

E-002/RP-95-589

ORDER GRANTING TIME EXTENSION

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Joel Jacobs
Tom Burton
Marshall Johnson
Dee Knaak
Don Storm

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of Northern States Power
Company's Request for Approval of its
Integrated Resource Plan for 1995-2009

ISSUE DATE: October 19, 1995

DOCKET NO. E-002/RP-95-589

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PROCEDURAL HISTORY

On July 1, 1995, Northern States Power Company, Inc. (NSP) filed a petition requesting approval of its Integrated Resource Plan for 1995-2009.

On July 21, 1995, the Minnesota Department of Public Service (the Department) filed a letter with the Commission recommending that the Commission accept NSP's 1995 IRP filing as complete contingent upon the Company providing additional forecast information.

On September 25, 1995, the Department filed a letter noting that NSP had provided the requested information. The Department recommended that the Commission accept the Company's IRP filing as complete. In addition, the Department requested a 30 day extension for filing its comments.

On October 12, 1995, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

A. Completeness of NSP's 1995 IRP Filing

Minn. Rules, Part 7843.0300, subp. 3 requires a resource plan to contain the information required by Part 7843.0400, unless an exemption has been granted under subpart 4. The rules go on to state that if the Commission finds, before September 1 of the filing year, that the filed information is incomplete or unclear, it may order the utility to augment or clarify the filing.

The Commission did not make such a finding and, accordingly, the filing is deemed accepted as complete¹ without any affirmative act on the part of the Commission. As a consequence, no action need be taken regarding the Department's recommendation to accept the filing as complete.

B. Time Extension for Initial Comments

In support of its request for additional time to file its comments on the substance of the Company's petition, the Department explained that it has encountered a delay regarding some financial information it has requested from the Company that is necessary for the Department's U-Plan planning model. The Department stated that without the requested information, its ability to analyze NSP's filing is somewhat limited.

Minn. Rules, Part 7843.0300, subd. 10 requires commenting parties to file their comments by November 1 of the filing year. The Commission may grant a variance from this time period requirement pursuant to Minn. Rules, Part 7829.3200.

The Commission finds that the requirements for granting a variance under Minn. Rules, Part 7829.3200 are met in this case. Enforcing the rule's November 1 filing deadline for initial comments would impose an *excessive burden* on the Department by requiring it to file comments before it had adequate information to do so. It would also excessively burden other commenting parties in that they would not have the benefit of the Department's best analysis of the Company's IRP. Granting the variance will *not adversely affect the public interest* in that even with the extension, there will be adequate time to develop the matter. Extending additional time to the Department at this point will actually promote the public interest in that it will facilitate more complete and valuable comments from the Department. Finally, since the November 1 deadline is created by rule alone, varying it does *not conflict with standards imposed by statute or federal law*. Minn. Rules, Part 7829.3200.

Accordingly, the Commission will grant the Department's request. Its comments, as well as those of other parties and interested persons, will be due December 1, 1995.

C. Time Period for Response Comments

The period for receipt of response comments set in Minn. Rules, Part 7843.0300, subp. 12 is from November 1 to December 31. This time period also may be altered by variance pursuant to Minn. Rules, Part 7829.3200.

The Commission finds that the three requirements set forth in Minn. Rules, Part 7829.3200 for granting a variance also are met in this case. Insistence on the rule's time period for response comments in light of the change in the due date for initial comments would impose an *excessive burden* on parties wishing to file reply comments. Granting this variance would not harm the public interest. In fact, failing to grant the variance would harm the *public interest* by rushing the response comments rather than providing a reasonable time for their preparation. Finally, since the time period for response comments is created by rule alone, altering that time

¹ The merits of the petition, of course, will be determined later in this proceeding.

period will not violate any statute or federal law.

Therefore, consistent with the change in filing date for the Department's comments, the Commission will vary the response comment filing deadline and set the response comment period between December 1, 1995 and January 31, 1996.

ORDER

1. The request by the Minnesota Department of Public Service (the Department) for 30 additional days to file its comments on NSP's 1995 Integrated Resource Plan (IRP) filing is granted, along with the necessary variance from the due date established in Minn. Rules, Part 7843.0300, subp. 10. The Department, parties, and other interested persons may file their comments on or before December 1, 1995.
2. A variance from the response comment period established in Minn. Rules, Part 7843.0300, subp. 12 is also granted. Parties desiring to file response comments shall do so from December 1, 1995 to January 31, 1996.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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