

E-002/GR-92-1185 ORDER GRANTING PRELIMINARY DETERMINATIONS OF
ELIGIBILITY FOR INTERVENOR COMPENSATION

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 the Application
of Northern States Power Company
for Authority to Increase Its
Rates for Electric Service in
the State of Minnesota

ISSUE DATE: April 8, 1993

DOCKET NO. E-002/GR-92-1185

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DETERMINATIONS OF ELIGIBILITY
FOR INTERVENOR COMPENSATION

PROCEDURAL HISTORY

On November 2, 1992, Northern States Power Company (NSP or the Company) filed a petition seeking a rate increase for electric service in Minnesota. The matter was set for contested case hearing by Commission Order dated December 14, 1992. Evidentiary hearings in the rate case are scheduled to begin on April 7, 1993.

On March 4, 1993, Mankato Area Environmentalists (MAE) filed a request for intervenor compensation pursuant to Minn. Rules, part 7831.0300. A request for intervenor compensation was filed by the Minnesota Senior Federation (Senior Federation) on March 5, 1993.

Minn. Rules, part 7831.0500 requires the Commission to issue a preliminary determination regarding eligibility for intervenor compensation, based upon the applicant's filed request. The Commission met on April 1, 1993, to consider the two requests for intervenor compensation.

FINDINGS AND CONCLUSIONS

I. Requirements Under the Intervenor Compensation Rules

Minn. Rules, Part 7831.0300

Under this section of the intervenor compensation rules, the request for compensation must be filed at least 75 days after the notice of prehearing conference or 30 days before the beginning of evidentiary hearings, whichever occurs later.

The request filing must include:

1. General information regarding the applicant;
2. Facts showing insufficient financial resources to intervene, but for an award of compensation;
3. A budget for the applicant;
4. A statement of participation in the proceeding.

Minn. Rules, Part 7831.0500

Under this section of the intervenor compensation rules, the Commission must make a preliminary determination regarding the applicant's eligibility for an award of compensation. In the preliminary determination, which must be issued within 45 days of the applicant's filing, the Commission must find whether the applicant is an intervenor, and whether the applicant has made a showing of insufficient financial resources.

In addition to the required findings under this rule part, there are certain other discretionary preliminary determinations which the Commission may make. These include such issues as the applicant's material assistance to Commission considerations, duplicative positions supported by intervenors, and any unrealistic expectations for compensation.

This part of the intervenor compensation rules clarifies that a preliminary eligibility determination by the Commission does not guarantee a final grant or denial of an award of compensation. The determination creates only a rebuttable presumption of an eventual grant or denial of compensation. A final determination is not reached until a claim for compensation is filed under Minn. Rules, part 7831.0600, following the close of the rate case.

II. Mankato Area Environmentalists

MAE is a non-profit organization of approximately 35 members concentrated in the Mankato area. MAE concerns itself with environmental issues such as solid waste planning and the local municipal solid waste landfill. In NSP's rate case, MAE plans to focus on issues surrounding NSP's refuse derived fuel plant in Mankato.

MAE's application for compensation was timely and included the required filings under Minn. Rules, part 7831.0300.

MAE was identified as an intervenor in the NSP rate case in the prehearing Order issued by the ALJ assigned to this case. The Commission therefore finds that MAE is a proper intervenor under the definition of intervenor found in Minn. Rules, part 7831.0100: "...a person who is entitled...by order of the presiding officer to intervene in a proceeding."

MAE's financial filings indicate that at the end of 1992 it had assets of \$0 and negative retained earnings of \$341.80. Contributions to MAE in 1993 total \$485.00 thus far. MAE projects total rate case expenses of \$5,095. Having examined MAE's financial filings, the Commission makes a preliminary determination that, but for an award of intervenor compensation, MAE would have insufficient financial resources to participate effectively in the NSP rate case.

The Commission finds that a preliminary determination of the discretionary factors listed in Minn. Rules, part 7831.0500 would not be useful to the Commission in this proceeding. The Commission has examined the two factors required for a preliminary determination of eligibility: the applicant's intervenor status and the sufficiency of the applicant's resources. MAE has met the requirements of both factors. The Commission therefore grants MAE a preliminary determination of eligibility for intervenor compensation.

III. Minnesota Senior Federation

The Senior Federation is a grass-roots non-profit organization with approximately 22,000 members in the Twin Cities metropolitan area. The Senior Federation concerns itself with a wide range of issues which impact senior citizens, including health care, transportation, and utility reform. In the NSP rate case, the Senior Federation plans to focus on the residential rate design issues surrounding inverted block rates.

The Senior Federation's application for intervenor compensation was timely and included the required filings under Minn. Rules, part 7831.0300.

The Administrative Law Judge assigned to the NSP rate case identified the Senior Federation as an intervenor. The Commission therefore finds that the Senior Federation is a proper intervenor under the definition found in Minn. Rules, part 7831.0100.

The Senior Federation's balance sheet for 1992 is separated into functional subcategories. Only the General Fund contains funds which are not dedicated for such functions as health care and senior employment services. The General Fund shows 1992 year end assets of \$165,486.07 and liabilities of \$152,565.98, for a total net worth of \$12,920.09. In its filing, the Senior Federation

explained that the net worth amount is unavailable for intervention costs because it represents the organization's working capital. The Senior Federation projects total rate case expenses of \$2,812.70.

Having examined the Senior Federation's financial filings, the Commission makes a preliminary determination that this intervenor has insufficient financial resources to participate effectively in the rate case, but for an award of intervenor compensation. The Commission is satisfied that the Senior Federation has fulfilled the requirements of Minn. Rules, part 7831.0300, subpart 3, including "an explanation of why the applicant cannot use the excess of assets over liabilities, if any, to cover its intervenor costs."

The Commission will not make a preliminary determination of the discretionary factors listed in Minn. Rules, part 7831.0500. These factors would not be useful to the Commission at this point in this proceeding. The Commission has examined the two factors required for a preliminary determination of eligibility: the applicant's intervenor status and the adequacy of the applicant's financial resources. The Senior Federation has fulfilled the requirements for a favorable preliminary determination on both factors. The Commission therefore grants the Senior Federation a preliminary determination of eligibility for intervenor compensation.

ORDER

1. The Commission grants a preliminary determination of eligibility for intervenor compensation to the Mankato Area Environmentalists and to the Minnesota Senior Federation.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)