

G-002/C-89-47REQUIRING FURTHER FILINGS

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 a Complaint Against
Northern States Power Company by Fusion
Coatings, Inc.

ISSUE DATE: May 1, 1989

DOCKET NO. G-002/C-89-47

ORDER REQUIRING FURTHER FILINGS

PROCEDURAL HISTORY

On January 26, 1989 Fusion Coatings, Inc. (Fusion Coatings) filed a complaint under Minn. Stat. §§ 216.14 et seq., alleging that Northern States Power Company (NSP) had overcharged the company for natural gas service by applying the wrong rate schedule during a period from April 16, 1985 through May 16, 1988.

On February 1, 1989 the Commission issued its ORDER TO RESPOND TO COMPLAINT OR TO GRANT THE RELIEF IT REQUESTS. On February 15, 1989 NSP filed an answer denying the allegations of the Complaint.

The Department of Public Service (the Department) intervened in the matter and recommended that the parties provide more facts about the case, particularly facts having a bearing on the claim that NSP had a legal duty to advise Fusion Coatings of its alleged eligibility for a different and lower rate schedule. NSP questioned the need for further information, but proposed a schedule for further filings, should the Commission decide to require them.

FINDINGS AND CONCLUSIONS

The Commission agrees with the Department that it would be helpful to have before it the facts on which Fusion Coatings relies to support the following claims: (a) NSP knew or should have known that Fusion Coatings was eligible for a lower rate schedule; (b) NSP had a legal duty to inform Fusion Coatings that it was eligible for a lower rate schedule. It would also be helpful to receive written argument applying the facts to the law.

The Commission will require Fusion Coatings to make a supplementary filing setting forth the facts and argument discussed above, will require NSP to file a response, and will give all parties, including the Department, an opportunity for final comments. The Commission should then have before it adequate information to determine whether the matter should be set for contested case proceedings or decided on the basis of the existing record.

ORDER

1. Within 20 days of the date of this Order, Fusion Coatings shall make a supplementary filing containing at least the following information:
 - (a) the facts supporting its claim that NSP knew or should have known Fusion Coatings was eligible for a lower rate schedule than the one under which it was receiving service;
 - (b) the facts and law supporting its claim that NSP had a legal duty to inform Fusion Coatings of its eligibility for a lower rate schedule than the one under which it was receiving service.
2. NSP shall file a reply to Fusion Coatings' supplementary filing within 10 days of its filing.
3. Fusion Coatings, NSP, and the Department shall file any final comments in this matter within five days of their receipt of NSP's reply filing.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)