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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1842

02/28/2019 Authored by Wagenius
The bill was read for the first time and referred to the Energy and Climate Finance and Policy Division

1.1 A bill for an act
1.2 relating to energy; clarifying an arbiter of disputes for certain utilities; amending
1.3 Minnesota Statutes 2018, section 216B.164, subdivision 5.

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

1.5 Section 1. Minnesota Statutes 2018, section 216B.164, subdivision 5, is amended to read:

1.6 Subd. 5. **Dispute; resolution.** (a) In the event of ~~disputes~~ a dispute between (1) a public
1.7 ~~utility and a~~ qualifying facility, and (2) a public utility or a cooperative electric association
1.8 that has not elected to assume the authority to resolve disputes permitted under subdivision
1.9 11, either party may request a determination of the issue by the commission. In any such
1.10 determination, the burden of proof shall be on the public utility. The commission in its order
1.11 resolving each such dispute shall require payments to the prevailing party of the prevailing
1.12 party's costs, disbursements, and reasonable attorneys' fees, except that the qualifying facility
1.13 will be required to pay the costs, disbursements, and attorneys' fees of the public utility only
1.14 if the commission finds that the claims of the qualifying facility in the dispute have been
1.15 made in bad faith, or are a sham, or are frivolous.

1.16 (b) Notwithstanding subdivisions 9 and 11, a qualifying facility over 20 megawatts may,
1.17 until December 31, 2022, request that the commission resolve a dispute with any utility,
1.18 including a cooperative electric association or municipal utility, under paragraph (a).

1.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.