

E-002/CN-91-19 ORDER GRANTING RECONSIDERATION

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 an Application
for a Certificate of Need for
Construction of an Independent
Spent Fuel Storage Installation

ISSUE DATE: September 3, 1992

DOCKET NO. E-002/CN-91-19

ORDER GRANTING RECONSIDERATION

PROCEDURAL HISTORY

On August 10, 1992, the Commission issued its ORDER GRANTING LIMITED CERTIFICATE OF NEED in the above-captioned matter. In that Order the Commission granted in part the application of Northern States Power Company (NSP) to build a temporary dry cask nuclear waste storage facility. The Order also set strict compliance and reporting requirements for NSP.

On August 14, 1992, a petition for reconsideration was filed by the Prairie Island Mdewakanton Sioux Indian Community (the Indian Community).

On August 27, 1992, the Prairie Island Coalition Against Nuclear Storage filed two petitions, one requesting reconsideration and the other requesting rehearing.

On August 31, 1992, NSP filed a request for reconsideration.

On August 27, 1992, NSP and the Department of Public Service filed replies to the Indian Community's petition.

The petitions for reconsideration and rehearing came before the Commission for consideration on September 3, 1992.

FINDINGS AND CONCLUSIONS

Under Minn. Stat. § 216B.27, subd. 4 (1992), any application for rehearing not granted within 20 days of filing is deemed denied. The Commission finds that adequate review of the four petitions for rehearing or reconsideration will require more than 20 days.

The Commission will therefore grant the petitions for purposes of tolling the statute and allowing an opportunity for meaningful review. This Order makes no determination regarding the merits of the parties' petitions; deliberations on the merits of the petitions will be scheduled at a later date.

ORDER

1. The Commission grants the petitions of the Prairie Island Mdewakanton Sioux Indian Community, Northern States Power Company, and the Prairie Island Coalition Against Nuclear Storage for reconsideration and rehearing of the Commission's August 10, 1992 Order in this docket.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)