

1 Public Utilities Commission

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3 Adopted Permanent Rules Relating to Conservation Improvement

4 Program Appeals

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6 Rules as Adopted

7 CONSERVATION IMPROVEMENT PROGRAM APPEALS

8 7840.1500 RIGHT OF APPEAL.

9 A utility, a political subdivision, or a nonprofit or
10 community organization that has proposed, or filed comments on,
11 a conservation improvement program under part 7690.0500 or
12 7690.0900, or the attorney general acting on behalf of consumers
13 and small business interests, may petition the Public Utilities
14 Commission to modify or reject a Department of Public Service
15 decision under part 7690.1300 or 7690.1400 regarding a
16 conservation improvement program.

17 7840.1600 TIMELINESS OF APPEAL.

18 A petition challenging a department decision under part
19 7690.1300 or 7690.1400 must be filed with the Public Utilities
20 Commission within 20 days after the department's decision. A
21 petition is considered filed when received at the commission
22 offices during normal business hours.

23 7840.1700 CONTENTS OF PETITION AND SUPPORTING DOCUMENTATION.

24 A petition filed under part 7840.1500 must comply with part
25 7830.2100, except that the petitioner shall provide the Public
26 Utilities Commission with 15 copies of the petition. The
27 petition must include as attachments a copy of the Department of
28 Public Service's written decision being challenged and the
29 relevant written materials not already provided to the
30 commission. The petition may incorporate by reference the
31 relevant documents that have already been provided to the
32 commission.

33 7840.1800 SERVICE OF PETITION.

34 The petition and accompanying documents must be served on

1 the Department of Public Service and the persons who were served
2 with the department's proposed decision under part 7690.1000,
3 subpart 2. Service may be in person or by mail and must be
4 simultaneous with the filing of the petition.

5 7840.1900 COMMENTS IN RESPONSE TO PETITION.

6 A person may submit written comments replying to the
7 petition filed under part 7840.1500. These comments must be
8 filed with the Public Utilities Commission within 15 days after
9 the deadline for filing under part 7840.1600.

10 7840.2000 COMMISSION DECISION.

11 Subpart 1. **Burden of proof and decision criteria.** The
12 petitioner has the burden of proving that the decision of the
13 Department of Public Service will result in a conservation
14 improvement program that is ineffective, does not adequately
15 address the needs of renters and low-income persons, or is
16 otherwise not in the public interest. The Public Utilities
17 Commission shall sustain the department's decision if the
18 petitioner fails to meet this burden.

19 Subp. 2. **Insufficient information.** On determining that
20 more information is needed before issuing a decision on the
21 merits of the petition, the commission shall issue an order
22 requiring supplemental filings. The supplemental information
23 must be filed with the commission and served on the department,
24 the utility, and other parties who filed comments replying to
25 the petition. The supplemental information must be filed and
26 served within 15 days after the commission issues its order
27 under this subpart unless otherwise ordered by the commission.
28 The responses, if any, to the supplemental filings must be filed
29 with the commission and served on the department, the utility,
30 and the persons who filed supplemental information within 15
31 days after the deadline for supplemental filings.

32 Subp. 3. **Final disposition.** After review of the petition
33 and comments, the commission shall issue an order that accepts,
34 rejects, or modifies the department's decision, or that orders a
35 contested case under Minnesota Statutes, chapter 14.