

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Barbara Beerhalter	Chair
Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Petition of Northern States Power Company for Depreciation Certification for Expected Decommissioning Costs for the Monticello and Prairie Island Nuclear Steam Generating Facilities

ISSUE DATE: December 7, 1987

DOCKET NO. E-002/D-86-604

ORDER DENYING PETITIONS FOR RECONSIDERATION AND CLARIFICATION

PROCEDURAL HISTORY

On October 27, 1987, the Minnesota Public Utilities Commission (Commission) issued its Findings of Fact, Conclusions of Law and Order in the above-captioned matter.

On November 3, 1987, Northern States Power Company (NSP) filed a Petition for Clarification of the October 27, 1987 Order. The petition sought to clarify the wording of paragraph 5, to permit NSP to include in interim rates and final rates the expense authorized in the October 27, 1987 Decommissioning Order.

On November 17, 1987, the Department of Public Service (DPS), and the Residential Utilities Division of the Attorney General's Office (RUD-AG) filed petitions for reconsideration of the October 27, 1987 Order.

On November 30, 1987, Northern States Power Company (NSP) filed a Reply to the petitions of DPS and RUD-AG.

FINDINGS AND CONCLUSIONS

The Commission notes that the DPS and RUD-AG Petitions for Reconsideration were not timely filed according to the Commission's rules. Minn. Rules, part 7830.4100.

Minn. Rules, part 7830.4400 permits the Commission to grant a variance to its rules where it appears to the satisfaction of the Commission that enforcing the rule would impose an excessive burden upon the applicant or others affected by the rule, granting the variance would not adversely affect the public interest, and granting the variance would not conflict with standards imposed by law.

Although the Commission expects and strongly encourages timely filings, it finds that to apply Minn. Rules, part 7830.4100 in this case would impose an excessive burden upon the applicants. The Commission notes that the Petitions were filed one day late. While the Commission in no way wants to sanction late filings, it finds that enforcing the filing deadline in this case would impose an excessive burden on the applicants. Further, the Commission finds that granting the variance would not adversely affect the public interest, but would rather serve the public interest by allowing the parties an opportunity to present their positions on the issues in this case. Finally, the Commission finds that granting a variance would not conflict with standards imposed by law.

The Commission concludes that the requirements of Minn. Rules, part 7830.4400 have been met and will vary the requirements of Minn. Rules, part 7830.4100.

The DPS and RUD-AG petitioned the Commission to reconsider the cost study approved in the October 27, 1987 Order. DPS and RUD-AG believe additional review of NSP's Cost Study should be performed due to the significant increase in the estimates of decommissioning costs in the 1986 study as compared to the original study in 1979. DPS also requested that the funding method be changed to an external trust fund rather than the current internal fund. In the alternative, the DPS requested that the Commission hold a contested case hearing on the issue of the appropriate funding method for nuclear decommissioning costs.

Regarding NSP's 1986 study of nuclear decommissioning costs, the Commission finds that no other party filed testimony or studies either supporting or refuting the NSP study. The other parties had an opportunity to do so and did not avail themselves of it. The Commission has decided this case on the evidence before it.

In its November 17, 1987 filing, the DPS requested reconsideration of the October 27, 1987 Order or a contested case hearing on the issue of the appropriate funding method for nuclear decommissioning costs. The Commission finds that the DPS, failing to allege specific fact issues in dispute, gave no reasons for the Commission to order a contested case hearing. The DPS is conducting its own study which may identify disputed issues of fact; however that study is yet to be completed. The Commission has no basis for ordering a contested case hearing in this matter and, therefore, will deny the request of the DPS.

The Commission notes that the parties have the opportunity either by petition or in NSP's current electric general rate case, Docket No.E-002/GR-87-670, to raise issues on decommissioning costs as their investigations develop.

The Commission finds that the petitions for reconsideration filed by the DPS and the RUD-AG do not raise any issue or matter not previously considered and addressed by the Commission in its October 27, 1987 Order. Therefore, the Commission concludes that it will deny them.

Regarding NSP's November 3,1987 Petition for clarification regarding Order paragraph 5 of the Commission's October 27,1987 Order. The Commission finds that Order paragraph 5 is clear on its face and does not need to be clarified. The Commission concludes that it will deny NSP's request.

ORDER

1. Minn. Rules, part 7830.4100 is hereby varied.
2. The petitions of DPS and RUD-AG are hereby denied.
3. The NSP's request for clarification is hereby denied.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen  
Executive Secretary

(S E A L)