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State of Minnesota

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Page No. **319**

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **3368**

February 25, 2008

Authored by Slocum

The bill was read for the first time and referred to the Energy Finance and Policy Division

March 3, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to utilities; setting filing deadline for certain reports; regulating  
1.3 customer payment arrangements during cold weather period; regulating payment  
1.4 agreements for certain utility services; amending Minnesota Statutes 2006,  
1.5 section 216B.098, subdivision 3; Minnesota Statutes 2007 Supplement, sections  
1.6 216B.091; 216B.096, subdivisions 5, 10.

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

1.8 Section 1. Minnesota Statutes 2007 Supplement, section 216B.091, is amended to read:

1.9 **216B.091 MONTHLY REPORTS.**

1.10 (a) Each public utility must report the following data on residential customers to the  
1.11 commission monthly, in a format determined by the commission:

1.12 (1) number of customers;

1.13 (2) number and total amount of accounts past due;

1.14 (3) average customer past due amount;

1.15 (4) total revenue received from the low-income home energy assistance program and  
1.16 other sources contributing to the bills of low-income persons;

1.17 (5) average monthly bill;

1.18 (6) total sales revenue;

1.19 (7) total write-offs due to uncollectible bills;

1.20 (8) number of disconnection notices mailed;

1.21 (9) number of accounts disconnected for nonpayment;

1.22 (10) number of accounts reconnected to service; and

1.23 (11) number of accounts that remain disconnected, grouped by the duration of  
1.24 disconnection, as follows:

1.25 (i) 1-30 days;

- 2.1 (ii) 31-60 days; and
- 2.2 (iii) more than 60 days.
- 2.3 (b) Monthly reports for October through April must also include the following data:
- 2.4 (1) number of cold weather protection requests;
- 2.5 (2) number of payment arrangement requests received and granted;
- 2.6 (3) number of right to appeal notices mailed to customers;
- 2.7 (4) number of reconnect request appeals withdrawn;
- 2.8 (5) number of occupied heat-affected accounts disconnected for 24 hours or more
- 2.9 for electric and natural gas service separately;
- 2.10 (6) number of occupied non-heat-affected accounts disconnected for 24 hours or
- 2.11 more for electric and gas service separately;
- 2.12 (7) number of customers granted cold weather rule protection;
- 2.13 (8) number of customers disconnected who did not request cold weather rule
- 2.14 protection; and
- 2.15 (9) number of customers disconnected who requested cold weather rule protection.
- 2.16 (c) The data reported under paragraphs (a) and (b) is presumed to be accurate upon
- 2.17 submission and must be made available through the commission's electronic filing system.
- 2.18 A monthly report must be filed with the commission no later than 45 days after the last
- 2.19 day of the month for which data is reported.

2.20 Sec. 2. Minnesota Statutes 2007 Supplement, section 216B.096, subdivision 5, is

2.21 amended to read:

2.22 Subd. 5. **Cold weather rule.** (a) During the cold weather period, a utility may not

2.23 disconnect and must reconnect utility heating service of a customer whose household

2.24 income is at or below 50 percent of the state median income if the customer enters into

2.25 and makes reasonably timely payments under a mutually acceptable payment agreement

2.26 with the utility that is based on the financial resources and circumstances of the household;

2.27 provided that, a utility may not require a customer to pay more than ten percent of the

2.28 household income toward current and past utility bills for utility heating service.

2.29 (b) A utility may accept more than ten percent of the household income as the

2.30 payment arrangement amount if agreed to by the customer.

2.31 (c) The customer or a designated third party may request a modification of the terms

2.32 of a payment agreement previously entered into if the customer's financial circumstances

2.33 have changed or the customer is unable to make reasonably timely payments.

2.34 (d) The payment agreement terminates at the expiration of the cold weather period

2.35 unless a longer period is mutually agreed to by the customer and the utility.

3.1 (e) Each utility shall use reasonable efforts to restore service within 24 hours of an  
3.2 accepted payment agreement, taking into consideration customer availability, employee  
3.3 availability, and construction and related activity required for reconnection of service.

3.4 **EFFECTIVE DATE.** This section is effective September 1, 2008.

3.5 Sec. 3. Minnesota Statutes 2007 Supplement, section 216B.096, subdivision 10,  
3.6 is amended to read:

3.7 Subd. 10. **Customers above 50 percent of state median income.** During the  
3.8 cold weather period, a customer whose household income is above 50 percent of state  
3.9 median income:

3.10 (1) has the right to a payment agreement that takes into consideration the customer's  
3.11 financial circumstances and any other extenuating circumstances of the household; and

3.12 (2) may not be disconnected and must be reconnected if the customer makes timely  
3.13 payments under a payment agreement accepted by a utility.

3.14 Subdivision 7, paragraph (b), does not apply to customers whose household income is  
3.15 above 50 percent of state median income.

3.16 **EFFECTIVE DATE.** This section is effective September 1, 2008.

3.17 Sec. 4. Minnesota Statutes 2006, section 216B.098, subdivision 3, is amended to read:

3.18 Subd. 3. **Payment agreements.** A utility shall offer a payment agreement for  
3.19 the payment of arrears. Payment agreements must consider a customer's financial  
3.20 circumstances and any extenuating circumstances of the household. No additional service  
3.21 deposit may be charged as a consideration to continue service to a customer who has  
3.22 entered and is reasonably on time under an accepted payment agreement.