

E-001/RP-91-427 ORDER REQUIRING FURTHER FILINGS AND GRANTING
VARIANCE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Chair
Commissioner
Commissioner
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Commissioner

In the Matter of a Resource Plan
Filing by Interstate Power
Company

ISSUE DATE: August 27, 1991

DOCKET NO. E-001/RP-91-427

ORDER REQUIRING FURTHER FILINGS
AND GRANTING VARIANCE

PROCEDURAL HISTORY

In 1990 the Commission adopted Minn. Rules, parts 7843.0100 to 7843.0600, which govern resource planning for electric utilities. The rules require electric utilities to submit a proposed resource plan covering the forecast period every two years. Minn. Rules, part 7843.0300, subp. 2 calls for the Commission to designate by Order those utilities which would make their initial resource plan filing on July 1, 1991, and those which would make their initial filing on July 1, 1992.

In an Order dated December 12, 1990¹, the Commission set July 1, 1991 as the date for the initial filing of a proposed resource plan by Interstate Power Company (Interstate or the Company). On July 1, 1991, the Company filed its initial resource plan.

On August 5, 1991, the Department of Public Service (the Department) filed a letter requesting that the Commission require the Company to file additional information regarding the resource plan. The Department also requested an extension of time in which to file comments in response to the proposed plan.

On August 21, 1991, the Commission met to consider the Department's requests.

¹ In the Matter of Establishing a Schedule for Resource Plan Filings by Electric Utilities, Docket No. E-999/R-89-201, ORDER ESTABLISHING FILING SCHEDULE FOR RESOURCE PLANS.

FINDINGS AND CONCLUSIONS

Information required

Minn. Rules, part 7843.0300, subp. 3 provides for Commission review of the completeness of resource plan filings. The subpart reads in part as follows:

The resource plan filing must contain the information required by part 7843.0400, unless an exemption has been granted under subpart 4. If the commission determines before September 1 of the filing year that the filed information is incomplete or unclear, it may order the utility to augment or clarify the filing.

Interstate has not filed for an exemption from the requirements of Minn. Rules, part 7843.0400.

The Commission recognizes that Interstate is the first electric utility to submit a proposed resource plan for Commission scrutiny under the new resource planning rules. The Company has made an effort to answer each of the rule requirements. The Commission finds, however, that certain portions of the Company's filings are incomplete or unclear. The Commission will therefore require the Company to expand and clarify its informational filings.

In its filing, Interstate indicated several resource options that could meet a significant part of the Company's forecasted need. The resource options were: oil-fired combined-cycle units; fluidized bed units; 70-MW combustion turbines; pumped storage; refuse burning; solar and wind power; qualifying facilities and independent power producers; and a variety of demand-side management options. Minn. Rules, part 7843.0400, subp. 3 requires that the following supporting information be filed for each viable resource option: a general evaluation of the option; the options's availability; the option's reliability; the option's cost; and the option's socioeconomic and environmental effects. The Commission agrees with the Department that this supporting information is missing or incomplete in the Company's proposed resource plan filing. The Commission will therefore require the Company to file the aforementioned information. The Commission finds that this information will enable it to assess the proposed resource plan in the thorough manner contemplated in the rule.

Time extension

Under Minn. Rules, part 7843.0300, subp. 10, parties and other interested persons have until November 1 of the filing year to review and comment upon the resource plan filings. In this case, therefore, the Department must file comments regarding Interstate's proposed resource plan on or before November 1, 1991.

In its August 5 letter, the Department requested a variance to the above rule to allow the Department additional time in which to file comments. According to the Department, the time extension was necessary because the Company was still filing answers to the Department's information requests. The Department stated that it would need the time to analyze the information provided by the Company.

Variances are governed by Minn. Rules, part 7834.4400. The Commission must grant a variance to any of its rules in an instance in which it appears to the satisfaction of the Commission that:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

In this case, the Department would be excessively burdened if it had to submit a report and recommendation on the Company's proposed resource plan without reviewing the further filings. Granting the variance would be in the public interest because the Department would have sufficient time to analyze and report on the Company's information. Granting the variance would not conflict with standards imposed by law. The Commission will grant the variance and allow the Department until December 1, 1991 to file comments in response to the Company's resource plan. The response comment period under Minn. Rules, part 7843.0300, subp. 12 is also extended by one month to January 31, 1991.

ORDER

1. Within 15 days of the date of this Order, Interstate shall supplement its original resource plan filing by filing the information requested by the Department as outlined above.
2. The Department is granted a variance from Minn. Rules, part 7843.0300 to allow it to file comments through December 1, 1991. The response comment period is extended until January 31, 1991.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)