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State of Minnesota  
HOUSE OF REPRESENTATIVES  
NINETIETH SESSION

H. F. No. 2248

03/08/2017 Authored by Bahr, C.,  
The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance

1.1 A bill for an act  
1.2 relating to energy; allowing large electrical customers to purchase electricity from  
1.3 any supplier; amending Minnesota Statutes 2016, section 216B.40; proposing  
1.4 coding for new law in Minnesota Statutes, chapter 216B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 216B.40, is amended to read:

1.7 **216B.40 EXCLUSIVE SERVICE RIGHT; SERVICE EXTENSION.**

1.8 Except as provided in sections 216B.401, 216B.42<sub>2</sub> and 216B.421, each electric utility  
1.9 shall have the exclusive right to provide electric service at retail to each and every present  
1.10 and future customer in its assigned service area and no electric utility shall render or extend  
1.11 electric service at retail within the assigned service area of another electric utility unless the  
1.12 electric utility consents thereto in writing; provided that any electric utility may extend its  
1.13 facilities through the assigned service area of another electric utility if the extension is  
1.14 necessary to facilitate the electric utility connecting its facilities or customers within its own  
1.15 assigned service area.

1.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.17 **Sec. 2. [216B.401] LARGE CUSTOMER; CHOICE OF SUPPLIER.**

1.18 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have  
1.19 the meanings given them.

1.20 (b) "Eligible customer" means a retail customer of a public utility offering electric service  
1.21 that takes service at a voltage equal to or greater than 69,000 volts.

2.1 (c) "Eligible service" means electric service that an eligible service provider furnishes  
2.2 to an eligible customer under terms and conditions mutually agreed upon in a written contract.

2.3 (d) "Eligible service provider" means any person or electric utility that provides eligible  
2.4 service.

2.5 Subd. 2. **Eligible customer choice.** (a) Notwithstanding sections 216B.37, 216B.39,  
2.6 and 216B.40, an eligible customer may, after January 1, 2020, contract with an eligible  
2.7 service provider to furnish eligible service to meet a portion or all of the eligible customer's  
2.8 electric energy needs.

2.9 (b) A large energy facility, as defined in section 216B.2421, constructed in Minnesota  
2.10 after the effective date of this act and that provides eligible service to one or more eligible  
2.11 customers under this section is exempt from the requirements of section 216B.243.

2.12 (c) Each electric utility must offer eligible service providers providing eligible service  
2.13 nondiscriminatory access to unbundled transmission service in a manner consistent with  
2.14 the Open Access Transmission Tariff under which the electric utility, the Midcontinent  
2.15 Independent System Operator, and any other independent system operator or regional  
2.16 transmission organization transporting electricity from an eligible service provider to an  
2.17 eligible customer in Minnesota operates.

2.18 (d) An eligible service provider contracting with an eligible customer must not be deemed  
2.19 to be a public utility under section 216B.02, subdivision 4, solely as a result of providing  
2.20 eligible service.

2.21 (e) A public utility is prohibited from charging an eligible customer receiving eligible  
2.22 service from an eligible service provider a charge or rate for the electric service the customer  
2.23 purchases from the public utility that is different from the charge or rate charged to any  
2.24 other customer of the public utility in the same customer class as the eligible customer.

2.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.