

CHAPTER 7840
PUBLIC UTILITIES COMMISSION
CONSERVATION AND RESOURCE PROGRAMS

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CONSERVATION IMPROVEMENT AND RENEWABLE RESOURCE PROGRAMS

7840.0200 PURPOSE.

The purpose of this chapter is to specify procedures to be followed by public utilities in submitting, and by the Public Utilities Commission in analyzing and selecting, proposals for conservation improvement programs and renewable resource pilot programs and to provide for the participation of other interested persons in developing conservation improvement and renewable resource pilot programs.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0300 SCOPE.

This chapter applies to proposals by public utilities and other interested persons for utility investments in conservation improvement and renewable resource pilot programs.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0400 PROJECTS IN EFFECT.

Approved projects that are in effect on December 9, 1985, shall continue in effect for 60 days or until their expiration date, whichever occurs later.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0500 CONSERVATION IMPROVEMENT PROGRAM FILING.

No later than May 1 of each year beginning in 1986, a public utility required by Minnesota Statutes, section 216B.241 to invest in a conservation improvement program shall file with the Public Utilities Commission a conservation improvement program. The filing must include:

A. A comprehensive description of the proposed program, including a description of each project making up the program.

B. A statement quantifying each project's objectives including an estimate of the expected cost effectiveness of the project to the utility, to the project's participants, and to the utility's customers.

C. For each project targeted at residential consumers, a statement of the anticipated percentage of use of each project among low income families and individuals, and renters.

D. A detailed budget for each project for the next year, and a projected

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five-year budget for the overall program. If a shorter time period is more appropriate for the five-year budget, the utility must provide reasons for that shorter time period and the projected budget for that shorter period.

E. A detailed description of the proposed ratemaking treatment and the proposed cost recovery method.

F. A description of the marketing plans for each proposed project.

G. A description of the expected effect of each project on peak and average consumption with supporting assumptions, including a computation of the costs that will be avoided or reduced by the implementation of the proposed project and an estimate of the expected revenue effects.

H. An explanation of how the proposed residential projects provide special consideration for renters and low income customers.

I. An explanation of how the proposed projects provide for the involvement of community energy organizations when appropriate.

J. An outline of the proposed plan for evaluating the effectiveness of the proposed project.

K. A status report on each project from the previous year's program stating the total number of customers served; the number of low income customers and the number of renters served, if applicable; the total amount spent on the project to date; the average amount spent on each customer participating in the project, if applicable; and other information as required by the Public Utilities Commission in its order approving the previous year's program.

L. Additional information that the Public Utilities Commission determines is necessary as a result of its review or evaluation of prior projects of the particular utility.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0600 RENEWABLE RESOURCE PILOT PROGRAM FILING.

A public utility required by Minnesota Statutes, section 216B.241 to have a conservation improvement program shall file a proposal for a utility renewable resource pilot program upon the determination of the Public Utilities Commission that additional utility renewable resource pilot programs are needed to expand Minnesota's options for energy from renewable resources. For at least one year after authorizing a utility's renewable resource pilot program, the commission shall not require a new proposal for a renewable resource pilot program from that utility. The filing must include:

A. a comprehensive description of the proposed program, including a description of each project making up the program;

B. an estimate of the net energy to be produced by each project and the projected reliability of the technology which would be used;

C. a detailed budget for each year of the project;

D. an estimate of the potential cost effectiveness of each project;

E. a description of the proposed ratemaking treatment and the proposed cost recovery method; and

F. an outline of the proposed plan for evaluating the effectiveness of the proposed project.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0700 EXISTING PROGRAMS; FILING.

The filing requirements for renewing existing conservation improvement program or utility renewable resource pilot program projects are the same as for

newly proposed projects; however, if the Public Utilities Commission has material already on file, the utility or interested person submitting an alternative project may incorporate it by reference in its current filing.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0800 NOTICE.

At the time it files its conservation improvement or utility renewable resource pilot program with the Public Utilities Commission, the public utility must provide written notice of its filing to persons who participated in the utility's last general rate case or who participated in its conservation improvement program case or utility renewable resource pilot program case during the preceding two years. The commission will maintain, and provide upon request, a current mailing list including these persons. The notice must state that a copy of the utility's proposed program is available for public inspection at the enumerated business office locations of the utility and at the Public Utilities Commission's office. The notice must also state that the utility will make a copy of the proposed program available to interested persons upon request.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.0900 COMMENT; ALTERNATIVE PROPOSALS.

The Public Utilities Commission shall allow 30 days from the date of the filing of the public utility's program for written comments on the program and the submission of alternative projects by interested persons. Proposals for alternative projects must follow the requirements of part 7840.0500 or 7840.0600 except for part 7840.0500, item K. The commission shall allow 15 days from the filing of the comments and alternative projects for written responses. These comments, alternative projects, and responses must be filed with the Public Utilities Commission, the Department of Public Service, the Department of Trade and Economic Development, and the utility to which they are addressed. The persons submitting the comments, alternative projects, or responses must provide them to any person, upon request.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266; L 1987 c 312 art 1*

7840.1000 REQUEST FOR CONTESTED CASE HEARING.

Within ten days following the end of the comment and response periods, a utility or an interested person may file a motion with the Public Utilities Commission requesting a contested case hearing on a proposed program. The motion must set forth with specificity the grounds for a hearing. The motion must be served on persons who filed comments in the proceeding. Replies may be filed within five days from the date of service of the motion. A contested case hearing will be granted when a material, adjudicative fact is in dispute or a substantial liberty or property interest will be adversely affected.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.1100 RESPONSES; WRITTEN RECORD.

When a contested case hearing is not required, the Public Utilities Commission may order written responses to comments, oral argument, negotiations, settlement conferences, formal hearing, or other procedures as it deems necessary or helpful to enable it to review, analyze, and select appropriate programs under Minnesota Statutes, section 216B.241. Written papers or summaries of oral meetings for each proceeding filed with the Public Utilities Commission must

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also be served upon participants and will become part of the record upon which the Public Utilities Commission will decide the case.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.1150 APPROVAL, DISAPPROVAL, OR MODIFICATION.

Subpart 1. **Determination of significant investment.** The commission shall determine whether a proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements. In making this determination, the commission shall consider the following information, which must be included in a public utility's filing:

A. impact of the program or modified program on:

- (1) short-term peak, including peak hours and peak day;
- (2) long-term peak; and
- (3) average energy consumption, including annual average energy consumption;

B. total cost to the utility of a program or modified program, resulting in energy savings, compared to the cost to the utility to produce or purchase an equivalent amount of new supply of energy;

C. short-term and long-term impact of the program or modified program on utility rates;

D. total number of low-income and rental customers expected to be affected by the program or modified program;

E. total dollars spent on energy conservation improvements annually, expressed as a percentage of gross revenues;

F. total number of customers expected to participate in the program or modified program, expressed as a percentage of the total number of customers in a utility's service area;

G. diversity of customer classes expected to participate in the program or modified program;

H. benefits of the program or modified program to participants; and

I. other facts and circumstances concerning a particular utility that are relevant to determining the overall importance of the investment in energy conservation improvements.

Subp. 2. **Approval.** On determining that the proposed program or modified program will result in significant investments in and expenditures for energy conservation improvements, the commission shall approve the proposed or modified program.

Subp. 3. **Disapproval and modification.** On determining that the proposed program or modified program will not result in significant investments in and expenditures for energy conservation improvements, the commission shall disapprove the proposed program or modified program and order a program that will result in significant investments in and expenditures for energy conservation improvements.

Statutory Authority: *MS s 216B.08; 216B.241*

History: *13 SR 2282*

7840.1200 DISAPPROVAL; ORDER.

When the Public Utilities Commission approves, disapproves, or modifies a program, project, or evaluation plan, it shall set forth its reasons in a written order.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.1300 PROPOSED PROGRAM CHANGES.

Upon its own motion or upon the motion of a utility or other person, the Public Utilities Commission may add a new project or modify, expand, or terminate an existing conservation improvement program or utility renewable resource pilot program before the program's expiration date. The moving party must notify all participants in the affected utility's conservation improvement program case or utility renewable resource pilot program case of the motion. Interested persons must be allowed 15 days to submit comments on the proposed program changes. A change may be ordered to make a project more effective, reach more participants, reduce unnecessary or ineffective expenditures, to expand, change, or reduce the geographic area or target group that the project covers, or to change the time period during which the project would be in effect.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*

7840.1400 RULES OF PRACTICE.

When not in conflict with this chapter, the Public Utilities Commission's general rules of practice will also apply.

Statutory Authority: *MS s 216B.08*

History: *10 SR 1266*