

ET-7/RP-94-467 ORDER EXTENDING TIME FOR FILING INITIAL AND REPLY  
COMMENTS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm  
Tom Burton  
Marshall Johnson  
Cynthia A. Kitlinski  
Dee Knaak

Chair  
Commissioner  
Commissioner  
Commissioner  
Commissioner

In the Matter of United Power Association's  
1994 Integrated Resource Plan

ISSUE DATE: October 5, 1994

DOCKET NO. ET-7/RP-94-467

ORDER EXTENDING TIME FOR FILING  
INITIAL AND REPLY COMMENTS

**PROCEDURAL HISTORY**

On June 24, 1994, United Power Association (UPA) filed its first Integrated Resource Plan (IRP), as required by Minn. Stat. § 216B.2422, Minn. Rules, Parts 7843.0100 to 7843.0600 and the Commission's ORDER ESTABLISHING FILING SCHEDULE in Docket E-999/RP-93-729.

On August 8, 1994, UPA filed a revised version of the Advance Forecast Section of its Resource Plan.

On August 28, 1994, the Minnesota Department of Public Service (the Department) requested an extension of 30 days to file its comments on UPA's plan. The Department requested changing the due date for initial comments to December 1, 1994, with reply comments due February 1, 1995.

On September 8, 1994, the Commission met to consider this matter.

**FINDINGS AND CONCLUSIONS**

Minn. Rules, Part 7843.0300 requires parties to file comments on resource plans by November 1 of the year the plans are filed (subpart 10) and reply comments no later than December 31 of that same year (subpart 8). The Department's request can only be granted if the requirements for varying the rule are met.

Upon review of the Department's arguments and the record as a whole, the Commission will vary the comment deadline rule and allow parties to file comments on UPA's resource plan on December 1, 1994 and reply comments as late as February 1, 1995.

The requirements for granting a variance from a Commission rule are set forth in Minn. Rules, Part 7829.3200. Those requirements are met in this matter as follows:

- ◆ **Excessive Burden:** UPA did not file a major portion of its resource plan in a timely manner. Holding to the November 1 deadline for initial comments would place an excessive burden on the participants in their review process.

- ◆ **Public Interest:** An extension will provide the parties a more thorough review, leading to a more complete record. As such, it would serve the public interest.
- ◆ **Consistency With Law:** Adjusting the schedule as requested does not conflict with any standards imposed by law. The statute is silent regarding the review timetable. The comment schedule is set by rule alone. As a rule requirement, therefore, the comment schedule may be varied by the Commission, as expressly provided for in the Commission's rules.

Accordingly, the Commission will vary the previously cited requirements of Minn. Rules, Part 7843.0300 and grant the requested adjustments in the comment schedule.

### **ORDER**

1. The time extension requested by the Minnesota Department of Public Service (the Department) is granted.
2. The deadline for filing initial comments regarding the resource plan filed by United Power Association (UPA) is extended to December 1, 1994.
3. Parties wishing to file reply comments in this matter shall do so no later than February 1, 1995.
4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)