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*