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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1038**

February 23, 2009

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

1.1 A bill for an act
1.2 relating to utilities; authorizing Public Utilities Commission to order refunds
1.3 of unlawful utility rate revenues; amending Minnesota Statutes 2008, sections
1.4 216B.23, by adding a subdivision; 237.081, by adding a subdivision; 237.74, by
1.5 adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2008, section 216B.23, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 1a. **Authority to issue refund.** On determining that a public utility has
1.10 charged a rate in violation of this chapter, a commission rule, or a commission order, the
1.11 commission may require the public utility to refund to its customers, in a manner approved
1.12 by the commission, any revenues the commission finds were collected as a result of the
1.13 unlawful conduct. Any refund authorized by this section is permitted notwithstanding
1.14 section 216B.16 or any other law governing rates. Exercising authority under this section
1.15 does not preclude the commission from pursuing penalties under sections 216B.57 to
1.16 216B.61 for the same conduct.

1.17 Sec. 2. Minnesota Statutes 2008, section 237.081, is amended by adding a subdivision
1.18 to read:

1.19 Subd. 4a. **Authority to issue refund.** On determining that a telephone company has
1.20 charged a rate or price in violation of this chapter, a commission rule, or a commission
1.21 order, the commission may require the telephone company to refund to its subscribers,
1.22 in a manner approved by the commission, any revenues the commission finds were
1.23 collected as a result of the unlawful conduct. Any refund authorized by this section is
1.24 permitted notwithstanding any other law governing rates. Exercising authority under this

2.1 section does not preclude the commission from pursuing penalties under section 237.46
2.2 or 237.461 for the same conduct.

2.3 Sec. 3. Minnesota Statutes 2008, section 237.74, is amended by adding a subdivision
2.4 to read:

2.5 Subd. 11a. **Authority to issue refund.** On determining that a telecommunications
2.6 carrier has charged a rate or price in violation of this chapter, a commission rule, or a
2.7 commission order, the commission may require the telecommunications carrier to refund
2.8 to its subscribers, in a manner approved by the commission, any revenues the commission
2.9 finds were collected as a result of the unlawful conduct. Any refund authorized by this
2.10 section is permitted notwithstanding any other law governing rates. Exercising authority
2.11 under this section does not preclude the commission from pursuing penalties under section
2.12 237.46 or 237.461 for the same conduct.