

May 17, 1995

DOCKET NO. E-002/M-95-244

ORDER GRANTING TIME EXTENSION AND SUSPENDING IMPLEMENTATION OF  
RATE CHANGE

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Joel Jacobs	Commissioner
Marshall Johnson	Commissioner
Dee Knaak	Commissioner

In the Matter of the Petition of  
Northern States Power Company to Amend the  
Terms of Its Electric Fuel Adjustment Clause

ISSUE DATE: May 17, 1995

DOCKET NO. E-002/M-95-244

ORDER GRANTING TIME EXTENSION  
AND SUSPENDING IMPLEMENTATION  
OF RATE CHANGE

**PROCEDURAL HISTORY**

On March 22, 1995, Northern States Power Company (NSP or the Company) filed a petition proposing three revisions to its electric fuel clause rider. The petition was filed pursuant to the basic rate change statute, Minn. Stat. § 216B.16, subd. 1.

On April 21, 1995, the Department of Public Service (the Department) filed a request to extend by 15 days its 30-day comment period and to suspend the proposed rate change. The Department stated that the discovery and analysis necessitated by NSP's filing constitute good cause for the extension.

On May 1, 1995, NSP responded to the Department's filing. Although NSP did not object to the Department's request for a time extension, NSP argued that neither a time extension nor a rate suspension is necessary. NSP stated that it had been flowing the costs at issue through its fuel clause and would continue to do so. In this case, if the Commission chooses to suspend the rates pending final determination, the suspension would not preserve the status quo in the face of a new proposed rate, but would rather roll back an existing rate. The costs at issue are also subject to refund under ordinary fuel clause procedures and rules. If the Commission chooses to suspend implementation of the rate change, NSP argued, it should clearly indicate that it is **not** ordering NSP to alter its existing fuel adjustment clause practices pending a final decision.

On May 1, 1995, Mankato Area Environmentalists (MAE) filed a Motion to Suspend Rates and Order a Contested Case Hearing or Investigation. MAE expressed concerns regarding possible subsidy of unregulated subsidiaries by ratepayers of the regulated utility. MAE requested a contested case proceeding to address these issues, or in the alternative, a full investigation by the

Department.

On May 11, 1995, the matter came before the Commission for consideration.

## **FINDINGS AND CONCLUSIONS**

### **I. THE DEPARTMENT'S REQUEST FOR A TIME EXTENSION**

The Department received an informational response from NSP as late as April 21, the date on which the Department requested a time extension for its comment period. Clearly, additional time was necessary for the Department to properly analyze the filings and to file careful comments.

The Commission will therefore grant the Department a 15 day extension to its 30 day comment period. The Commission will allow MAE a like extension so that there is consistency in the filing deadlines and in the treatment of the parties.

At the same time, the Commission states that it expects all parties to pay careful attention to the Commission's rules of practice and procedure, Minn. Rules, Chapter 7829. These rules were promulgated in order to establish clear guidelines and time parameters for the benefit of all parties. Any party who believes that a time extension to a comment period is necessary should promptly place the request before the Commission.

### **II. SUSPENSION OF PROPOSED RATES**

Because NSP is already flowing the costs at issue through its fuel clause, the Commission will suspend the implementation of the proposed rate changes but will allow rates and methods currently in effect to continue. The Commission will thus preserve the status quo while the parties submit their final comments. The Commission finds that this method is the best means of minimizing customer confusion pending final determination on the merits.

When the Commission has considered all the comments, it will determine what further procedure is necessary. Options include further Commission hearings, contested case proceedings, or a Department investigation.

**ORDER**

1. The Commission grants the Department and MAE an additional 15 days from the date of this Order in which to file reply comments.
2. The Commission suspends implementation of NSP's proposed rate changes, pending final determination on the merits, but allows rates and methods currently in effect to continue.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

(S E A L)