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CHAPTER 4140 DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT ENERGY DIVISION RULES GOVERNING USE OF DECORATIVE GAS LAMPS

NOTE: Under Laws of Minnesota 1983, chapter 289, section 40, this chapter of Minnesota Rules shall be administered by the Department of Energy and Economic Development. Thus, references to the Department of Energy, Planning and Development, or to its divisions, should be read as intending the Department of Energy and Economic Development.

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4140.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the following definitions shall apply.

Subp. 2. **Agency.** "Agency" means the energy division of the Department of Energy, Planning and Development.

Subp. 3. **AMC per GLPG.** "AMC per GLPG" means average marginal cost per gallon of LP gas. It is the annual cost to a person purchasing one additional gallon of LP gas per month for one year divided by 12.

Subp. 4. **AMC per KWH.** "AMC per KWH" means average marginal cost per kilowatt hour. It is the annual cost to a person purchasing one additional kilowatt hour of electricity each month for one year divided by 12.

Subp. 5. **AMC per MCF.** "AMC per MCF" means average marginal cost per 1,000 cubic feet of natural or mixed gas. It is the annual cost to a person purchasing one additional MCF of natural or mixed gas each month for one year divided by 12.

Subp. 6. **Applicant.** "Applicant" means the person submitting an application for a variance to the prohibition on use of decorative gas lamps.

Subp. 7. **Btu.** "Btu" means British thermal unit, a common unit of energy measurement, which is used in these rules for comparative purposes. For purposes of this chapter one MCF of natural or mixed gas shall be considered to contain 1,000,000 Btu's and one gallon of LP gas shall be considered to contain 93,000 Btu's.

Subp. 8. **Complete application.** "Complete application" means an application that satisfies all of the requirements of this chapter.

Subp. 9. **Conversion cost.** "Conversion cost" means the dollar cost of adapting a decorative gas lamp to one producing light by electrical energy, or of replacing a gas lamp with an electrical fixture that will provide an equivalent amount of light for the same location.

Subp. 10. **Decorative gas lamp.** "Decorative gas lamp" means any device installed for the purpose of illumination by burning natural, mixed, or LP gas and utilizing either a mantle or an open flame, but does not include a portable gas camp lantern or lamp.

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Subp. 11. **Director.** "Director" means the director of the agency.

Subp. 12. **Home owner.** "Home owner" means one or more persons, jointly or severally, in whom is vested a legal or beneficial interest in a dwelling, no more than one-half the square footage of which is occupied by tenants.

Subp. 13. **KWH.** "KWH" means kilowatt hour, 1,000 watt hours, a common unit of measurement for electrical energy. One kilowatt hour of electricity is equivalent to 3,412 Btu's.

Subp. 14. **LP gas.** "LP gas" means liquefied petroleum gas or propane.

Subp. 15. **MCF.** "MCF" means 1,000 cubic feet, a common quantity for measurement of natural gas.

Subp. 16. **Person.** "Person" means any individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit, or agency, other than a court of law.

Subp. 17. **Tenant.** "Tenant" means any person who is occupying a dwelling under any agreement, lease, or contract, whether oral or written, and for whatever period of time, which requires the payment of moneys as rent for the use of the dwelling unit, and all other regular occupants of such dwelling unit.

Subp. 18. **Utility.** "Utility" means any entity engaged in the generation, transmission, or distribution of electric energy and any entity engaged in the transmission or distribution of natural or synthetic natural gas, including but not limited to a private investor-owned utility or a public or municipally owned utility.

Statutory Authority: *MS s 116J.10*

4140.0200 PURPOSE OF RULES.

The purpose of this chapter is to specify the contents of applications for variances to the statutory prohibition on use of decorative gas lamps and to specify the criteria according to which variances shall be granted pursuant to Laws of Minnesota 1976, chapter 333, section 6, codified as Minnesota Statutes, section 116H.12, subdivision 3b.

Statutory Authority: *MS s 116J.10*

4140.0300 SCOPE OF RULES.

Subpart 1. **Prohibitions.** Beginning April 21, 1977, no person shall use any device installed for the purpose of producing illumination by burning natural, mixed, or LP gas and utilizing either a mantle or an open flame, unless a variance has been granted pursuant to this chapter.

Beginning April 21, 1977, no person shall provide replacement parts or service intended to maintain the operation of a decorative gas lamp, unless the owner of such lamp has been granted a variance pursuant to this chapter.

Subp. 2. **Exception.** This chapter shall not apply to portable camp lanterns utilizing fuel oil, white gas, or LP gas.

Statutory Authority: *MS s 116J.10*

4140.1100 VARIANCE CRITERIA.

Subpart 1. **Open-flame decorative gas lamps.** No variance shall be granted for open-flame decorative gas lamps.

Subp. 2. **Decorative gas lamps with incandescent mantles.** The director shall grant a variance to an applicant who owns decorative gas lamps with incandescent mantles if the applicant satisfies either of the following criteria:

A. Any home owner who is at least 65 years of age as of the effective date of these rules and who resides at the location listed in response to part

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4140.2200, subpart 1, item B, shall receive a variance upon filing a complete application. In the case of joint ownership, the age of only the older owner shall be considered.

B. Any person who does not meet the criteria in item A shall receive a variance only if the lamps for which the variance is sought cannot be economically converted to electricity. However, that person shall receive, without application therefor, a construction season variance valid until September 30, 1977. A lamp cannot be economically converted to electricity if the total conversion cost (see part 4140.2300) exceeds the total economic benefit of conversion (see parts 4140.3100 to 4140.3600).

C. Any person whose dwelling is illuminated by decorative gas lamps because it is not served by an electric utility is deemed unable to economically convert such lamps to electricity and to have been granted a variance pursuant to this chapter, which variance shall be effective only so long as that dwelling is not served by an electric utility.

Statutory Authority: *MS s 116J.10*

APPLICATIONS FOR VARIANCE

4140.2100 APPLICATION PROCEDURES AND TIMING.

Subpart 1. **General.** Each applicant for a variance shall apply in the form prescribed by the director (See part 4140.2300).

Subp. 2. **Deadline for decision.** The director shall make a decision on the variance application within 30 days of receipt of the application, provided the application as filed is complete.

Subp. 3. **Notice of incomplete application.** The director shall notify an applicant within 15 days of the receipt of an application if the application is not complete. Upon such notification, the applicant may correct the deficiencies and resubmit the application. A decision shall be made on the revised application within 30 days of the date of resubmission.

Subp. 4. **Notice of decision.** Upon making his decision, the director shall notify the applicant, the applicant's natural or LP gas supplier, and appropriate local law enforcement agencies.

Subp. 5. **Length of variance.** Each variance granted by the director shall be valid for a period of four years, commencing from the date of the variance grant; provided, however, that a variance granted pursuant to part 4140.1100, subpart 2, item A, shall be valid for the lifetime of the recipient.

Statutory Authority: *MS s 116J.10*

4140.2200 FORM OF APPLICATION.

Subpart 1. **Senior citizens.** Each applicant requesting a variance pursuant to part 4140.1100, subpart 2, item A shall submit the following information:

A. the name of the owner of the decorative gas lamps for which a variance is requested;

B. the complete address of the property where the lamps are located;

C. the number of gas lamps at the location listed in response to item B, for which the applicant is seeking a variance;

D. the complete name of the utility that provides gas burned by the gas lamps; and

E. the birth date of the owner requesting the variance.

Subp. 2. **Others.** Each applicant requesting a variance pursuant to part 4140.1100, subpart 2, item B, shall supply the following information:

A. The name of the owner of the decorative gas lamps for which a variance is requested.

B. The complete address of the owner of the lamps and of the property where the lamps are located. If decorative gas lamps are identified by

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different street addresses but are at physically contiguous locations, one application shall suffice. However, where lamps are located on properties that are not physically contiguous, separate applications must be submitted.

C. The number of gas lamps at the location listed in response to item B for which the applicant is seeking a variance.

D. For each gas lamp considered in the response to item C, the number of mantles and whether the mantles are inverted or upright.

E. For each gas lamp considered in the response to item C, the manufacturer and the model number, if available.

F. The complete name of the utility that supplies the gas burned by the gas lamps.

G. The complete name of the utility that supplies the applicant with electricity.

H. The total conversion cost for lamps considered in the response to item C (see part 4140.2300).

I. The total economic benefit of conversion for lamps considered in the response to item C (see parts 4140.3100 to 4140.3600).

Subp. 3. **Verification.** Each application for a variance shall be verified, signed, and notarized.

Statutory Authority: *MS s 116J.10*

4140.2300 CONVERSION COST.

The total conversion cost can be established only by submitting with the application for variance complete copies of two independent, signed bids from licensed electricians for converting the gas lamps to electricity. The bids must be detailed; simple dollar figures are not sufficient. If the applicant owns ten or more decorative gas lamps that primarily provide security lighting, the applicant shall also provide with the application two independent, signed bids from licensed electricians for replacing the gas lamps with high-efficiency electric lighting, such as fluorescent, mercury vapor, or high- or low-pressure sodium lamps.

Statutory Authority: *MS s 116J.10*

ECONOMIC BENEFIT OF CONVERSION

4140.3100 CALCULATION PROCEDURE.

The total economic benefit of conversion will be the sum of the economic benefits of conversion of all gas lamps for which the applicant is requesting a variance. Economic benefit varies with the number of mantles, the placement of the mantles (inverted or upright, and the fuel used), or natural or LP gas. Alternative methods of determining the economic benefit of conversion are provided in parts 4140.3200 to 4140.3600. The applicant may accept and use the figure provided in item A or C of the appropriate part; or the applicant may choose the alternative form provided in item B of the appropriate part.

If the applicant chooses to follow the latter alternative, the formula may be used in any of three ways:

A. The applicant may make the necessary calculations. In that case, all the calculations and all figures used must be shown and included with the application with the source of all figures indicated.

B. The applicant may use the formula with the AMC figures obtained from the applicant's utilities. In that case, the applicant must attach to the application the written statements from the applicant's electric utility and gas utility or supplier by which the applicant obtained the AMC figures.

C. The applicant may provide to the energy agency the applicant's total gas bill and total electric bill for the past 12 months expressed in dollars. The agency staff will estimate the economic benefit of conversion for applicant's

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lamps by using the bill totals provided and the current rates per unit of energy assessed by applicant's utilities for an average house with the same total electric and gas bills.

Statutory Authority: *MS s 116J.10*

4140.3200 GAS LAMPS WITH ONE MANTLE.

Subpart 1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, any of the following numbers:

A. \$255;

B. the quantity determined from the formula: $(168 \times \text{AMC per MCF for natural gas}) - (1460 \times \text{AMC per KWH for electricity})$; or

C. \$170, if equipped with an automatic turndown device installed before 1975.

Subp. 2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

A. \$550; or

B. the quantity determined from the formula: $(1805 \times \text{AMC per GLPG}) - (1460 \times \text{AMC per KWH for electricity})$.

Statutory Authority: *MS s 116J.10*

4140.3300 GAS LAMPS WITH TWO INVERTED MANTLES.

Subpart 1. Gas lamps burning gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

A. \$230; or

B. the quantity determined from the formula: $(168 \times \text{AMC per MCF of natural gas}) - (2190 \times \text{AMC per KWH for electricity})$.

Subp. 2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

A. \$525; or

B. the quantity determined from the formula: $(1805 \times \text{AMC per GLPG}) - (2190 \times \text{AMC per KWH for electricity})$.

Statutory Authority: *MS s 116J.10*

4140.3400 GAS LAMPS WITH THREE INVERTED MANTLES.

Subpart 1. Gas lamps burning natural gas. An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

A. \$345; or

B. the quantity determined from the formula: $(241 \times \text{AMC per MCF for natural gas}) - (2738 \times \text{AMC per KWH for electricity})$.

Subp. 2. Gas lamps burning LP gas. An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp either of the following numbers:

A. \$765; or

B. the quantity determined from the formula: $(2590 \times \text{AMC per GLPG}) - (2738 \times \text{AMC per KWH for electricity})$.

Statutory Authority: *MS s 116J.10*

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4140.3500 GAS LAMPS WITH MORE THAN ONE UPRIGHT MANTLE.

Subpart 1. **Gas lamps burning natural gas.** An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

- A. \$255 times the number of mantles in each gas lamp; or
- B. the quantity determined from the formula: $(168 \times \text{AMC per MCF for natural gas}) - (1460 \times \text{AMC per KWH for electricity}) \times (\text{the number of mantles in each gas lamp})$.

Subp. 2. **Gas lamps burning LP gas.** An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

- A. \$550 times the number of mantles in each gas lamp; or
- B. the quantity determined from the formula: $(1805 \times \text{AMC per GLPG}) - (1460 \times \text{AMC per KWH for electricity}) \times (\text{the number of mantles in each gas lamp})$.

Statutory Authority: *MS s 116J.10*

4140.3600 GAS LAMPS WITH MORE THAN THREE INVERTED MANTLES.

Subpart 1. **Gas lamps burning natural gas.** An applicant whose gas lamp burns natural gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

- A. \$115 times the number of mantles in each gas lamp; or
- B. the quantity determined from the formula: $(84 \times \text{AMC per MCF for natural gas}) - (1095 \times \text{AMC per KWH for electricity}) \times (\text{the number of mantles in each gas lamp})$.

Subp. 2. **Gas lamps burning LP gas.** An applicant whose gas lamp burns LP gas may use as the economic benefit of conversion for each gas lamp, either of the following numbers:

- A. \$263 times the number of mantles in each gas lamp; or
- B. the quantity determined from the formula: $(903 \times \text{AMC per GLPG}) - (1095 \times \text{AMC per KWH for electricity}) \times (\text{the number of mantles in each gas lamp})$.

Statutory Authority: *MS s 116J.10*