## 451.07 UTILITY PERMIT AFTER FRANCHISE, LICENSE EXPIRE.

Subdivision 1. **To continue existing service.** A city of the first class may by ordinance give a permit to a public service corporation to use the streets and other public property in the city to continue to supply gas, electric energy, or steam for light, heat, or power.

- Subd. 2. **Despite contrary charter.** The permit may be issued even if issuing it is contrary to the city's charter.
- Subd. 3. **Conditions: franchise, licenses expired.** The permit is subject to the terms and conditions in this subdivision.
- (a) The corporation must be supplying gas, electric energy, or steam for light, heat, or power, at the time the permit is issued.
  - (b) The corporation's franchise for supplying the utility service must have expired.
- (c) The home rule charter of the city must allow for a limited number of licenses to use public property to supply utility service for not more than one year, and all the licenses must have been issued and must have expired.
- Subd. 4. **City may set rates.** The city may set the rates the corporation may charge for its service in the city. The rates must not be set more often than once in a calendar year.
- Subd. 5. **Charge for street use.** The city may decide how much the corporation must pay to use the city's streets and other public property in the city.
- Subd. 6. **Minimum charge; exception.** The city must charge the corporation at least the minimum franchise fee, if any, required by the city charter when the corporation is not specifically relieved of the payment.
- Subd. 7. **Bound by agreed rates, charges.** This section does not let the city change the rates or charges in this section if the city has fixed the rates or charges for a definite period in an agreement with the corporation.

**History:** (1491-5) 1935 c 286 s 1; 1988 c 469 art 6 s 1