

Public Utilities Commission**Proposed Permanent Rules Governing Utility Proceeding, Practice, Procedure****7829.0100 DEFINITIONS.**

[For text of subps 1 to 4, see M.R.]

Subp. 5. [See repealer.]

[For text of subps 6 to 9, see M.R.]

Subp. 10. [See repealer.]

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

A miscellaneous tariff filing includes a filing involving a new service offering; a change in a utility's rates, services, terms, or conditions of service; a change in a utility's corporate structure, assigned service area, or capital structure, when conducted separately from a general rate proceeding; filings made under the rules governing automatic adjustment of charges in chapter 7825; or any related matter. ~~The term also includes a language change filing, cost increase filing, and rate reduction filing.~~

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

Subp. 11a. **Motion filing.** "Motion filing" means a written request for specific commission action by a party within the context of an ongoing proceeding. This does not include recommendations for action made in comments, or in motions made during a proceeding before an administrative law judge.

[For text of subps 12 to 16, see M.R.]

Subp. 17. [See repealer.]

[For text of subps 18 and 19, see M.R.]

Subp. 19a. **Protected data.** "Protected data" means data filed with the commission that is either:

A. not public data or private data on individuals under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13; or

B. data that is protected from disclosure pursuant to the rules of privilege recognized by law.

Subp. 20. [See repealer.]

Subp. 20a. **Qualified complainant.** "Qualified complainant" means a person authorized by law to make a formal complaint to the commission.

[For text of subs 21 and 22, see M.R.]

Subp. 23. **Utility.** "Utility" means a gas, or electric service provider, or a telephone company subject to the jurisdiction of the commission utility under part 7810.0100, subpart 37.

7829.0250 REPRESENTATIONS TO COMMISSION.

A person who signs a pleading, motion, or similar filing, or enters an appearance at a commission meeting, by doing so represents that the person is authorized to do so, has a good faith belief that statements of fact made are true and correct, and that legal assertions are warranted by existing law or by a nonfrivolous argument for the extension or reversal of existing law or the modification or establishment of rules.

7829.0400 SERVICE AND FILING REQUIREMENTS.

Subpart 1. **Filing.** Documents are filed with the commission when they are received in the commission offices during regular business hours. Specific documents may be filed by facsimile transmission or filed when mailed, with the consent of the executive secretary. Documents must be directed to the attention of the executive secretary. Filings must be made in a manner consistent with the filing requirements of Minnesota Statutes,

section 216.17, subdivision 3, and must be directed to the attention of the executive secretary. If otherwise required to file electronically under Minnesota Statutes, section 216.17, subdivision 3, a person may file by facsimile transmission, mail, or personal delivery only with the prior consent of the executive secretary.

Subp. 2. [See repealer.]

[For text of subp 3, see M.R.]

Subp. 4. **Format.** Filings must identify the nature of the filing as briefly as possible, for example, "Replies to Exceptions to Report of Administrative Law Judge," and indicate that the matter is before the Minnesota Public Utilities Commission. Filings after the original filing must include the title and commission-assigned docket number of the matter. Paper filings must be on 8-1/2 by 11-inch paper, unless the executive secretary authorizes a nonconforming filing for good cause shown. Electronic filings must be submitted in a text-searchable format, and any scanned documents must include optical character recognition data. Filings made pursuant to parts 7810.8620, 7810.8685, and 7825.3900, as well as schedules provided pursuant to Minnesota Statutes, section 216B.16, subdivision 17, paragraph (a), shall also include the required data in an industry standard spreadsheet format supported by the agencies' electronic filing system.

Subp. 5. **Service; method.** ~~A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Service may be accomplished by first class mail or, by delivery in person, or electronically upon recipients who have agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4, unless otherwise provided by law or commission order. Service may also be accomplished by facsimile transmission, followed by first class mail. Service on the department is complete upon receipt by the department. For all other persons,~~

Subp. 5a. **Service and filing; completion.** A document filed with the commission must be served the same day on the persons listed on the appropriate service list, except when this chapter permits service of a summary of the filing. Unless the executive secretary directs otherwise for specific documents, electronic service is complete upon receipt of confirmation of submission of the document. Filings are filed with the commission when received in the commission offices during regular business hours. Service by mail or facsimile transmission plus mail is complete upon mailing, ~~unless the executive secretary directs otherwise for specific documents~~ except service upon the department, which is complete upon receipt by the department. When a party or participant is represented by an attorney, service upon the attorney is considered service upon the party or participant.

[For text of subp 6, see M.R.]

7829.0410 MOTION FILINGS.

Subpart 1. **Form and content.** A party to a proceeding making a motion filing shall make it in writing, state the grounds for the motion, and set forth the requested commission action. A party shall serve a motion filing on the persons listed on the official service list and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. A party shall, as a part of a motion filing, advise other parties that if they wish to oppose the motion they must file and serve on the same list of persons a written response within 14 days. The commission will consider only motion filings signed by a party or the party's attorney or authorized representative.

Subp. 2. **Responses.** A party responding to a motion filing shall serve a response on the persons listed on the official service list and file it consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3, within 14 days of service of the motion filing.

7829.0430 WITHDRAWAL OF FILINGS.

Subpart 1. **Uncontested withdrawal.** The commission delegates to the executive secretary authority to approve the withdrawal of a filing. Approval will be granted by the executive secretary if the following conditions are met:

- A. the party that submitted the filing has requested that the filing be withdrawn;
- B. no person has expressed opposition to withdrawal of the filing; and
- C. no commissioner or commission staff person has identified a reason that the matter should not be withdrawn.

Subp. 2. **Contested withdrawal.** If any person opposes a withdrawal request, the commission will allow a filing to be withdrawn at the request of the filing party if the commission determines that the proposed withdrawal:

- A. does not contravene the public interest;
- B. does not prejudice any party; and
- C. does not concern a filing that raises issues requiring commission action.

If the commission determines that withdrawal would contravene the public interest or would prejudice a party, the commission may permit withdrawal only subject to conditions that mitigate the harm identified.

7829.0500 ~~TRADE SECRET AND PROPRIETARY INFORMATION~~ PROTECTED DATA.

Subpart 1. **Confidentiality protected.** Nothing in this chapter requires the public disclosure of ~~privileged proprietary information, trade secrets, or other privileged information~~ protected data or any disclosure of privileged data.

Subp. 2. **Procedure for excision.** ~~Persons~~ A person filing documents containing ~~proprietary information, trade secrets, protected data~~ or other privileged information shall ~~excise this information in all copies but the original and six copies.~~ file one copy

of the document with the protected data redacted. The first page or cover page of a document from which protected data has been excised must be clearly captioned in bold print "PUBLIC DOCUMENT - NOT PUBLIC (OR PRIVILEGED) DATA HAS BEEN EXCISED." The beginning and end of the excised protected data must be identified. One copy of the document without redactions shall be filed, designated as required in subpart 4, and identified as a not public or trade secret document during the electronic submission process.

Subp. 3. **Identification of excised material.** When a person classifies an entire document, or a substantial part of a document, as protected ~~information~~ data, the person shall file a description of the excised material that includes at least the following information: the nature of the material, its authors, its general import, and the date on which it was prepared.

Subp. 4. **Document containing protected ~~information~~ data.** The first page or cover page of a document containing protected ~~information~~ data must be clearly marked in bold print "~~TRADE SECRET INFORMATION~~ NOT PUBLIC DOCUMENT – NOT FOR PUBLIC DISCLOSURE" or with words of similar import. Every page on which protected ~~information~~ data appears must be similarly marked and the protected ~~information~~ data must be underlined, placed in brackets, or otherwise clearly identified as the ~~information~~ data which is to be protected from disclosure.

Subp. 5. **Statement required.** In all cases where a person or entity files data with the commission that is identified as protected data, an accompanying statement justifying the state agencies treating the data as protected data must also be filed. This justification must include an explanation of how the data is classified under the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, or is privileged under a rule of privilege recognized by law.

7829.0600 GENERAL SERVICE LIST.

Subpart 1. **Establishing list.** Persons desiring to receive notice of particular types of filings and who are qualified to intervene under part 7829.0800 shall file with the utility a written list of the types of filings they wish to receive, as well as the person's name, address, and an electronic address if they agree to electronic service. The utility shall maintain general service lists of persons who have filed these requests. The utility shall add to each list the persons who intervened in its last general rate case and persons on the official service list for its last filing of the same type.

[For text of subps 2 to 5, see M.R.]

7829.0700 OFFICIAL SERVICE LIST.

Subpart 1. **Content.** The official service list for each proceeding consists of the names, addresses, and electronic addresses of the parties, ~~and the names of the~~ participants who have filed a written request for inclusion on the service list with the executive secretary.

Subp. 2. **Establishment and updating.** The commission shall establish the official service list at the conclusion of the initial comment period, or immediately following an initial filing for which no initial comment period is required, and shall mail a copy of the list to the parties and to participants who have filed written requests for inclusion. A list established before commission action on a petition for intervention must include those persons whose intervention petitions are pending. The commission shall mail an updated official service list to the parties and participants if the official service list is later expanded or reduced. The commission need not mail the official service list in proceedings when the only parties are the department and a petitioner, complainant, or respondent. The commission shall provide the official service list electronically rather than by mail to a party who has agreed to electronic service as provided in Minnesota Statutes, section 216.17, subdivision 4.

[For text of subp 3, see M.R.]

Subp. 4. **Name and address change.** A party or participant who wishes to change the name or address of a person receiving service on behalf of the party or participant shall provide written notice of the change to the executive secretary and to persons on the official service list. The commission shall remove a participant from the official service list after two attempts at service are returned as undeliverable.

[For text of subp 5, see M.R.]

7829.0800 PETITION TO INTERVENE.

Subpart 1. **Filing and service.** A person who desires to become a party to a proceeding shall file a petition to intervene within the time set in this chapter. The petition must be served on known parties and those persons on the utility's general service list for the matter, if applicable. A petition to intervene must be signed by the person wishing to become a party, or by the person's attorney or authorized representative.

[For text of subp 2, see M.R.]

Subp. 3. **Intervention as of right.** The department and the Office of the Attorney General, ~~through its Residential Utilities Division,~~ may intervene as of right in any proceeding before the commission. They become parties upon filing comments under this chapter or upon written notice to the commission of an intent to intervene, and need not file petitions to intervene, except when the rules of the Office of Administrative Hearings require it.

[For text of subps 4 to 6, see M.R.]

7829.0850 WITHDRAWAL OF A PARTY.

A party wishing to withdraw must file a motion, which the commission will consider promptly in the course of the proceeding.

7829.1050 UNCONTESTED PROCEEDING SUBCOMMITTEE.

Subpart 1. **Delegation of uncontested proceedings.** As authorized by Minnesota Statutes, section 216A.03, subdivision 8, the commission may establish by order a subcommittee to act on uncontested proceedings. The subcommittee will act on behalf of the commission only when:

A. commission staff determines a proceeding involves no disputed or novel issues; and

B. no party, participant, or commissioner has requested that the proceeding not be delegated to a subcommittee.

The commission will maintain on its Web site a list of all proceedings delegated under this subpart, and will indicate the subcommittee's disposition for each proceeding. Electronic filing of an order reflecting disposition by the subcommittee constitutes receipt by the parties, participants, and commissioners for the purposes of Minnesota Statutes, section 216A.03, subdivision 8, paragraph (b).

Subp. 2. **Other subcommittees.** This part does not limit the circumstances under which the commission may delegate functions to a subcommittee.

7829.1250 COMMENT PROCEDURE VARIATION.

Subpart 1. **When applied.** Unless otherwise provided in statute or rule, this part shall apply to all comment periods established in this chapter.

Subp. 2. **Additional comments and comments on supplemental or corrected filings.** If further information is required to make a fully informed decision, the commission shall require additional comments and identify specific issues requiring further development. The commission shall provide opportunity for other parties to respond to additional comments, or to a supplemental or corrected filing, when the additional comment, supplement, or correction raises a new issue.

7829.1300 MISCELLANEOUS ~~TARIFF AND PRICE LIST~~ FILINGS.

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

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

Subp. 3. **Content of filing ~~subject to specific requirements.~~** In addition to complying with specific requirements imposed by statute or rule, miscellaneous ~~tariff and price filings subject to specific filing rules~~ must contain at least the following information:

A. the name, address, and telephone number of the ~~utility~~ filing party, without abbreviation;

B. the name, address, electronic address, and telephone number of the attorney for the ~~utility~~ filing party, if the ~~utility~~ filing party is ~~using~~ represented by an attorney;

C. the date of the filing and the date the proposed rate or service change, if any, will go into effect;

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

E. the signature, electronic address, and title of the utility employee responsible for the filing; and

F. if the contents of the filing are not established by statute or another commission rule, a description of the filing, its impact on rates and services, its impact on any affected person, and the reasons for the filing.

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Compliance filings.** Unless otherwise ordered by the commission, utilities shall file a compliance filing within ten days of the effective date of a commission order requiring it.

7829.1400 COMMISSION ACTION ON MISCELLANEOUS TARIFF, PRICE LIST FILING; COMMENTS.

Subpart 1. **Initial comments.** In the absence of a commission order or notice establishing a different comment period, a person wishing to comment on a miscellaneous ~~tariff or price list~~ filing shall do so within 30 days of its filing with the commission. A ~~person wishing to comment on one of the following noncompetitive rate change filings shall do so within 20 days of its filing with the commission: a rate reduction filing, a cost increase filing, or a request for a significant change in a condition of telephone service.~~ A person wishing to comment on a new telephone service, competitive or noncompetitive, shall do so within ten days of its filing with the commission. Comments must be served on the persons on the utility's general service list for the filing, as well as on the filing utility.

[For text of subp 2, see M.R.]

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

Subp. 4. **Reply comments.** Unless otherwise directed by the commission, the utility and other persons have ten days from the expiration of the original comment period to file reply comments. Reply comments must be served on the utility and persons who have filed comments on the miscellaneous ~~tariff~~ filing. Reply comments must be limited in scope to the issues raised in the initial comments.

Subp. 5. [See repealer.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

[For text of subp 8, see M.R.]

Subp. 9. **Requests for contested case proceedings.** Upon receipt of initial comments requesting a contested case proceeding on a miscellaneous ~~tariff filing or price list~~ filing, the commission shall immediately set the matter for consideration on a date after the time period for reply comments has run. If the commission finds a contested case proceeding is required, the commission shall refer the matter to the Office of Administrative Hearings pursuant to part 7829.1000, and the utility shall file its direct testimony in question and answer form within 20 days of the commission's notice and order for hearing.

7829.1500 INFORMAL COMPLAINT.

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

7829.1700 FORMAL COMPLAINT.

[For text of subp 1, see M.R.]

Subp. 2. **Mailing and filing.** A formal complaint must be mailed to the respondent, the department, and ~~the Residential Utilities Division~~ of the Office of the Attorney

General, as well as filed with the commission. Formal complaints may also be filed in a manner consistent with the electronic filing requirements of Minnesota Statutes, section 216.17, subdivision 3. If filed electronically, a formal complaint does not need to be mailed to the state agencies.

7829.1800 INITIAL CONSIDERATION OF FORMAL COMPLAINT.

[For text of subp 1, see M.R.]

Subp. 2. **Answer.** On concluding that it has jurisdiction over the matter and that investigation is warranted, the commission shall serve the complaint on the respondent, together with an order requiring the respondent to file an answer either stating that it has granted the relief the complainant requests, or responding to the allegations of the complaint. The answer must be filed with the commission and served on the complainant, the department, and ~~the Residential Utilities Division of the Office of the Attorney General~~ within 20 days of service of the complaint and order.

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

[For text of subp 4, see M.R.]

7829.1900 COMMISSION ACTION ON FORMAL COMPLAINT; COMMENTS.

[For text of subp 1, see M.R.]

Subp. 2. **Initial comments.** A person wishing to comment on a formal complaint shall do so within 30 days of the date of a commission order requiring an answer to the complaint. Comments must be served on the complainant, respondent, department,

~~Residential Utilities Division~~ of the Office of the Attorney General, and any other known parties.

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

[For text of subps 4 and 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 7. [See repealer.]

Subp. 8. [See repealer.]

[For text of subp 9, see M.R.]

7829.2000 ELECTRIC SERVICE AREA COMPLAINT.

[For text of subp 1, see M.R.]

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

7829.2100 COMMISSION ACTION ON SERVICE AREA COMPLAINT; COMMENTS.

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

Subp. 2. **Initial comments.** A person wishing to comment on a service area complaint shall do so within ten days of the date the person was served. Comments must

be served on the complainant, respondent, department, ~~Residential Utilities Division of~~
~~the~~ Office of the Attorney General, and any other known parties.

[For text of subp 3, see M.R.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

[For text of subp 6, see M.R.]

7829.2300 CLASSIFICATION PETITION.

[For text of subp 1, see M.R.]

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

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

[For text of subp 4, see M.R.]

Subp. 5. **Initial comments.** A person wishing to comment on a classification petition shall file initial comments within 20 days of the filing. Initial comments must include a recommendation on whether the filing requires a contested case proceeding, expedited proceeding, or some other procedural treatment, together with reasons for recommending a particular procedural treatment. Initial comments must be served on the

utility, department, ~~Residential Utilities Division~~ of the Office of the Attorney General, persons on the general service list for the filing, and any other known parties.

[For text of subps 6 and 7, see M.R.]

Subp. 8. [See repealer.]

Subp. 9. [See repealer.]

[For text of subps 10 to 12, see M.R.]

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

7829.2400 FILING REQUIRING DETERMINATION OF GROSS REVENUE.

[For text of subp 1, see M.R.]

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

[For text of subp 3, see M.R.]

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

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

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

[For text of subp 7, see M.R.]

7829.2500 CERTIFICATE OF NEED FILING.

Subpart 1. **Compliance.** Certificate of need applications must comply with the requirements of Minnesota Statutes, sections 216B.2421 and 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute.

[For text of subp 2, see M.R.]

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

Subp. 4. [See repealer.]

[For text of subp 5, see M.R.]

Subp. 6. **Solicitation of comments on filing compliance.** The commission shall request comments on the filing's compliance with Minnesota Statutes, sections 216B.2421 to 216B.243, and Minnesota Rules, chapters 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~, when it determines that comments would be helpful in evaluating the filing's substantial compliance with the requirements of those statutes and rules. The commission may delegate the authority to request these comments to the executive secretary.

Subp. 7. **Rejection of filing.** The commission shall reject a filing under this part that is found to be substantially out of compliance with Minnesota Statutes, sections 216B.2421 to 216B.243; Minnesota Rules, chapters 7849, 7851, 7853, and 7855, ~~and parts 7849.0010 to 7849.0400~~; and any other requirements imposed by rule or statute. A filing under this section not rejected within 15 days of filing must be considered accepted as in substantial compliance with applicable filing requirements.

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

[For text of subp 9, see M.R.]

7829.2560 NOTICE PLANS WHEN SEEKING CERTIFICATION OF PIPELINES.

Subpart 1. **Filings required, service requirements.** At least three months before filing a certificate of need application for any pipeline under chapter 7849, 7851, 7853, or 7855, the applicant shall file a proposed plan for providing notice to all persons reasonably likely to be affected by the proposed pipeline. Applicants shall serve their proposed plans on the following persons:

- A. the Office of Energy Security of the Department of Commerce;
- B. ~~the Residential and Small Business Utilities Division~~ of the Office of the Attorney General; and
- C. the Army Corps of Engineers.

[For text of subps 2 to 8, see M.R.]

7829.2700 PROCEDURE AFTER ADMINISTRATIVE LAW JUDGE REPORT.

Subpart 1. **Exceptions to administrative law judge's report.** Except in cases subject to statutory deadlines, parties shall file and serve on the other parties any exceptions to an administrative law judge's report within 20 days of its filing unless otherwise specified by the commission. In cases subject to statutory deadlines, exceptions must be filed and served within 15 days of the filing of the report.

[For text of subp 2, see M.R.]

Subp. 3. **Oral argument.** Parties ~~must~~ will be granted an opportunity for oral argument before the commission ~~as required under Minnesota Statutes, section 14.61~~ prior to its decision.

7829.2900 DECISION AND ORDER.

The executive secretary shall serve a decision and order of the commission on all parties and participants in the proceeding who are on the official service list.

7829.3000 PETITION AFTER COMMISSION DECISION.

Subpart 1. **Time for request.** A party or a person aggrieved and directly affected by a commission decision or order may file a petition for rehearing, amendment, vacation, reconsideration, or reargument within 20 days of the date the decision or order is served by the executive secretary. This subpart does not affect any statutory limit on the time allowed for a petition for judicial review that may run concurrently.

[For text of subp 2, see M.R.]

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

[For text of subps 4 to 7, see M.R.]

7829.3150 UNTIMELY FILINGS.

Subpart 1. **When filings may be excluded.** On its own motion or at the request of any party or participant, the commission may exclude a filing from the record:

A. when the filing was not made within a time period established by rule, notice, or commission order; and

B. upon a commission determination that the value of the document to the commission's deliberative process is outweighed by prejudice to a party, participant, or the public interest caused by the untimeliness.

Documents in the agencies' electronic filing system excluded under this part shall remain in the agencies' electronic filing system, but shall be marked as "excluded from record by commission order" in search results.

Subp. 2. **Required statement.** A person filing a document outside a time period established by rule, notice, order, or statute shall clearly mark the document as "late filed" and include a statement explaining why the filing was untimely and why it should not be excluded by the commission.

Subp. 3. **Documents offered less than one day before consideration.** A party or participant offering a document less than one full business day prior to, or at, the commission meeting to consider issues relevant to the document, must provide ten paper copies to commission staff and sufficient paper copies for the offering party to distribute to all parties and to be available to members of the public in attendance. The offering party

or participant must electronically file the document within one business day following the commission meeting if it was not electronically filed prior to the meeting.

7829.4000 EMERGENCY CIRCUMSTANCES.

Subpart 1. **Declared emergency or pandemic.** If the executive secretary determines that an in-person meeting of the commission is not practical or prudent because of a health pandemic or an emergency declared under Minnesota Statutes, chapter 12, commissioners may participate by telephone or other electronic means. If at least one commissioner intends to participate remotely, the commission shall provide the public notice required by Minnesota Statutes, section 13D.021, subdivision 4.

Subp. 2. **Remote participation.** If the required public notice has been given, the commission shall afford any absent commissioner or commissioners an opportunity to participate in a commission meeting by telephone or other electronic means in a manner consistent with Minnesota Statutes, section 13D.021. The commission shall ensure that all commissioners, regardless of their location, can hear all discussion, testimony, and votes. Unless the meeting is closed for reasons authorized by statute, the commission shall ensure that members of the public who are present at the regular meeting location or monitoring remotely can hear all discussion, testimony, and votes. Commission votes shall be conducted via roll call.

RENUMBERING INSTRUCTION. The provisions of Minnesota Rules listed in Column A shall be renumbered to those listed in Column B. The revisor of statutes shall also make necessary cross-reference changes in Minnesota Rules consistent with the renumbering.

Column A

Column B

7829.2300, subpart 5

7829.2350, subpart 1

7829.2300, subpart 6

7829.2350, subpart 2

7829.2300, subpart 7

7829.2350, subpart 3

7829.2300, subpart 10

7829.2350, subpart 4

7829.2300, subpart 11

7829.2350, subpart 5

7829.2300, subpart 12

7829.2350, subpart 6

7829.2300, subpart 13

7829.2350, subpart 7

7829.3100

7829.1275

7829.3150

7829.0420

REPEALER. Minnesota Rules, parts 7829.0100, subparts 5, 10, 17, and 20; 7829.0400, subpart 2; 7829.1300, subpart 4; 7829.1400, subparts 5, 6, and 7; 7829.1900, subparts 6, 7, and 8; 7829.2100, subparts 4 and 5; 7829.2300, subparts 8 and 9; and 7829.2500, subpart 4, are repealed.