OAH 65-2500-39699
MPUC G-008/GR-23-173

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Petition by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota Gas for Authority to Increase Natural Gas Rates in Minnesota	**ORDER GRANTING PETITIONS TO INTERVENE OF LIUNA, LOCAL 49, AND CONSTELLATION NEWENERGY**

TO: All Persons on the Official Service List:

This matter comes before Administrative Law Judge Ann C. O'Reilly pursuant to a Notice and Order for Hearing issued by the Minnesota Public Utilities Commission on December 28, 2023.

Eric Swanson, Winthrop & Weinstine, P.A., appears on behalf of Applicant CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Minnesota (CenterPoint or Applicant). Also appearing for CenterPoint is Jason Loos, in-house counsel for CenterPoint.

Richard Dornfeld appears on behalf of the Minnesota Department of Commerce's Division of Energy Resources (DOC-DER).

Peter G. Scholtz appears on behalf of the Minnesota Office of the Attorney General, Residential Utilities Division (OAG).

Joseph Sathe, Kennedy & Graven, Chartered, appears on behalf of the Suburban Rate Authority (SRA).

Brian Edstrom, Brandon Crawford, and Olivia Carroll, appear on behalf of the Citizens Utility Board (CUB).

Ashley Marcus, Jorge Alonso, Jason Bonnett, Robert Manning, Christine Pham, and Justin Andringa appear as staff for the Public Utilities Commission (PUC or Commission).

On April 26, 2024, the Laborers District Council of Minnesota and North Dakota (LIUNA) and the International Union of Operating Engineers Local 49 (Local 49) filed a joint Petition for Intervention. The Petition was filed by Kevin Pranis, the Marketing Manager, for LIUNA Minnesota and North Dakota.

On May 1, 2024, Constellation NewEnergy – Gas Division, LLC (Constellation) filed a Petition to intervene. Constellation's Petition was filed by Leonardo Caro, the Senior Vice President of Gas Sales for Constellation.

There were no objections filed in response to the Petitions. The record closed on May 3 and 8, 2024, respectively, the deadlines for filing objections to the Petitions.[1]

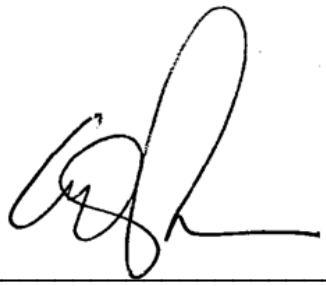
IT IS HEREBY ORDERED THAT:

1. The Petitions to Intervene filed by LIUNA, Local 49, and Constellation are **GRANTED**.

2. LIUNA, Local 49, and Constellation Commission shall participate in these proceedings as full parties.

3. Commission staff and/or staff of the Office of Administrative Hearings shall include Petitioners in the official service list as parties to this proceeding.

Date: June 3, 2024



ANN C. O'REILLY
Administrative Law Judge

MEMORANDUM

Intervention in a contested case proceeding is governed by Minn. R. 1400.6200 (2023). Under that rule, a party seeking to intervene must show:

> (1) how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case;
>
> (2) how the petitioner may be directly affected by the outcome of the case or that petitioner's participation is authorized by statute, rule, or court decision;
>
> (3) the grounds and purposes for which intervention is sought; and
>
> (4) petitioner's statutory right to intervene if one should exist.[2]

[1] *See* Minn. R. 1400.6200, subp. 2 (objections must be filed within seven days of service of the petition).
[2] *Id.* at subp. 1.

The presiding administrative law judge shall allow intervention if a petitioner establishes these elements, unless the judge finds that petitioner's interests are adequately represented by one or more parties already participating in the case.[3] Further, the administrative law judge must specify the extent of the petitioner's participation, as the rule allows for limited or full intervention.[4]

Under Minn. R. 1400.6200, subp. 3(A)-(C), an intervenor may be allowed to: (1) file a written brief without acquiring the status of a party; (2) intervene as a party with all the rights of a party; or (3) intervene as a party with all the rights of a party but limited to specific issues and to the means necessary to present and develop those issues.

Petitioners LIUNA and Local 49 have established that they should be permitted to intervene as parties with all of the rights of a party to the proceeding. LIUNA and Local 49 are labor organizations that represent more than 25,000 construction workers and public employees in Minnesota. They are also affiliated with the Laborers' International Union of North America and the International Union of Operating Engineers, which collectively represent nearly a million construction workers and public employees across the United States and Canada. Members of these unions build and maintain gas distribution infrastructure. As a result, utility rate making directly impacts the job opportunities and employment conditions of their members. The unions seek party status to ensure that its members' interests are represented and because no other party in these proceedings represents their members' unique interests.

Similarly, Petitioner Constellation has established that it should be permitted to intervene as a party with full rights of participation. Constellation supplies natural gas and related transportation services to large commercial and industrial customers of CenterPoint Energy. As a result, it has an interest in fair and reasonable gas rates, as well as the terms and conditions of CenterPoint's natural gas transportation services. These services impact the rates charged to CenterPoint's customers. Constellation seeks full party status to ensure its interests are represented and because no other party in these proceedings represents its unique interests.

The Administrative Law Judge finds that Petitioners LIUNA, Local 49, and Constellation have established the elements required for participation in this proceeding as intervenors with full party status. No party has objected to their intervention and no other party in these proceeding represents the unique interests of these organizations or their members. Accordingly, the Petitions for Intervention are **GRANTED**.

A. C. O.

[3] *Id.* at subp. 3.
[4] *Id.*