

E-002/M-90-360; ORDER APPROVING REQUEST TO WITHDRAW PETITION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of Northern States  
Power Company's Industrial  
Demand Side Management Incentive  
Project

ISSUE DATE: June 10, 1992  
DOCKET NO. E-002/M-90-360;  
E-002/CIP-91-939

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**PROCEDURAL HISTORY**

On November 7, 1991, Northern States Power Company (NSP or the Company) requested that the Commissioner of the Department of Public Service (the Department) grant an increase to the Company's 1991 industrial demand side management (DSM) incentive project. NSP specifically requested an increase in the industrial DSM budget from \$263,000 to \$2,200,000 to accommodate the Company's switch-gear program.

On March 20, 1992, the Commissioner of the Department of Public Service issued her decision in this matter. The Commissioner partially approved NSP's budget increase request in the amount of \$1,100,000.

On April 9, 1992, NSP petitioned the Public Utilities Commission (the Commission) for further review of the Commissioner's decision.

On April 24, 1992, the Department filed a motion requesting that the Commission dismiss the Company's appeal or in the alternative sustain the Department's decision.

On April 24, 1992, the Residential Utilities Division of the Office of Attorney General filed comments in which it urged the Commission to deny NSP's petition.

On May 12, 1992, while the matter was still pending before the Commission, NSP requested that the Commission approve the Company's withdrawal of its petition. NSP explained that it had

decided to drop the petition in order to concentrate on exploring alternatives to the DSM project. NSP stated that it would seek recovery of any remaining shortfall in its next rate case.

On May 21, 1992, the Department responded to the Company's requested withdrawal of its petition. While the Department did not object to the Company's request, the Department did not concede that NSP could later seek redress in a rate case, or that the Commission has jurisdiction over NSP's appeal.

NSP's request to withdraw its petition came before the Commission for consideration on May 27, 1992.

### FINDINGS AND CONCLUSIONS

No party to this controversy is now seeking any action or decision of the Commission. The Commission therefore finds that NSP's request to withdraw its appeal petition should be granted.

The Commission notes that issues of jurisdiction, possible rate case recovery, and merits of the appeal are not before the Commission. The Commission therefore does not reach these issues in its decision to allow NSP's withdrawal of its appeal.

### ORDER

1. NSP's request to withdraw its April 9, 1992 petition for Commission review is granted.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster  
Executive Secretary

(S E A L)