

Subject Resolution of net metering disputes

Authors Wagenius

Analyst Bob Eleff

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Overview

House File 1842 addresses a gap that was inadvertently created in 2017 when language was enacted in section 216B.164, subdivision 11, allowing a cooperative electric association to resolve disputes between an independent wind or solar power producer and the association required to purchase that power under state and federal law. Prior to 2017, all these disputes were resolved by the Public Utilities Commission. Subdivision 11 allows a cooperative electric association to elect to resolve these disputes itself, provided that certain conditions are met, e.g., rules are adopted to govern the dispute resolution process, and either party may request mediation after the process has been exhausted without a settlement.

Another provision enacted that session inserted the word “public” before the word “utility” in section 216B.164, subdivision 5, the provision of law that is the subject of House File 1842. As a result, a cooperative association that does not elect to adopt its own dispute resolution process under subdivision 11 no longer has the option to have a dispute resolved by the commission under subdivision 5 either; it has no option to resolve such disputes at all. House File 1842 allows a cooperative association that has not adopted its own process to bring disputes to the commission for resolution.