.

32 Subp. 2. **Filing date.** Beginning July 1, 1991, and July 1,  
33 1992, and every two years afterward, an electric utility shall  
34 submit a proposed resource plan covering the forecast period.  
35 The commission shall designate by order those utilities who

1 shall make their initial filings in 1991 and those who shall  
2 make their initial filings in 1992. In deciding between the  
3 years for a given utility, the commission shall consider the  
4 size of the utility and its likely need for additional  
5 resources, including large energy facilities, defined in  
6 Minnesota Statutes, section 216B.2421, subdivision 2, and major  
7 utility facilities.

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

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

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

28       **Subp. 5. Copies of filings.** A covered utility shall  
29 submit 15 copies of its resource plan filing to the commission.  
30 The commission may request up to ten additional copies of  
31 combined and common filings. A utility shall also provide  
32 copies to the Minnesota Department of Public Service, the  
33 Residential and Small Business Utilities Division of the Office  
34 of the Attorney General, the Minnesota Environmental Quality  
35 Board and member agencies, and other interested persons or  
36 parties who request copies. A utility shall maintain a

1 distribution list. The list must include the names and  
2 addresses of the persons or organizations receiving copies and  
3 the number of copies provided. A utility is not required to  
4 distribute more than 100 copies. However, a utility shall honor  
5 reasonable requests for copies of the nontechnical summary  
6 identified in part 7843.0400, subpart 4.

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

13 Subp. 7. **Intervention.** Interested persons may become, or  
14 may petition to become, parties under parts 7830.0100 to  
15 7830.4400. The Minnesota Department of Public Service, the  
16 Residential and Small Business Utilities Division of the Office  
17 of the Attorney General, and the Minnesota Environmental Quality  
18 Board may petition as of right in a resource plan proceeding.

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

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

26 Subp. 8. **Information requests.** The parties shall comply  
27 with reasonable requests for information by the commission,  
28 other parties, and other interested persons. A copy of an  
29 information request must be provided to the commission and to  
30 known parties. Parties shall reply to information requests  
31 within ten days of receipt, unless this would place an extreme  
32 hardship upon the replying party. At least one copy of  
33 information provided to a party or other interested person must  
34 be filed with the commission. The replying party must also  
35 provide a copy of the information to any other party or  
36 interested person upon request. Disputes regarding information

1 requests may be taken to the commission or, if a contested case  
2 proceeding has been ordered, to the assigned administrative law  
3 judge.

4 Subp. 9. **Uncontested proceeding.** The commission shall  
5 conduct the resource planning process as an uncontested  
6 proceeding, unless ~~it determines that important issues cannot be~~  
7 ~~resolved without~~ a contested case proceeding is required by  
8 statute or constitutional right.

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

13 Subp. 10. **Written comments.** Parties and other interested  
14 persons have until November 1 of the filing year to review and  
15 comment upon the resource plan filings. The comments may  
16 include proposed alternative resource plans described in subpart  
17 11.

18 Subp. 11. **Proposed alternative resource plans.** Parties  
19 and other interested persons may express support for the  
20 proposed resource plan filed by a utility. Alternatively,  
21 parties and other interested persons may file proposed resource  
22 plans different from the plan proposed by the utility. When a  
23 plan differs from that submitted by the utility, the plan must  
24 be accompanied by a narrative and quantitative discussion of why  
25 the proposed changes would be in the public interest,  
26 considering the factors listed in part 7843.0500, subpart 3.

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

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

## 1 7843.0400 CONTENTS OF RESOURCE PLAN FILINGS.

2 Subpart 1. **Advance forecasts.** A utility shall include in  
3 the filing identified in subpart 2 its most recent annual  
4 submission to the Minnesota Department of Public Service and the  
5 Minnesota Environmental Quality Board under Minnesota Statutes,  
6 sections 116C.54 and 216C.17, and parts 7610.0100 to 7610.0600.

7 Subp. 2. **Resource plan.** A utility shall file a proposed  
8 plan for meeting the service needs of its customers over the  
9 forecast period. The plan must show the resource options the  
10 utility believes it might use to meet those needs. The plan  
11 must ~~rank~~ also specify how the implementation and use of those  
12 resource options in-recognition-of-demand-and-supply  
13 uncertainties would vary with changes in supply and demand  
14 circumstances. The utility is only required to identify a  
15 resource option generically, unless a commitment to a specific  
16 resource exists at the time of the filing. The utility shall  
17 also discuss plans to reduce existing resources through sales,  
18 leases, deratings, or retirements.

19 "Derating" means a temporary or permanent reduction in the  
20 expected power output of a generating facility.

21 Subp. 3. **Supporting information.** A utility shall include  
22 in its resource plan filing information supporting selection of  
23 the proposed resource plan.

24 A. When a utility's existing resources are inadequate  
25 to meet the projected level of service needs, the supporting  
26 information must contain a complete list of resource options  
27 considered for addition to the existing resources. At a  
28 minimum, the list must include new generating facilities of  
29 various types and sizes and with various fuel types,  
30 cogeneration, new transmission facilities of various types and  
31 sizes, upgrading of existing generation and transmission  
32 equipment, life extensions of existing generation and  
33 transmission equipment, load-control equipment,  
34 utility-sponsored conservation programs, purchases from  
35 nonutilities, and purchases from other utilities. The utility

1 may seek additional input from the commission regarding the  
2 resource options to be included in the list. For a resource  
3 option that could meet a significant part of the need identified  
4 by the forecast, the supporting information must include a  
5 general evaluation of the option, including ~~the extent of~~ its  
6 availability, reliability, cost, ~~and natural and~~ socioeconomic  
7 effects, and environmental effects.

8           B. The supporting information must include  
9 descriptions of the overall process and of the analytical  
10 techniques used by the utility to create its proposed resource  
11 plan from the available options.

12           C. The supporting information must include an action  
13 plan, a description of the activities the utility intends to  
14 undertake to develop or obtain noncurrent resources identified  
15 in its proposed plan. The action plan must cover a five-year  
16 period beginning with the filing date. The action plan must  
17 include a schedule of key activities, including construction and  
18 regulatory filings.

19           D. For the proposed resource plan as a whole, the  
20 supporting information must include a narrative and quantitative  
21 discussion of why the plan would be in the public interest,  
22 considering the factors listed in part 7843.0500, subpart 3.

23           **Subp. 4. Nontechnical summary.** A utility shall include in  
24 its resource plan filing a nontechnical summary, not exceeding  
25 25 pages in length and describing the utility's resource needs,  
26 the resource plan created by the utility to meet those needs,  
27 the process and analytical techniques used to create the plan,  
28 activities required over the next ~~two~~ five years to implement  
29 the plan, and the likely effect of plan implementation on  
30 electric rates and bills.

31           **Subp. 5. Combined and common filings.** Utilities may  
32 combine their individual filings into a single larger filing, as  
33 long as the action does not lead to a loss of information.  
34 Information common to two or more of the utilities need only be  
35 submitted once, as long as the filing clearly shows the  
36 utilities to which the information applies.

1 7843.0500 COMMISSION REVIEW OF RESOURCE PLANS.

2 Subpart 1. **Decision.** Based upon the record, which is the  
3 information filed with the commission in the resource plan  
4 proceeding of a utility, including responses to information  
5 requests, the commission shall issue a decision consisting of  
6 findings of fact and conclusions on the utility's proposed  
7 resource plan and the alternative resource plans. If the  
8 commission determines there is insufficient information upon  
9 which to issue findings and conclusions, it may delay issuing  
10 its decision to permit production of the desired type and level  
11 of information.

12 Subp. 2. **Preferred plan.** If the commission concludes that  
13 a ~~ranked~~ set of resource options would be optimal, considering  
14 the desirable attributes listed in subpart 3, it may identify  
15 that set of resource options as a preferred resource plan. A  
16 preferred resource plan need not have been specifically proposed  
17 or advocated by the utility, an intervening party, or other  
18 interested person.

19 Subp. 3. **Factors to consider.** In issuing its findings of  
20 fact and conclusions, the commission shall consider the  
21 characteristics of the available resource options and of the  
22 proposed plan as a whole. Resource options and resource plans  
23 must be evaluated on their ability to:

24 A. maintain or improve the adequacy and reliability  
25 of utility service;

26 B. keep the customers' bills and the utility's rates  
27 as low as practicable, given regulatory and other constraints;

28 C. minimize adverse socioeconomic effects and adverse  
29 effects upon the ~~natural~~ environment;

30 D. enhance the utility's ability to respond to  
31 changes in the financial, social, and technological factors  
32 affecting its operations; and

33 E. limit the risk of adverse effects on the utility  
34 and its customers from financial, social, and technological  
35 factors that the utility cannot control.



1 Subp. 4. **Issues requiring further consideration.** In its  
 2 decision, the commission may direct the utility to provide in  
 3 its next resource plan filing a discussion of specified issues.  
 4 The issues may include those not totally resolved in the current  
 5 proceeding and those for which the state of knowledge is  
 6 changing substantially between resource plan filings.

7 Subp. 5. **Changed circumstances affecting resource plans.**  
 8 The utility shall inform the commission and other parties to the  
 9 last resource plan proceeding of changed circumstances that may  
 10 significantly influence the selection of resource plans. Upon  
 11 receiving notice of changed circumstances, the commission shall  
 12 consider whether additional administrative proceedings are  
 13 necessary before the utility's next regularly scheduled resource  
 14 plan proceeding.

15 Subp. 6. **Authority of other agencies.** Issuance of a  
 16 resource plan decision by the commission does not limit the  
 17 statutory authority of other agencies in their regulatory  
 18 responsibilities.

19 7843.0600 RELATIONSHIP TO OTHER COMMISSION PROCESSES.

20 Subpart 1. **Other proceedings begun before plan proceeding**  
 21 ~~completed. At the time of a utility's resource planning~~  
 22 ~~decision, the commission may consider the status of other~~  
 23 ~~pending proceedings involving construction, acquisition, or~~  
 24 ~~disposition of resource options by the utility. The commission~~  
 25 ~~may terminate a pending proceeding if it determines that~~  
 26 ~~termination would be in the public interest. However, The~~  
 27 commission shall not use the resource planning process as a  
 28 reason to delay unduly the completion of a proceeding begun  
 29 under other law.

30 Subp. 2. **Resource plan findings of fact and conclusions.**  
 31 The findings of fact and conclusions from the commission's  
 32 decision in a resource plan proceeding may be officially noticed  
 33 or introduced into evidence in related commission proceedings,  
 34 including, for example, rate reviews, conservation improvement  
 35 program appeals, depreciation certifications, security

1 issuances, property transfer requests, cogeneration and small  
2 power production filings, and certificate of need cases. In  
3 those proceedings, the commission's resource plan decision  
4 constitutes prima facie evidence of the facts stated in the  
5 decision. This subpart does not prevent an interested person  
6 from submitting substantial evidence to rebut the findings and  
7 conclusions in another proceeding.

8       Subp. 3. **Construction of major utility facilities.** A  
9 utility submitting a proposed resource plan is exempt from the  
10 requirements of other rules covering construction of major  
11 utility facilities and adopted under Minnesota Statutes, section  
12 216B.24. The exemption does not constitute a waiver of the  
13 commission's right to review the prudence of the construction or  
14 planning in later resource plan and general rate case  
15 proceedings.

16       Subp. 4. Exemption from resource plan filing requirements  
17 when certificate of need proceedings are initiated. The  
18 commission shall grant an exemption from the filing requirements  
19 of parts 7843.0100 to 7843.0600 if the conditions in items A to  
20 E are met:

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

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

32       C. The utility agrees that, if the exemption is  
33 granted and it fails to submit the certificate of need  
34 application by the projected application date, it will submit  
35 either the certificate of need application or a resource plan  
36 filing within 60 days of the projected application date or by

1 July 1, whichever is later.

2 D. The commission determines that the utility's  
3 filings in the anticipated certificate of need proceeding will  
4 provide the information needed to issue a decision and select a  
5 preferred resource plan under part 7843.0500. In deciding  
6 whether the certificate of need filings will provide the  
7 necessary information, the commission shall consider factors  
8 such as the size and type of facility for which the certificate  
9 of need is sought.

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

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

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