

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

LeRoy Koppendrayer	Chair
Marshall Johnson	Commissioner
Ken Nickolai	Commissioner
Thomas Pugh	Commissioner
Phyllis A. Reha	Commissioner

In the Matter of CenterPoint Energy's  
Implementation of the Cold Weather Rule and  
Reconnection Policies

ISSUE DATE: August 25, 2005

DOCKET NO. G-008/CI-04-2001

ORDER APPROVING REPORTING  
REQUIREMENTS PROPOSAL AND  
APPOINTING INTERIM LEAD  
COMMISSIONER

**PROCEDURAL HISTORY**

On January 4, 2005, the Commission issued an Order initiating an investigation into whether CenterPoint Energy's practices, acts or omissions with respect to Minn. Rules, part 7820.1500 to 7820.2300 are in any way unreasonable or insufficient, or improperly prevent service from being obtained. The Commission accepted the offer of the Residential and Small Business Utilities Division of the Office of the Attorney General (RUD-OAG) to work with the Commission's Consumers Affairs Office (CAO) in conducting the investigation.

On January 12, 2005, RUD-OAG filed its preliminary report.

On January 14, 2005, the Commission issued an interim Order adopting an agreement between CenterPoint and the RUD-OAG and ordering its implementation. The agreement included a script that CenterPoint customer service representatives are to use with customers seeking reconnection that will advise them of their rights under the Cold Weather Rule (CWR). The interim Order also appointed Commissioner Reha as the Lead Commissioner in this docket with authority to exercise the Commission's authority to receive and decide discovery disputes between the parties.

On June 21, 2005, the RUD-OAG filed a further report, which concluded that CenterPoint willfully and systematically violated the Cold Weather Rule and related laws. The RUD-OAG recommended that the Commission penalize CenterPoint \$5 million, require it to make restitution to those who were harmed by its conduct, and direct it to modify its practices.

On June 23, 2005, the Commission issued a notice of bifurcated comment period. First, the

Commission requested comments on process or reporting procedures that were raised in the RUD-OAG's final report and the recommendations (Phase 1). Second, the Commission requested comments on all other matters raised in RUD-OAG's final report (Phase 2).

On August 5, 2005, the Commission issued its ORDER DIRECTING SUBMISSION OF PROPOSED INTERIM REPORTING MEASURES in this matter.

On August 9, 2005, CenterPoint filed the reporting measures it proposed to implement.

The Commission met on August 11, 2005 to consider this matter. Present for discussion and oral argument were: CenterPoint Energy, the RUD-OAG, and the Commission's Consumer Affairs Office (CAO).

## **FINDINGS AND CONCLUSIONS**

This Order addresses two issues: 1) CenterPoint's compliance filing of Cold Weather Rule (CWR) reporting measures it has proposed to implement and 2) the appointment of an interim Lead Commissioner in this matter.

### **I. Reporting Measures**

#### **A. CenterPoint's Proposal**

As modified by the RUD-OAG and CenterPoint at the hearing, the reporting measures that the Company proposed to implement were as follows:

1. Annually on May 31, the Company would report the number of residential customers disconnected annually and the number of residential customers who remain disconnected at the start of or are disconnected at any point during, the Cold Weather Rule (CWR) period.
2. In the monthly report, the Company would provide 1) the number of reconnection plan and payment schedule requests received by the Company, 2) the number of customer accounts granted reconnection plans, 10% plans, and payment schedules, and 3) the number of Inability to Pay Requests received and granted.
3. In weekly reports, beginning September 1, the Company would provide the number of residential heating accounts remaining in disconnect status and the number of accounts that have been reconnected in the week prior.
4. In daily reports, beginning October 1 and continuing through October 14, the Company would provide the number of residential heating accounts that were disconnected in the preceding 24 hours.

The RUD-OAG and the Company acknowledged that there were additional proposed reporting

requirements that had been recommended by the Energy CENTS Coalition and the RUD-OAG in previous filings that were not included in the list currently proposed by the Company. It was agreed that the Commission's adoption of the currently proposed measures would not imply that the other recommendations were denied. All parties agreed that advocates of the additional reporting requirements could bring these additional proposals forward for Commission consideration at a later date, without prejudice.

## **B. Commission Analysis and Action**

The Commission finds that the proposed reporting measures are reasonable and appropriate and will approve them. The Commission clarifies, as agreed by the parties, that the Commission's adoption of the currently proposed measures does not imply that the other recommended reporting measures are rejected or prejudiced in any way. Advocates of the additional reporting requirements will be entitled to bring these additional proposals forward for Commission consideration at a later date, without prejudice.

## **II. Appointment of Lead Commissioner *Pro Tem***

On January 14, 2005, the Commission issued an Order which, among other things, appointed Commissioner Reha as the Lead Commissioner in this docket with authority to exercise the Commission's authority to receive and decide discovery disputes between the parties. In the intervening months, the Lead Commissioner has issued three Orders.

Commissioner Reha having informed the Commission that she will be unavailable to perform Lead Commissioner duties for several weeks due to a scheduled vacation out of the country, the Commission will appoint Commissioner Nickolai to serve in her stead as Lead Commissioner *pro tem* in this matter. During Commissioner Reha's absence, Commissioner Nickolai will have and exercise on an interim basis the same duty and authority that the Commission vested in Commissioner Reha in the January 14, 2005 Order, i.e., the duty and authority to exercise the Commission's authority to receive and decide discovery disputes between the parties.

Commissioner Nickolai will have this authority and duty for the duration of Commissioner Reha's absence from the Commission. Such appointment will terminate when Commissioner Reha returns to the Commission, at which point she will resume her role as Lead Commissioner consistent with her January 14, 2005 appointment.

## **ORDER**

1. Without prejudice to additional reporting measures proposed by parties in this matter, the reporting measures proposed by CenterPoint Energy are approved and the Company is hereby directed to implement them. See items 1-4 on page 2.
2. The Commission exercises its authority pursuant to Minn. Stat. § 216A.03, subd. 9 and

appoints Commissioner Ken Nickolai as Lead Commissioner in this docket with authority *pro tem* to exercise the Commission's authority to receive and decide discovery disputes between the parties, effective August 12, 2005. Commissioner Nickolai's appointment is on an interim basis, i.e., for the duration of Commissioner Reha's absence from the Commission. Upon the return of Commissioner Reha to the Commission, the appointment of Commissioner Nickolai shall terminate and Commissioner Reha shall resume her duties and authority as Lead Commissioner pursuant to her appointment in the Commission's January 14, 2005 Order.

3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar  
Executive Secretary

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