

G-004/M-94-474 ORDER GRANTING VARIANCE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm
Tom Burton
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Cynthia A. Kitlinski
Dee Knaak

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Request of Great Plains
Natural Gas Company for a Variance to
Minnesota Rules, Parts 7825.4800 and
7825.5000

ISSUE DATE: July 11, 1994

DOCKET NO. G-004/M-94-474

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PROCEDURAL HISTORY

On May 16, 1994, Great Plains Natural Gas Company (Great Plains or the Company) filed its Gas Jurisdictional Annual Report pursuant to Minn. Rules, parts 7825.4800 and 7825.5000. Under those rules, utilities are required to file the annual gas report on May 1 of each year.

On May 23, 1994, the Company filed a request for a variance to the rules to allow a late annual filing. The Company explained that the filing was late for three reasons:

1. Company staff have been occupied answering requests relating to FERC Order 636 implementation.
2. Company staff had to file the new two-year Conservation Improvement Program, which was also due May 1.
3. One key staff person involved in these reports had serious health problems and another key person was absent for funeral leave at a crucial time.

On June 8, 1994, the Department of Public Service (the Department) filed a report recommending that the Commission grant the Company's requested variance.

The matter came before the Commission for consideration on June 30, 1994.

FINDINGS AND CONCLUSIONS

Great Plains is not a large utility and its relatively small staff may be seriously affected by the loss of a single employee or by multiple filing obligations. The Company filed the gas report as soon as it was prepared, 15 days after the due date under the rule. In light of the Company's circumstances as a whole, the reasons given for the Company's delayed filing are sufficient to merit a variance to the rule.

Minnesota Rules, Part 7830.4400 provides that the Commission will grant a variance to its rules when three criteria are met.

1. Enforcement of the rule would impose an excessive burden upon the applicant or other affected by the rule.

In this case enforcement of the rule would impose an excessive burden on Great Plains because

the Company would remain in violation of the rules. According to the Department, this would be particularly burdensome because the Company is making a sincere effort to meet its regulatory obligations.

2. Granting of the variance would not adversely affect the public interest.

The Department stated that the report, although late, was sufficiently timely to allow the Department to fulfill its regulatory duties. The public interest should therefore not be adversely affected by the late filing.

3. Granting of the variance would not conflict with standards imposed by law.

The Commission's exercise of its authority to vary the rule would not violate any statute or rule.

The Commission will grant Great Plains a variance to Minn. Rules, parts 7825.4800 and 7825.5000 to allow the Company to file its 1993 Gas Jurisdictional Annual Report 15 days late.

ORDER

1. The Commission grants Great Plains a variance to Minn. Rules, parts 7825.4800 and 7825.5000 to allow the Company to file its 1993 Gas Jurisdictional Annual Report 15 days late.
2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

(S E A L)