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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **393**

01/17/2023 Authored by Stephenson  
The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy  
01/30/2023 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act  
1.2 relating to public utilities; providing a procedure to resolve disputes between public  
1.3 utilities and residential customers; amending Minnesota Statutes 2022, section  
1.4 216B.17, subdivision 1; proposing coding for new law in Minnesota Statutes,  
1.5 chapter 216B.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 216B.17, subdivision 1, is amended to read:

1.8 Subdivision 1. **Investigation.** On ~~its~~ the commission's own motion or upon a complaint  
1.9 made against any public utility; by the governing body of any political subdivision, by  
1.10 another public utility, by the department, ~~or~~ by any 50 consumers of ~~the~~ a particular utility,  
1.11 or by a complainant under section 216B.172 that any of the rates, tolls, tariffs, charges, or  
1.12 schedules or any joint rate or any regulation, measurement, practice, act, or omission affecting  
1.13 or relating to the production, transmission, delivery, or furnishing of natural gas or electricity  
1.14 or any service in connection therewith is in any respect unreasonable, insufficient, or unjustly  
1.15 discriminatory, or that any service is inadequate or cannot be obtained, the commission  
1.16 shall proceed, with notice, to make such investigation as it may deem necessary. The  
1.17 commission may dismiss any complaint without a hearing if in its opinion a hearing is not  
1.18 in the public interest.

1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
1.20 applies to any complaint filed with the commission on or after that date.

1.21 Sec. 2. **[216B.172] CONSUMER DISPUTES.**

1.22 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have  
1.23 the meanings given.

2.1 (b) "Appeal" means a request a complainant files with the commission to review and  
2.2 make a final decision regarding the resolution of the complainant's complaint by the consumer  
2.3 affairs office.

2.4 (c) "Complainant" means an individual residential customer who files with the consumer  
2.5 affairs office a complaint against a public utility.

2.6 (d) "Complaint" means an allegation submitted to the consumer affairs office by a  
2.7 complainant that a public utility's action or practice regarding billing or terms and conditions  
2.8 of service:

2.9 (1) violates a statute, rule, tariff, service contract, or other provision of law;

2.10 (2) is unreasonable; or

2.11 (3) has harmed or, if not addressed, harms a complainant.

2.12 Complaint does not include an objection to or a request to modify any natural gas or  
2.13 electricity rate contained in a tariff that has been approved by the commission. A complaint  
2.14 under this section is an informal complaint under Minnesota Rules, chapter 7829.

2.15 (e) "Consumer affairs office" means the staff unit of the commission that is organized  
2.16 to receive and respond to complaints.

2.17 (f) "Informal proceeding" has the meaning given in Minnesota Rules, part 7829.0100,  
2.18 subpart 8.

2.19 (g) "Public assistance" has the meaning given in section 550.37, subdivision 14.

2.20 (h) "Public utility" has the meaning given in section 216B.02, subdivision 4.

2.21 Subd. 2. **Complaint resolution procedure.** A complainant must first attempt to resolve  
2.22 a dispute with a public utility by filing a complaint with the consumer affairs office. The  
2.23 consumer affairs office must: (1) notify the complainant of the resolution of the complaint;  
2.24 and (2) provide written notice of (i) the complainant's right to appeal the resolution to the  
2.25 commission, and (ii) the steps the complainant may take to appeal the resolution. Upon  
2.26 request, the consumer affairs office must provide to the complainant a written notice  
2.27 containing the substance of and basis for the resolution. Nothing in this section affects any  
2.28 other rights existing under this chapter or other law.

2.29 Subd. 3. **Appeal; final commission decision.** (a) If a complainant is not satisfied with  
2.30 the resolution of a complaint by the consumer affairs office, the complainant may file an  
2.31 appeal with the commission requesting that the commission make a final decision on the

3.1 complaint. The commission's response to an appeal filed under this subdivision must comply  
3.2 with the notice requirements under section 216B.17, subdivisions 2 to 5.

3.3 (b) Upon the commission's receipt of an appeal filed under paragraph (a), the chair of  
3.4 the commission or a subcommittee delegated under section 216A.03, subdivision 8, to  
3.5 review the resolution of the complaint must decide whether the complaint be:

3.6 (1) dismissed because there is no reasonable basis on which to proceed;

3.7 (2) resolved through an informal commission proceeding; or

3.8 (3) referred to the Office of Administrative Hearings for a contested case proceeding  
3.9 under chapter 14.

3.10 A decision made under this paragraph must be provided in writing to the complainant and  
3.11 the public utility.

3.12 (c) If the commission decides that the complaint be resolved through an informal  
3.13 proceeding before the commission or referred to the Office of Administrative Hearings for  
3.14 a contested case proceeding, the executive secretary must issue any procedural schedules,  
3.15 notices, or orders required to initiate an informal proceeding or a contested case.

3.16 (d) The commission's dismissal of an appeal request or a decision rendered after  
3.17 conducting an informal proceeding is a final decision constituting an order or determination  
3.18 of the commission.

3.19 Subd. 4. **Judicial review.** Notwithstanding section 216B.27, a complainant may seek  
3.20 judicial review in district court of an adverse final decision under subdivision 3, paragraph  
3.21 (b), clause (1) or (2). Judicial review of the commission's decision in a contested case referred  
3.22 under subdivision 3, paragraph (b), clause (3), is governed by chapter 14.

3.23 Subd. 5. **Right to service during pendency of dispute.** A public utility must continue  
3.24 or promptly restore service to a complainant during the pendency of an administrative or  
3.25 judicial procedure pursued by a complainant under this section, provided that the  
3.26 complainant:

3.27 (1) agrees to enter into a payment agreement under section 216B.098, subdivision 3;

3.28 (2) posts the full disputed payment in escrow;

3.29 (3) demonstrates receipt of public assistance or eligibility for legal aid services; or

3.30 (4) demonstrates the complainant's household income is at or below 50 percent of the  
3.31 median income in Minnesota.

4.1 Subd. 6. **Rulemaking authority.** The commission may adopt rules to carry out the  
4.2 purposes of this section.

4.3 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
4.4 applies to any complaint filed with the commission on or after that date.