

1 Public Utilities Commission

2

3 Adopted Permanent Rules Relating to Practice and Procedure

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5 Rules as Adopted

6 7829.0100 DEFINITIONS.

7 Subpart 1. Scope. The terms used in this chapter have the
8 meanings given them in this part.

9 Subp. 2. Classification petition. "Classification
10 petition" means a petition filed by a telephone company to
11 classify a telephone service as subject to emerging or effective
12 competition under Minnesota Statutes, section 237.59.

13 Subp. 3. Commission. "Commission" means the Minnesota
14 Public Utilities Commission.

15 Subp. 4. Complainant. "Complainant" means a person who
16 complains formally or informally of an alleged violation of a
17 statute or rule within the commission's jurisdiction, a utility
18 tariff, or a commission order.

19 Subp. 5. Cost increase filing. "Cost increase filing"
20 means a miscellaneous tariff filing under Minnesota Statutes,
21 section 237.63, proposing a rate increase for a particular
22 telephone service on grounds that the actual costs of providing
23 that particular service have increased. It does not include
24 cost increases that are part of overall cost increases and cost
25 increases that have been discovered as a result of new cost
26 studies.

27 Subp. 6. Department. "Department" means the Minnesota
28 Department of Public Service.

29 Subp. 7. Expedited proceeding. "Expedited proceeding"
30 means an informal proceeding described in Minnesota Statutes,
31 section 237.61, and subject to specific procedural requirements
32 such as verification of pleadings.

33 Subp. 8. Informal proceeding. "Informal proceeding" means
34 a proceeding that addresses and resolves issues of public
35 policy, fact, or law without a formal contested case proceeding

1 before the Office of Administrative Hearings.

2 Subp. 9. **Intervenor.** "Intervenor" means a person
3 permitted to intervene as a party in a proceeding under this
4 chapter.

5 Subp. 10. **Language change filing.** "Language change filing"
6 means a miscellaneous tariff filing under Minnesota Statutes,
7 section 237.63, changing descriptive language in a telephone
8 utility tariff without changing the meaning or operation of the
9 tariff.

10 Subp. 11. **Miscellaneous tariff filing.** "Miscellaneous
11 tariff filing" means a request or notice that does not require
12 determination of the utility's revenue requirement.

13 A miscellaneous tariff filing includes a filing involving a
14 new service offering; a change in a utility's rates, services,
15 terms, or conditions of service; a change in a utility's
16 corporate structure, assigned service area, or capital
17 structure, when conducted separately from a general rate
18 proceeding; or any related matter. The term also includes a
19 language change filing, cost increase filing, and rate reduction
20 filing.

21 The inclusion of a particular type of filing in this list
22 does not require a filing that would not otherwise be required
23 or confer jurisdiction that would not otherwise be present.

24 Subp. 12. **Municipality.** "Municipality" includes a town,
25 statutory city, and home rule charter city.

26 Subp. 13. **Participant.** "Participant" means a person who
27 files comments or appears in a proceeding, other than public
28 hearings held in contested cases and other commission
29 proceedings conducted to receive general public comments, to
30 present views without becoming a party.

31 Subp. 14. **Party.** "Party" means a person by or against
32 whom a proceeding before the commission is commenced or a person
33 permitted to intervene in a proceeding under this chapter. A
34 party to a proceeding is styled a "petitioner," "complainant,"
35 "intervenor," or "respondent," according to the nature of the
36 proceeding and the relationship of the party to the proceeding.

1 Subp. 15. Person. "Person" means a natural person,
2 corporation, municipal corporation, public corporation, utility,
3 governmental entity, government agency, association,
4 partnership, receiver, joint venture, trustee at common law or
5 statutory trust guardian, or executor.

6 Subp. 16. Petitioner. "Petitioner" means a person who
7 requests the commission's permission, authorization, or approval
8 or a person who notifies the commission of a proposed change in
9 a rate, service, or term or condition of service.

10 Subp. 17. Price list filing. "Price list filing" means a
11 filing under Minnesota Statutes, section 237.60, pertaining to
12 telephone services claimed to be subject to emerging or
13 effective competition.

14 Subp. 18. Proceeding. "Proceeding" means a formal or
15 informal undertaking of the commission, in which it seeks to
16 resolve a question or issue taken up on its own motion or
17 presented to it in a complaint, petition, or notice of a
18 proposed change in a rate, service, or term or condition of
19 service.

20 Subp. 19. Proof of service. "Proof of service" means a
21 certificate of service stating the facts of service, including
22 the time and manner of service and the parties served.

23 Subp. 20. Rate reduction filing. "Rate reduction filing"
24 means a miscellaneous tariff filing under Minnesota Statutes,
25 section 237.63, proposing a reduction in a rate for telephone
26 service.

27 Subp. 21. Respondent. "Respondent" means a person against
28 whom a complaint is filed or against whom an investigation or
29 other proceeding on commission motion is addressed.

30 Subp. 22. Suspend. "Suspend" means to hold in abeyance or
31 to delay the effective date of.

32 Subp. 23. Utility. "Utility" means a gas, electric, or
33 telephone company subject to the jurisdiction of the commission.

34 7829.0200 SCOPE AND CONSTRUCTION.

35 Subpart 1. Construction. This chapter must be construed

1 to secure the just, speedy, and economical determination of
2 issues before the commission. This chapter must be construed in
3 light of the commission's statutory authority and
4 responsibilities.

5 Subp. 2. Conflicting statutes and substantive rules to
6 control. This chapter governs practice and procedure in matters
7 before the commission except when a statute or a rule on a
8 specific topic contains procedural requirements in direct
9 conflict with this chapter. Then, the statute or rule on a
10 specific topic controls insofar as it is in direct conflict with
11 this chapter.

12 7829.0300 COMPUTATION OF TIME.

13 In computing a period of time prescribed by this chapter,
14 the commission shall exclude the first and include the last day
15 of the designated period of time. When the last day of the time
16 period falls on Saturday, Sunday, or a legal holiday, that day
17 must be omitted from the computation.

18 7829.0400 SERVICE AND FILING REQUIREMENTS.

19 Subpart 1. Filing. Documents are filed with the
20 commission when they are received in the commission offices
21 during regular business hours. Specific documents may be filed
22 by facsimile transmission or filed when mailed ~~or-delivered-in~~
23 ~~person,-if-the-executive-secretary-so-directs,~~ with the consent
24 of the executive secretary. Documents must be directed to the
25 attention of the executive secretary.

26 Subp. 2. Number of copies. Parties and participants shall
27 file an original and 15 copies of each document filed with the
28 commission, unless otherwise directed by the executive secretary.

29 Subp. 3. Proof of service. Filings must be accompanied by
30 proof of service on the persons on the appropriate service list.

31 Subp. 4. Format. Filings must identify the nature of the
32 filing as briefly as possible, for example, "Replies to
33 Exceptions to Report of Administrative Law Judge," and indicate
34 that the matter is before the Minnesota Public Utilities
35 Commission. Filings after the original filing must include the

1 title and docket number of the matter. Filings must be on 8-1/2
2 by 11-inch paper, unless the executive secretary authorizes a
3 nonconforming filing for good cause shown.

4 Subp. 5. Service. A document filed with the commission
5 must be served the same day on the persons listed on the
6 appropriate service list, except when this chapter permits
7 service of a summary of the filing. Service may be accomplished
8 by first class mail or by delivery in person, unless otherwise
9 provided by law or commission order. Service may also be
10 accomplished by facsimile transmission, followed by first class
11 mail. Service on the department is complete upon receipt by the
12 department. For all other persons, service by mail or facsimile
13 transmission plus mail is complete upon mailing, unless the
14 executive secretary directs otherwise for specific documents.
15 When a party or participant is represented by an attorney,
16 service upon the attorney is considered service upon the party
17 or participant.

18 Subp. 6. Proceeding before administrative law judge.
19 During the time that a matter is before an administrative law
20 judge, service and filing requirements are controlled by the
21 rules of the Office of Administrative Hearings and by any orders
22 issued under those rules by the administrative law judge.

23 7829.0500 TRADE SECRET AND PROPRIETARY INFORMATION.

24 Subpart 1. Confidentiality protected. Nothing in this
25 chapter requires the public disclosure of privileged proprietary
26 information, trade secrets, or other privileged information.

27 Subp. 2. Procedure for excision. Persons filing documents
28 containing proprietary information, trade secrets, or other
29 privileged information shall excise this information in all
30 copies but the original and six copies.

31 Subp. 3. Identification of excised material. When a
32 person classifies an entire document, or a substantial part of a
33 document, as protected information, the person shall file a
34 description of the excised material that includes at least the
35 following information: the nature of the material, its authors,

1 its general import, and the date on which it was prepared.

2 Subp. 4. Document containing protected information. The
3 first page or cover page of a document containing protected
4 information must be clearly marked in bold print "TRADE SECRET
5 INFORMATION -- NOT FOR PUBLIC DISCLOSURE" or with words of
6 similar import. Every page on which protected information
7 appears must be similarly marked and the protected information
8 must be underlined, placed in brackets, or otherwise clearly
9 identified as the information which is to be protected from
10 disclosure.

11 7829.0600 GENERAL SERVICE LIST.

12 Subpart 1. Establishing list. Persons desiring to receive
13 notice of particular types of filings and who are qualified to
14 intervene under part 7829.0800 shall file with the utility a
15 written list of the types of filings they wish to receive. The
16 utility shall maintain general service lists of persons who have
17 filed these requests. The utility shall add to each list the
18 persons who intervened in its last general rate case and persons
19 on the official service list for its last filing of the same
20 type.

21 Subp. 2. Annual updating. The utility may delete from its
22 general service list a person who fails to respond within 30
23 days to an annual mailing inquiring whether that person wishes
24 to continue receiving the filings requested.

25 Subp. 3. Periodic addition. A person may be added to the
26 utility's general service list at any time by filing a request
27 under subpart 1, even if the person failed to respond to an
28 annual mailing as described in subpart 2.

29 Subp. 4. Jurisdiction unaffected. The service lists
30 established in this part are intended to provide the earliest
31 possible notice to persons who may be interested in a particular
32 filing. The requirements of this part do not displace or add to
33 legal notice requirements, and a utility's failure to comply
34 with this part does not deprive the commission of jurisdiction
35 over a matter of which it would otherwise have jurisdiction,

1 require dismissal of a filing, or invalidate any determination
2 made by the commission in the matter.

3 Subp. 5. Party or participant status unaffected.

4 Inclusion on a general service list does not confer party or
5 participant status on persons included on the list.

6 7829.0700 OFFICIAL SERVICE LIST.

7 Subpart 1. Content. The official service list for each
8 proceeding consists of the names of the parties and the names of
9 participants who have filed a written request for inclusion on
10 the service list with the executive secretary.

11 Subp. 2. Establishment and updating. The commission shall
12 establish the official service list at the conclusion of the
13 initial comment period and shall mail a copy of the list to the
14 parties and to participants who have filed written requests for
15 inclusion. A list established before commission action on a
16 petition for intervention must include those persons whose
17 intervention petitions are pending. The commission shall mail
18 an updated official service list to the parties and participants
19 if the official service list is later expanded or reduced. The
20 commission need not mail the official service list in
21 proceedings when the only parties are the department and a
22 petitioner, complainant, or respondent.

23 Subp. 3. Limiting service list. On its own motion or at
24 the request of a party, the commission shall limit the service
25 list to parties to the proceeding if it finds that requiring
26 service on participants is unduly burdensome.

27 Subp. 4. Name and address change. A party or participant
28 who wishes to change the name or address of a person receiving
29 service on behalf of the party or participant shall provide
30 written notice of the change to the executive secretary and to
31 persons on the official service list.

32 Subp. 5. Proceeding before administrative law judge. In
33 proceedings before an administrative law judge in which the
34 judge establishes a service list, the names on that service list
35 must remain on the official service list for the remainder of

1 the proceeding.

2 7829.0800 PETITION TO INTERVENE.

3 Subpart 1. Filing and service. A person who desires to
4 become a party to a proceeding shall file a petition to
5 intervene within the time set in this chapter. The petition
6 must be served on known parties and those persons on the
7 utility's general service list for the matter, if applicable.

8 Subp. 2. Grounds for intervention. The petition must
9 allege the grounds for intervention and must be granted upon a
10 showing that: the person is specifically considered by statute
11 to be interested in the particular type of matter at issue; the
12 person is specifically declared by statute to be an interested
13 party; or the outcome of the proceeding will bind or affect the
14 person with respect to an interest peculiar to that person, as
15 distinguished from an interest common to the public or other
16 ratepayers in general, or the person's interests are not
17 adequately represented by one or more other parties
18 participating in the case.

19 Subp. 3. Intervention as of right. The department and the
20 Office of the Attorney General, through its Residential
21 Utilities Division, may intervene as of right in any proceeding
22 before the commission. They become parties upon filing comments
23 under this chapter and need not file petitions to intervene,
24 except when the rules of the Office of Administrative Hearings
25 require it.

26 Subp. 4. Objection to intervention. An objection to
27 intervention must be filed within ten days of service of the
28 petition to intervene.

29 Subp. 5. Disposition of petition. If there is no
30 objection to intervention and a petition to intervene is not
31 denied or suspended within 15 days of filing, the petition to
32 intervene must be considered granted, unless the matter is
33 referred to the Office of Administrative Hearings for contested
34 case proceedings before the expiration of the 15-day period.

35 Subp. 6. Proceeding before administrative law judge.

1 During the time that a matter is before an administrative law
2 judge, intervention procedures are governed by the rules of the
3 Office of Administrative Hearings and by orders issued under
4 those rules by the administrative law judge.

5 7829.0900 PARTICIPANT.

6 A person may file comments in a proceeding before the
7 commission without requesting or obtaining party status. A
8 participant may also be granted an opportunity for oral
9 presentations.

10 7829.1000 REFERRAL FOR CONTESTED CASE PROCEEDING.

11 If a proceeding involves contested material facts and there
12 is a right to a hearing under statute or rule, or if the
13 commission finds that all significant issues have not been
14 resolved to its satisfaction, the commission shall refer the
15 matter to the Office of Administrative Hearings for contested
16 case proceedings, unless:

17 A. all parties waive their rights to contested case
18 proceedings and instead request informal or expedited
19 proceedings, and the commission finds that informal or expedited
20 proceedings would be in the public interest; or

21 B. a different procedural treatment is required by
22 statute.

23 7829.1100 PUBLIC HEARING.

24 When a public hearing is held in connection with a
25 contested case proceeding, the commission shall, whenever
26 possible, schedule the public hearing to be held before the
27 evidentiary hearings.

28 7829.1200 INFORMAL OR EXPEDITED PROCEEDING.

29 Subpart 1. When appropriate. Informal or expedited
30 proceedings may be used when contested case proceedings are not
31 required, for example, when:

32 A. there are no material facts in dispute;

33 B. the parties and the commission have agreed to
34 informal or expedited proceedings; or

1 C. informal or expedited proceedings are authorized
2 or required by statute.

3 Subp. 2. Presentation of facts. Written submissions are
4 the preferred method of introducing facts. The commission shall
5 allow oral presentation of facts when that can be done without
6 compromising the rights of any person or the integrity of the
7 proceeding. In informal proceedings, the commission shall
8 require that factual allegations be made under oath or by
9 affirmation when facts appear to be in dispute. In expedited
10 proceedings, the commission shall require that factual
11 allegations be made under oath or by affirmation and that
12 documents filed in the proceeding be verified.

13 Subp. 3. Notice. The commission shall notify the persons
14 on the official service list at least ten days before a meeting
15 at which it may act on the basis of informal or expedited
16 proceedings. Under exigent circumstances the executive
17 secretary shall reduce the ten-day notice period.

18 7829.1300 MISCELLANEOUS TARIFF AND PRICE LIST FILINGS.

19 Subpart 1. Summary. A miscellaneous tariff filing and
20 price list filing must include, on a separate page, a
21 one-paragraph summary of the filing, sufficient to apprise
22 potentially interested parties of its nature and general content.

23 Subp. 2. Service. The filing utility shall serve copies
24 of each miscellaneous tariff filing on which commission action
25 is required within 60 days, and each price list filing
26 increasing the price of a competitive service, on the persons on
27 the applicable general service list, on the department, and on
28 the Residential Utilities Division of the Office of the Attorney
29 General. For other filings, the utility may serve the summary
30 described in subpart 1 on persons on the applicable general
31 service list. The utility shall serve with the filing or the
32 summary a copy of its general service list for the filing.

33 Subp. 3. Content of filing subject to specific
34 requirements. In addition to complying with specific
35 requirements imposed by statute or rule, miscellaneous tariff

1 and price filings subject to specific filing rules must contain
2 at least the following information:

3 A. the name, address, and telephone number of the
4 utility, without abbreviation;

5 B. the name, address, and telephone number of the
6 attorney for the utility, if the utility is using an attorney;

7 C. the date of the filing and the date the proposed
8 rate or service change will go into effect;

9 D. the statute that the utility believes controls the
10 time frame for processing the filing; and

11 E. the signature and title of the utility employee
12 responsible for the filing.

13 Subp. 4. Content of filing not subject to specific filing
14 rules. In addition to complying with any specific requirements
15 imposed by statute, miscellaneous tariff and price list filings
16 not subject to specific filing rules must contain at least the
17 following information:

18 A. the name, address, and telephone number of the
19 utility, without abbreviation;

20 B. the name, address, and telephone number of the
21 attorney for the utility, if the utility is using an attorney;

22 C. the date of the filing and the date the proposed
23 rate or service change will go into effect;

24 D. the statute that the utility believes controls the
25 time frame for processing the filing;

26 E. the signature and title of the utility employee
27 responsible for the filing; and

28 F. a description of the filing, its impact on rates
29 and services, its impact on the utility and affected ratepayers,
30 and the reasons for the filing.

31 Subp. 5. Rejection of filing. The commission shall reject
32 a filing found to be substantially out of compliance with this
33 chapter or applicable statutory requirements. ~~A-miscellaneous~~
34 ~~tariff-filing-or-price-list-filing-not-rejected-within-20-days~~
35 ~~of-filing-must-be-considered-accepted-as-to-form.~~

36 ~~Subp.-6.--Initial-comments.--A-person-wishing-to-comment-on~~

1 a-miscellaneous-tariff-or-price-list-filing-shall-do-so-within
 2 30-days-of-its-filing-with-the-commission.--A-person-wishing-to
 3 comment-on-one-of-the-following-noncompetitive-rate-change
 4 filings-shall-do-so-within-20-days-of-its-filing-with-the
 5 commission:--a-rate-reduction-filing, a-cost-increase-filing, or
 6 a-request-for-a-significant-change-in-a-condition-of-telephone
 7 service.--A-person-wishing-to-comment-on-a-new-telephone
 8 service, competitive-or-noncompetitive, shall-do-so-within-ten
 9 days-of-its-filing-with-the-commission.--Comments-must-be-served
 10 on-the-persons-on-the-utility's-general-service-list-for-the
 11 filing, as-well-as-on-the-filing-utility.

12 Subp. 7.--Petition-to-intervene.--If-a-person-who-files
 13 initial-or-reply-comments-is-not-entitled-to-intervene-in
 14 commission-proceedings-as-of-right-and-desires-full-party
 15 status, the-person-shall-file-a-petition-to-intervene-before-the
 16 initial-or-reply-comment-period-expires.--The-intervention
 17 petition-may-be-combined-with-the-comments-on-the-filing.

18 7829.1400 COMMENTS ON MISCELLANEOUS TARIFF OR PRICE LIST FILING.

19 Subpart 1. Initial comments. A person wishing to comment
 20 on a miscellaneous tariff or price list filing shall do so
 21 within 30 days of its filing with the commission. A person
 22 wishing to comment on one of the following noncompetitive rate
 23 change filings shall do so within 20 days of its filing with the
 24 commission: a rate reduction filing, a cost increase filing, or
 25 a request for a significant change in a condition of telephone
 26 service. A person wishing to comment on a new telephone
 27 service, competitive or noncompetitive, shall do so within ten
 28 days of its filing with the commission. Comments must be served
 29 on the persons on the utility's general service list for the
 30 filing, as well as on the filing utility.

31 Subp. 2. Petition to intervene. If a person who files
 32 initial or reply comments is not entitled to intervene in
 33 commission proceedings as of right and desires full party
 34 status, the person shall file a petition to intervene before the
 35 initial or reply comment period expires. The intervention

1 petition may be combined with the comments on the filing.

2 ~~Subpart 1:~~ Subp. 3. Comments to include procedural
3 recommendation. A person commenting on a miscellaneous tariff
4 or price list filing and recommending its rejection, denial, or
5 modification shall specify whether the person believes the
6 filing requires a contested case proceeding, informal
7 proceeding, expedited proceeding, or some other procedural
8 treatment, together with the person's reasons for recommending a
9 particular procedural treatment.

10 Subp. 2: 4. Reply comments. The utility and other persons
11 have ten days from the expiration of the original comment period
12 to file reply comments. Reply comments must be served on the
13 utility and persons who have filed comments on the miscellaneous
14 tariff filing. Reply comments must be limited in scope to the
15 issues raised in the initial comments.

16 Subp. 3: 5. Additional comments. If further information
17 is required to make a fully informed decision, the commission
18 shall require additional comments and identify specific issues
19 requiring further development.

20 Subp. 4: 6. Comments on supplemental or corrected filings.
21 The commission shall provide opportunity for other parties to
22 respond to supplemental or corrected filings when those filings
23 raise new issues.

24 Subp. 5: 7. Comment periods varied. Except for comment
25 periods set by statute, the commission may vary the comment
26 periods set by this chapter on its own motion or at the request
27 of a person for good cause shown. The commission may delegate
28 the authority to vary time periods to the executive secretary.

29 Subp. 6: 8. Comment periods extended at department's
30 request. At the request of the department, the commission shall
31 extend the comment periods in parts 7829.1300 and 7829.1400 up
32 to an additional 30 days, except for comment periods established
33 by statute and except when the commission must act within 60
34 days to prevent proposed rate changes from going into effect.

35 Subp. 9. Requests for contested case proceedings. Upon
36 receipt of initial comments requesting a contested case

1 proceeding on a miscellaneous tariff filing or price list
2 filing, the commission shall immediately set the matter for
3 consideration on a date after the time period for reply comments
4 has run. If the commission finds a contested case proceeding is
5 required, the commission shall refer the matter to the Office of
6 Administrative Hearings pursuant to part 7829.1000, and the
7 utility shall file its direct testimony in question and answer
8 form within 20 days of the commission's notice and order for
9 hearing.

10 7829.1500 INFORMAL COMPLAINT.

11 Persons engaged in disputes with utilities may submit
12 informal complaints by letter or other writing, by telephone, or
13 in person. Commission staff shall accept these complaints and
14 shall prepare a memorandum setting forth the substance of each
15 complaint and identifying the customer, the service address, and
16 the utility.

17 7829.1600 TREATMENT OF INFORMAL COMPLAINT.

18 Commission staff shall try to help resolve informal
19 complaints by correspondence, mediation, arbitration, and other
20 informal means. If the complainant desires formal action by the
21 commission, a formal complaint must be filed initiated by the
22 commission, or filed by a qualified complainant.

23 7829.1700 FORMAL COMPLAINT.

24 Subpart 1. Content. A formal complaint must include the
25 following information: the name and address of the complainant;
26 the name and address of complainant's counsel, if any; the name
27 and address of respondent; the name and address of respondent's
28 counsel, if known; the statute, rule, tariff, or commission
29 order alleged to have been violated; the facts constituting the
30 alleged violation; and the relief sought by complainant.

31 Subp. 2. Service Mailing and filing. A formal complaint
32 must be ~~served on~~ mailed to the respondent, the department, and
33 the Residential Utilities Division of the Office of the Attorney
34 General, as well as filed with the commission.

1 7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

2 Subpart 1. Initial commission review. The commission
3 shall review a formal complaint as soon as practicable to
4 determine whether the commission has jurisdiction over the
5 matter and to determine whether there are reasonable grounds to
6 investigate the allegation. On concluding that it lacks
7 jurisdiction or that there is no reasonable basis to investigate
8 the matter, the commission shall dismiss the complaint.

9 Subp. 2. Answer. On concluding that it has jurisdiction
10 over the matter and that investigation is warranted, the
11 commission shall serve the complaint on the respondent, together
12 with an order requiring the respondent to ~~grant the relief~~
13 ~~complainant requests or to show cause by answer why respondent~~
14 ~~should not be ordered to do so~~ file an answer either stating
15 that it has granted the relief the complainant requests, or
16 responding to the allegations of the complaint. The answer must
17 be filed with the commission and served on the complainant, the
18 department, and the Residential Utilities Division of the Office
19 of the Attorney General within 20 days of service of the
20 complaint and order.

21 Subp. 3. Reply. Replies are not required unless the
22 answer alleges that respondent has granted the relief sought by
23 complainant. In that case, the complainant shall file a reply
24 within 20 days admitting or denying that relief has been granted.
25 If the complainant fails to file the reply, the commission shall
26 dismiss the complaint. Copies of the reply must be served on
27 respondents, the department, and the Residential Utilities
28 Division of the Office of the Attorney General.

29 Subp. 4. Failure to answer. If the respondent fails to
30 answer a complaint served by the commission under subpart 2, the
31 commission shall consider the allegations of the complaint
32 ~~denied, and issue is joined.~~

33 7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT.

34 Subpart 1. Nature of proceedings. The commission shall
35 deal with a formal complaint through a contested case

1 proceeding, informal proceeding, or expedited proceeding.

2 Subp. 2. Initial comments. A person wishing to comment on
3 a formal complaint shall do so within 30 days of the date of a
4 commission order requiring an answer to the complaint. Comments
5 must be served on the complainant, respondent, department,
6 Residential Utilities Division of the Office of the Attorney
7 General, and any other known parties.

8 Subp. 3. Reply comments. A commenting party has ten days
9 from the expiration of the original comment period to file reply
10 comments. Reply comments must be limited in scope to the issues
11 raised in the initial comments and must be served on the
12 complainant, respondent, department, Residential Utilities
13 Division Of the Office of the Attorney General, and any other
14 known parties.

15 Subp. 4. Petition to intervene. If a person who files
16 initial or reply comments is not entitled to intervene in
17 commission proceedings as of right and desires full party
18 status, the person shall file a petition to intervene before the
19 initial or reply comment period expires. The intervention
20 petition may be combined with the comments on the complaint.

21 Subp. 5. Comments to include procedural recommendation. A
22 person commenting on a complaint shall specify whether the
23 person believes the matter requires a contested case proceeding,
24 informal proceeding, expedited proceeding, or some other
25 procedural treatment, together with the reasons for recommending
26 a particular procedural treatment.

27 Subp. 6. Additional comments. If further information is
28 required to make a fully informed decision, the commission shall
29 require additional comments and identify specific issues
30 requiring further development.

31 Subp. 7. Comments on supplemental or corrected filings.
32 The commission shall provide opportunity for other parties to
33 respond to supplemental or corrected filings when those filings
34 raise new issues.

35 Subp. 8. Comment periods varied. Except for time periods
36 set by statute, the commission may vary the comment periods

1 established in this part at the request of a person for good
2 cause shown. The commission may delegate the authority to vary
3 time periods to the executive secretary.

4 Subp. 9. Comment periods extended at department's request.
5 At the request of the department, the commission shall extend
6 the comment periods established in this part up to an additional
7 30 days, except for comment periods set by statute.

8 7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

9 Subpart 1. Content. A complaint alleging violation of an
10 electric utility's assigned service area must include a map that
11 the complainant reasonably believes to be a copy of the official
12 service area map of an area at issue, with the area of the
13 alleged violation clearly marked.

14 Subp. 2. Service and filing. A service area complaint
15 must be served on the respondent, department, and Residential
16 Utilities Division of the Office of the Attorney General, as
17 well as filed with the commission.

18 7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT.

19 Subpart 1. Answer. Within ten days of service of a
20 service area complaint, a respondent shall file an answer with
21 the commission and serve it on the complainant, department, and
22 Residential Utilities Division of the Office of the Attorney
23 General.

24 Subp. 2. Initial comments. A person wishing to comment on
25 a service area complaint shall do so within ten days of the date
26 the person was served. Comments must be served on the
27 complainant, respondent, department, Residential Utilities
28 Division of the Office of the Attorney General, and any other
29 known parties.

30 Subp. 3. Petition to intervene. If a person who files
31 comments is not entitled to intervene in a commission proceeding
32 as of right and desires full party status, the person shall file
33 a petition to intervene before the initial comment period
34 expires. The intervention petition may be combined with the
35 comments on the complaint and must be served on those persons

1 entitled to service of the comments.

2 Subp. 4. Additional comments. If further information is
3 required to make a fully informed decision, the commission shall
4 require additional comments and identify specific issues
5 requiring further development.

6 Subp. 5. Comments on supplemental or corrected filing.
7 The commission shall provide opportunity for other parties to
8 respond to supplemental or corrected filings when those filings
9 raise new issues.

10 Subp. 6. Time for disposition. Service area complaints
11 must come before the commission within 15 days of filing. The
12 commission shall issue its order within 30 days after the
13 hearing.

14 7829.2200 TELEPHONE INCENTIVE PLAN FILING.

15 Subpart 1. Summary. A telephone utility filing an
16 incentive plan under Minnesota Statutes, section 237.625, shall
17 include, on a separate page, a brief summary of the filing,
18 sufficient to apprise potentially interested parties of its
19 nature and general content.

20 Subp. 2. Service. A utility filing an incentive plan
21 under Minnesota Statutes, section 237.625, shall serve copies of
22 the incentive plan filing on the department and the Residential
23 Utilities Division of the Office of the Attorney General. The
24 utility shall serve the filing or the summary described in
25 subpart 1 on those persons on the applicable general service
26 list and on persons who were parties to its last general rate
27 case or incentive plan proceeding.

28 Subp. 3. Challenge to form and completeness. A person
29 wishing to challenge the form or completeness of an incentive
30 plan filing shall do so within ten days of its filing. The
31 filing utility shall reply to the challenge within five days of
32 its filing. These challenges and responses must be served on
33 the utility, the department, the Residential Utilities Division
34 of the Office of the Attorney General, persons on the general
35 service list for the filing, and any other known parties.

1 Subp. 4. Rejection of filing. The commission shall reject
2 a filing that it finds to be substantially out of compliance
3 with Minnesota Statutes, section 237.625, or with any other
4 filing requirement imposed by rule or statute. An incentive
5 plan filing not rejected within 45 days of filing is considered
6 accepted as in substantial compliance with applicable filing
7 requirements.

8 Subp. 5. Procedural comments. A person wishing to comment
9 on a proposed incentive plan shall file comments within 20 days
10 of its filing, recommending a specific procedural framework for
11 examining the filing, including time frames for substantive
12 comments and commission action. Procedural comments must be
13 served on the utility, department, Residential Utilities
14 Division of the Office of the Attorney General, persons on the
15 general service list for the filing, and any other known parties.

16 Subp. 6. Petition to intervene. If a person desires full
17 party status, but is not entitled to intervene in a commission
18 proceeding as of right, the person shall file a petition to
19 intervene before the procedural comment period expires. The
20 intervention petition may be combined with procedural comments
21 on the filing and must be served on those persons entitled to
22 receive service of procedural comments.

23 Subp. 7. Notice to public and ratepayers. The utility
24 shall give notice of the proposed incentive plan to its
25 ratepayers and shall publish notice of the proposed plan in all
26 newspapers of general circulation in all county seats in its
27 service area.

28 Subp. 8. Notice of public meeting. The utility shall
29 notify its ratepayers of public meetings on the proposed
30 incentive plan scheduled by the commission and shall publish
31 notice of the public meetings in all newspapers of general
32 circulation in all county seats in its service area.

33 Subp. 9. Nature of proceeding. The commission shall deal
34 with incentive plan filings by conducting an expedited
35 proceeding under Minnesota Statutes, section 237.61. Following
36 review of the procedural comments, the commission shall

1 establish by order, time frames for submitting testimony and
2 comments.

3 Subp. 10. Time frame for disposition. The commission
4 shall approve, reject, or modify a proposed incentive plan
5 within six months of filing. If the commission does not act
6 within that time, the plan is considered withdrawn, unless the
7 commission and the utility agree to extend the six-month period.

8 7829.2300 CLASSIFICATION PETITION.

9 Subpart 1. Summary. A telephone utility filing a
10 classification petition under Minnesota Statutes, section
11 237.59, shall include on a separate page a brief summary of the
12 filing, sufficient to apprise potentially interested parties of
13 its nature and general content.

14 Subp. 2. Service. A utility filing a classification
15 petition shall serve copies of the petition on the department
16 and Residential Utilities Division of the Office of the Attorney
17 General. The utility shall serve the petition or the summary
18 described in subpart 1 on those persons on the applicable
19 general service list and on those persons who were parties to
20 its last general rate case or incentive plan proceeding, if
21 applicable.

22 Subp. 3. Challenges to form and completeness. A person
23 wishing to challenge the form or completeness of a
24 classification petition shall do so within ten days of its
25 filing. The filing utility shall reply to the challenge within
26 five days of its filing. Challenges and responses must be
27 served on the department, Residential Utilities Division of the
28 Office of the Attorney General, persons on the general service
29 list for the filing, and any other known parties.

30 Subp. 4. Rejection of filings. The commission shall
31 reject a classification petition found to be substantially out
32 of compliance with Minnesota Statutes, section 237.59, or with
33 any other filing requirement imposed by rule or statute. A
34 filing under this section not rejected within 45 days of filing
35 is considered accepted as in substantial compliance with

1 applicable filing requirements.

2 Subp. 5. **Initial comments.** A person wishing to comment on
3 a classification petition shall file initial comments within 20
4 days of the filing. Initial comments must include a
5 recommendation on whether the filing requires a contested case
6 proceeding, expedited proceeding, or some other procedural
7 treatment, together with reasons for recommending a particular
8 procedural treatment. Initial comments must be served on the
9 utility, department, Residential Utilities Division of the
10 Office of the Attorney General, persons on the general service
11 list for the filing, and any other known parties.

12 Subp. 6. **Petition to intervene.** If a person who files
13 initial comments is not entitled to intervene in a commission
14 proceeding as of right and desires full party status, the person
15 shall file a petition to intervene before the reply comment
16 period expires. The intervention petition may be combined with
17 comments on the filing and must be served on those persons
18 entitled to receive service during the comment period when the
19 intervention petition is filed.

20 Subp. 7. **Reply comments.** Commenting parties have ten days
21 from the expiration of the original comment period to file reply
22 comments. Reply comments must be limited in scope to the issues
23 raised in the initial comments. Reply comments must be served
24 on the utility and on those persons who have filed initial
25 comments.

26 Subp. 8. **Additional comments.** If further information is
27 required to make a fully informed decision, the commission shall
28 require additional comments and identify specific issues
29 requiring further development.

30 Subp. 9. **Comments on supplemental or corrected filing.**
31 The commission shall provide opportunity for other parties to
32 respond to a supplemental or corrected filing when the filing
33 raises new issues.

34 Subp. 10. **Nature of proceeding.** The commission shall deal
35 with a classification petition by conducting an expedited
36 proceeding under Minnesota Statutes, section 237.61, or by

1 referring the matter for a contested case proceeding.

2 Subp. 11. Time frame for disposition; expedited proceeding.

3 When the filing utility requests an expedited proceeding on its
4 classification petition, the commission shall take final action
5 within 60 days of the date on which the utility provides the
6 substantive information required by statute, unless the
7 commission finds at least one issue of material fact in dispute
8 and refers the matter for a contested case proceeding within the
9 same 60-day period.

10 Subp. 12. Time frame for disposition; contested case
11 proceeding. When the commission conducts a contested case
12 proceeding, it shall take final action within eight months of
13 the utility's request for a contested case proceeding or the
14 commission's order that contested case proceedings be held,
15 whichever occurs earlier.

16 Subp. 13. Extending disposition period. The commission
17 may extend the eight-month time frame set forth in subpart 12
18 with the agreement of all parties or upon a finding that the
19 case cannot be completed within the required time and that there
20 is a substantial probability that the public interest would be
21 harmed by enforcing the eight-month time frame.

22 7829.2400 FILINGS REQUIRING DETERMINATION OF GROSS REVENUE
23 REQUIREMENT.

24 Subpart 1. Summary. A utility filing a general rate case
25 or other filing that requires determination of its gross revenue
26 requirement shall include, on a separate page, a brief summary
27 of the filing, sufficient to apprise potentially interested
28 parties of its nature and general content.

29 Subp. 2. Service. A utility filing a general rate change
30 request shall serve copies of the filing on the department and
31 Residential Utilities Division of the office of the Attorney
32 General. The utility shall serve the filing or the summary
33 described in subpart 1 on the persons on the applicable general
34 service list and persons who were parties to its last general
35 rate case or incentive plan proceeding.

1 Subp. 3. Notice to public and governing bodies. A utility
2 seeking a general rate change shall give notice of the proposed
3 change to the governing body of each municipality and county in
4 its service area and to its ratepayers. The utility shall also
5 publish notice of the proposed change in newspapers of general
6 circulation in all county seats in its service area.

7 Subp. 4. Challenge to form and completeness. A party
8 wishing to challenge the form or completeness of a general rate
9 case filing shall do so within ten days of its filing. The
10 filing utility shall reply to the challenge within five days of
11 its filing. Challenges and responses must be served on the
12 department, Residential Utilities Division of the Office of the
13 Attorney General, persons on the general service list for the
14 filing, and any other known parties.

15 Subp. 5. Rejection of filing. The commission shall reject
16 a filing under this part that is found to be substantially out
17 of compliance with Minnesota Statutes, section 216B.16 or
18 237.075, or other requirement imposed by rule, statute, or
19 previous commission order. A filing under this part not
20 rejected within 60 days of filing is considered accepted as in
21 substantial compliance with applicable filing requirements.

22 Subp. 6. Petition to intervene. The commission shall
23 entertain a petition to intervene until the matter is referred
24 to the Office of Administrative Hearings for a contested case
25 proceeding or until the commission issues a notice under part
26 7829.1200, subpart 3, stating its intention to decide the matter
27 on the basis of an informal or expedited proceeding. Once a
28 filing is referred for a contested case proceeding, the rules of
29 the Office of Administrative Hearings control intervention
30 rights.

31 Subp. 7. Notice of hearing. The utility shall notify its
32 ratepayers of hearings held in connection with its rate change
33 request in the manner directed by the commission. The utility
34 shall publish notice of hearings on its rate change request in
35 newspapers of general circulation in all county seats in its
36 service area, as directed by the commission.

1 7829.2500 CERTIFICATE OF NEED FILING.

2 Subpart 1. Compliance. Certificate of need applications
3 must comply with the requirements of Minnesota Statutes,
4 sections 216B.2421 and 216B.243; Minnesota Rules, chapters 7849,
5 7851, 7853, and 7855; and any other requirements imposed by rule
6 or statute.

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

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

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

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

25 Subp. 6. Solicitation of comments on filing compliance.
26 The commission shall request comments on the filing's compliance
27 with Minnesota Statutes, sections 216B.2421 to 216B.243, and
28 Minnesota Rules, chapters 7849, 7851, 7853, and 7855, when it
29 determines that comments would be helpful in evaluating the
30 filing's substantial compliance with the requirements of those
31 statutes and rules. The commission may delegate the authority
32 to request these comments to the executive secretary.

33 Subp. 7. Rejection of filing. The commission shall reject
34 a filing under this part that is found to be substantially out
35 of compliance with Minnesota Statutes, sections 216B.2421 to

1 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855;
2 and any other requirements imposed by rule or statute. A filing
3 under this section not rejected within 15 days of filing must be
4 considered accepted as in substantial compliance with applicable
5 filing requirements.

6 Subp. 8. **Petition to intervene.** The commission shall
7 entertain a petition to intervene until the matter is referred
8 to the Office of Administrative Hearings for a contested case
9 proceeding or until the commission issues a notice under part
10 7829.1200, subpart 3, stating its intention to decide the matter
11 on the basis of an informal or expedited proceeding. Once a
12 filing is referred for a contested case proceeding, the rules of
13 the Office of Administrative Hearings shall control intervention
14 rights.

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

24 7829.2600 STAFF COMMENTS.

25 Written comments on a filing by commission staff must be
26 made available to those persons on the service list at the same
27 time they are provided to the commission. If commission staff
28 recommend action not advocated by any party, all parties must be
29 granted oral argument comment at the request of any party.

30 7829.2700 PROCEDURE FOLLOWING REPORT OF ADMINISTRATIVE LAW JUDGE.

31 Subpart 1. **Exceptions to administrative law judge's report.**
32 Except in cases subject to statutory deadlines, parties shall
33 file and serve on the other parties any exceptions to an
34 administrative law judge's report within 20 days of its filing.
35 In cases subject to statutory deadlines, exceptions must be

1 filed and served within 15 days of the filing of the report.

2 Subp. 2. Replies to exceptions. Except in cases subject
3 to statutory deadlines, a party shall file and serve on all
4 other parties any replies to exceptions within ten days of the
5 due date for exceptions. In cases subject to statutory
6 deadlines, replies are not permitted.

7 Subp. 3. Oral argument. Parties must be granted an
8 opportunity for oral argument before the commission as required
9 under Minnesota Statutes, section 14.61.

10 7829.2800 GENERAL NOTICE REQUIREMENT.

11 Matters may come before the commission only on ten days
12 notice to the parties and those persons on the official service
13 list. Under exigent circumstances the executive secretary shall
14 reduce the ten-day notice period.

15 7829.2900 DECISION AND ORDER.

16 The executive secretary shall serve a decision and order of
17 the commission on all parties and participants in the proceeding.

18 7829.3000 PETITION FOR REHEARING, AMENDMENT, VACATION,
19 RECONSIDERATION, REARGUMENT.

20 Subpart 1. Time for request. A party or a person
21 aggrieved and directly affected by a commission decision or
22 order may file a petition for rehearing, amendment, vacation,
23 reconsideration, or reargument within 20 days of the date the
24 decision or order is served by the executive secretary.

25 Subp. 2. Content of request. A petition for rehearing,
26 amendment, vacation, reconsideration, or reargument must set
27 forth specifically the grounds relied upon or errors claimed. A
28 request for amendment must set forth the specific amendments
29 desired and the reasons for the amendments.

30 Subp. 3. Service. A petition for rehearing, amendment,
31 vacation, reconsideration, or reargument, and an answer, reply,
32 or comment, must be served on the parties and participants in
33 the proceeding to which they relate.

34 Subp. 4. Answers. Other parties to the proceeding shall

1 file answers to a petition for rehearing, amendment, vacation,
2 reconsideration, or reargument within ten days of service of the
3 petition.

4 Subp. 5. Replies. Replies are not permitted unless
5 specifically authorized by the commission.

6 Subp. 6. Commission action. The commission shall decide a
7 petition for rehearing, amendment, vacation, reconsideration, or
8 reargument with or without a hearing or oral argument. The
9 commission may vacate or stay the order, or part of the order,
10 that is the subject of the petition, pending action on the
11 petition.

12 Subp. 7. Second petition not entertained. A second
13 petition for rehearing, amendment, vacation, reconsideration, or
14 reargument of a commission decision or order by the same party
15 or parties and upon the same grounds as a former petition that
16 has been considered and denied, will not be entertained.

17 7829.3100 TIME PERIODS VARIED.

18 Except for time periods set by statute, the commission may
19 vary the time periods established by this chapter on its own
20 motion or at the request of a person for good cause shown. The
21 commission may delegate the authority to vary time periods to
22 the executive secretary.

23 7829.3200 OTHER VARIANCES.

24 Subpart 1. When granted. The commission shall grant a
25 variance to its rules when it determines that the following
26 requirements are met:

27 A. enforcement of the rule would impose an excessive
28 burden upon the applicant or others affected by the rule;

29 B. granting the variance would not adversely affect
30 the public interest; and

31 C. granting the variance would not conflict with
32 standards imposed by law.

33 Subp. 2. Conditions. A variance may be granted contingent
34 upon compliance with conditions imposed by the commission.

35 Subp. 3. Duration. Unless the commission orders

1 otherwise, variances automatically expire in one year. They may
2 be revoked sooner due to changes in circumstances or due to
3 failure to comply with requirements imposed as a condition of
4 receiving a variance.

5 REPEALER. Minnesota Rules, parts 7830.0100; 7830.0200;
6 7830.0300; 7830.0400; 7830.0500; 7830.0600; 7830.0700;
7 7830.0800; 7830.0900; 7830.1000; 7830.1100; 7830.1200;
8 7830.1300; 7830.1400; 7830.1500; 7830.1600; 7830.1700;
9 7830.1800; 7830.1900; 7830.2000; 7830.2100; 7830.2200;
10 7830.2300; 7830.2400; 7830.2500; 7830.2600; 7830.2700;
11 7830.2800; 7830.2900; 7830.3000; 7830.3100; 7830.3200;
12 7830.3300; 7830.3400; 7830.3500; 7830.3600; 7830.3700;
13 7830.3800; 7830.3900; 7830.4000; 7830.4100; 7830.4200;
14 7830.4300; 7830.4400; 7847.0010; 7847.0020; 7847.0100;
15 7847.0110; 7847.0120; 7847.0130; 7847.0140; 7847.0150;
16 7847.0200; 7847.0210; 7847.0220; 7847.0230; 7847.0240;
17 7847.0250; 7847.0260; 7847.0270; 7847.0280; 7847.0290;
18 7847.0300; 7847.0310; and 7847.0320, are repealed.