

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

David C. Boyd
J. Dennis O'Brien
Thomas Pugh
Phyllis A. Reha
Betsy Wergin

Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of CenterPoint Energy for Authority to Increase Natural Gas Rates in Minnesota

ISSUE DATE: November 18, 2009

DOCKET NO. G-008/GR-05-1380

In the Matter of the Application of Northern States Power Company, a Minnesota Corporation and Wholly Owned Subsidiary of Xcel Energy Inc., for Authority to Increase Rates for Natural Gas Service in Minnesota

DOCKET NO. G-002/GR-06-1429

DOCKET NO. G-007,011/M-07-1131

DOCKET NO. G-004/M-07-1235

In the Matter of the Petition Submitted by Minnesota Energy Resources Corporation for Approval by the Minnesota Public Utilities Commission of a Gas Affordability Service Program

DOCKET NO. G-001/M-07-1295

DOCKET NO. G-022/CI-08-1175

In the Matter of the Petition by Great Plains Natural Gas Co., a Division of MDU Resources Group, Inc., for Approval of a Gas Affordability Service Program

ORDER ACCEPTING COMPLIANCE FILINGS REGARDING GAS AFFORDABILITY PROGRAMS AND REQUIRING FURTHER ACTION

In the Matter of a Petition Submitted by Interstate Power and Light Company Requesting Approval by the Minnesota Public Utilities Commission of a Proposed Natural Gas Affordability Program, Including a Cost Recovery Surcharge

In the Matter of Greater Minnesota Gas, Inc.'s Failure to File an Affordability Program under Minn. Stat. § 216B.16, Subd. 15

PROCEDURAL HISTORY

On July 8, 2009, the Commission issued its Order Regarding Interim Review of Gas Affordability Programs Pursuant to Minn. Stat. § 216B.16, subd. 15, in the above dockets. In its Order, the Commission clarified certain aspects of administrative cost recovery for the gas affordability programs (GAP or programs) and required compliance filings from certain utilities regarding enrollment practices. The Commission also requested comments from all gas utilities that offer GAP programs regarding the types of data that utilities should annually report on their programs.

On August 14, 2009, the Commission issued a notice seeking further comments on additional questions regarding the GAP programs.

Comments and reply comments by the utilities, the Office of Energy Security of the Minnesota Department of Commerce (OES) and Energy CENTS Coalition (Energy CENTS) were filed by September 28, 2009.

The Commission met on November 5, 2009 to consider the matter.

FINDINGS AND CONCLUSIONS

I. Compliance Filings

In its July 8, 2009 Order, the Commission required Great Plains Natural Gas Co., a Division of MDU Resources Group, Inc. (Great Plains), Northern States Power Company, a Wholly Owned Subsidiary of Xcel Energy Inc. (Xcel), and Interstate Power and Light Company (IPL) to file compliance filings on various enrollment issues applicable to each utility. The utilities complied, addressing the issues raised with filings in August and reply comments in September 2009.

Xcel's filing described its initial and continuing outreach efforts in connection with the GAP program, and its difficulties in keeping participants enrolled. Xcel further stated that it had removed \$61,309 in administrative costs from the tracker account that exceeded the 5 percent administrative cap for 2008.

IPL's filing explained its failure to enroll potential GAP customers in the second year of its program on a first come, first served basis, as required by its tariff. The Company subsequently confirmed that it will enroll customers on a first come, first served basis in the future.

Great Plains' filing explained that its failure to begin enrolling customers in its GAP until December 2008 (while its tariff stated that the program would commence in June 2008), was due at least in part to confusion concerning which low income heating energy assistance program (LIHEAP) period to use for GAP enrollees. Great Plains proposed to provide an appropriate retroactive credit to the six eligible customers who should have been allowed to participate in the GAP based upon 2007-2008 LIHEAP eligibility and GAP criteria, with the credits issued from amounts already collected through the GAP.

Finally, with respect to the \$7,775 Great Plains had collected that was used to offset costs of the OES assessment and legal fees that it charged to its GAP tracker account (which the Commission disallowed), Great Plains proposed not to refund the \$7,775 in disallowed assessments and legal fees.

Instead, the Company proposed to keep the funds in its GAP tracker account. The OES agreed with the Company's proposal, provided that Great Plains be held to its standard annual \$50,000 budget cap on the program.

At the Commission hearing on November 5, 2009, after discussion with Commission and the parties, the Company concurred with the following resolution as to the \$7,775. The Commission will allow a rollover of the \$7,775 for use in the 2009 GAP, subject to the OES' recommendation that Great Plains' GAP spending not exceed the annual \$50,000 spending cap without prior authorization from the Commission. Thus, Great Plains will be allowed to keep the \$7,775 in its tracker account, until such time as it petitions the Commission and receives approval for the future use of the \$7,775.

As set forth above, the Commission concurs with the recommendations of the parties and will accept the compliance filings made by Xcel, IPL, and Great Plains.

II. Reporting Requirements

In the Commission's July 8, 2009 Order, the Commission requested all gas utilities that offer a GAP to comment on whether they could provide certain information in future annual reports regarding: customer payment frequency, disconnection, payment amount, customer payment history, arrearage level, and coordination with other low-income bill payment assistance and conservation resources.

After reviewing the responses of the utilities, the Commission will require the following with respect to reporting requirements for future annual reports.

The Commission will require all gas utilities offering GAP to, starting with their annual reports filed in 2010, report the following data, except as set forth below:

- A. **Customer Payment Frequency:** A comparison of the payment frequency for customers in GAP to payment frequency before they were enrolled in GAP, plus a comparison of the payment frequency for GAP participants to the payment frequency for LIHEAP grant recipients.
- B. **Disconnection:** The percentage of GAP customers disconnected compared to the percentage of all firm customers disconnected; in addition, a comparison of the percentage of GAP customers disconnected to the percentage of disconnected LIHEAP customers that do not participate in GAP.
- C. **Payment Amount:** The average annual and monthly bill credit amount in the utility's annual GAP reports. In addition, a comparison of these amounts to the average GAP participant's annual and average monthly bill and arrearage amount.
- D. **Customer payment history:** the number of GAP participants that paid their bills each month in full before and during their participation in the 2008 GAP. In addition, information about the number of customers that made partial or no payments.
- E. **Arrearage level:** the change in the arrearage level for the average GAP customer compared to the LIHEAP customers that are not enrolled in the GAP and the average level of arrearage for all of the utility's residential customers.

- F. Coordination with other available low-income bill payment assistance and conservation resources: information relating to how each utility has coordinated its GAP with other available low income and conservation resources, naming the agencies the utility has coordinated with, how often the utility has communicated with those agencies during the year, the content of those communications, and what was accomplished in terms of coordination.

The Commission will require Great Plains and IPL to randomly sample 10 percent of their GAP customers (and, where comparison to a larger group of its customers is required, to sample an equal number of the utility's other customers) and report that data for reporting requirements A, D, and E above. IPL shall also sample 10 percent of its GAP customers for the portion of B above where comparison of the percentage of GAP customers disconnected, to LIHEAP customers disconnected, is required.

III. Additional Issues

A. Reduction of the Household Income Threshold from Six to Four Percent

In its August 14, 2009 notice of comments, the Commission requested comments on whether to reduce the percentage of household income devoted to utility costs in the GAP tariffs from six percent to four percent for all gas utilities' GAP programs.¹

The utilities differed in their opinions regarding this issue. Several utilities commented that the household income level should not be changed at this time, citing to policy as well as administrative reasons for retaining the six percent threshold. CenterPoint urged the Commission to allow the existing pilot projects to operate in their current form for the duration of the originally approved tariff.

Energy CENTS urged the Commission to adopt the lower household income level, asserting that the GAP programs were not working as effectively as intended because the credits received at six percent were too small. In its comments, Xcel stated that it has experienced a significant turnover of GAP participants due to their inability to consistently make the required monthly payment. Xcel stated that a reduction in the income threshold would be likely to assist in retaining customers in its GAP program because participants would receive a larger GAP credit.

The Commission declines to make a change in the household income threshold on an across-the-board basis at this time. The Commission has only had one opportunity thus far to compare the data from the participating utilities' GAP annual reports, and has not reached any firm conclusions about what elements of the programs are working or in need of improvement.

However, at the Commission meeting, Xcel stated its willingness to amend its GAP program to reduce the household income threshold for GAP participants from six to four percent, stating that it

¹ Under the utility tariffs authorizing the GAP programs, the credit to be received by each participant is calculated with reference to six percent of the household income, i.e. each participant receives a credit of one-twelfth of the difference between the customer's annual gas bill and six percent of the customer's annual income. The issue presented was first raised in testimony in the ongoing CenterPoint rate case, G-008/GR-08-1075. This change, were it to be implemented, would have the effect of increasing the credit that GAP recipients receive; however, it would also mean that the credit would be available to fewer recipients as each utility reaches its cap on its GAP budget.

would require some sixty days to make the appropriate changes. The Commission welcomes and accepts Xcel's offer, which will provide additional data in the future as the Commission determines how the GAP programs should proceed. The Commission will require Xcel to take the necessary actions (including changing its tariff) to implement this change to its program by January 1, 2010, or as soon thereafter as possible.

Finally, the Commission invites the parties to comment on this issue after the gas utilities have filed their GAP annual reports in March 2010.

B. Miscellaneous Issues

First, during the pending CenterPoint Energy rate case proceedings, it became clear that the utilities were calculating their GAP credits differently. The Notice of Extended Comment issued August 14, 2009 in this proceeding therefore requested information from each utility as to how it calculates its GAP credit. From the responses received, it appears that certain utilities calculate their GAP credit taking into account the customer's LIHEAP grant, while others calculate their GAP credit without taking into account the customer's LIHEAP grant.

The Commission will not clarify nor mandate how the GAP credit is to be calculated at this time. Instead, as with its prior decision to allow Xcel to vary its requirements (with Commission permission) with respect to the household income threshold, the Commission at this time prefers to allow utilities to continue to operate as they have thus far in the pilot programs with respect to calculation of the credit, to accumulate a broader base of information for evaluation.

However, the Commission will adopt the recommendation of the OES to require all utilities (except Greater Minnesota Gas) to revise their GAP tariffs to explain how they calculate their GAP credits. The Commission also invites parties to comment on this matter after the gas utilities have filed their GAP annual reports in March 2010.

Second, during the recent comment period during this proceeding, it became clear that one utility, IPL, had experienced a waiting list for its GAP program during its second year of operation. Other gas utilities have also experienced a waiting list at some point throughout their pilot programs. Some of these gas utilities have notified the Commission's Consumer Affairs Office (CAO) as a courtesy when they are experiencing such a waiting list. This has proved to be helpful, as the CAO works with the public and frequently refers people to these programs.

In order to better inform the CAO of the current status of each utility's GAP, the Commission will require all utilities participating in GAP to notify CAO by e-mail when first they experience a waiting list. Thereafter, the Commission will require that the utilities provide quarterly updates to CAO whether the waiting list still exists and how many people are on the list, until such time as no waiting list remains.

Third, the Commission declines to convene a stakeholder group regarding GAP issues at this time, as recommended by Energy CENTS. However, the Commission invites any interested stakeholders to convene and discuss ongoing GAP issues as they see fit. At the Commission hearing on GAP issues, CenterPoint volunteered to coordinate such a work group, as it will be the first utility to complete its pilot program.

CenterPoint proposed that following the submission by utilities of GAP annual reports due in March 2010, interested utilities could meet to evaluate their GAP programs, prepare a summary of the results, and submit an evaluation of the results to date. The Commission invites any recommendations from such a utility work group, but only after the GAP annual reports due March 2010 are available and can be incorporated into the stakeholder group's analysis.

Finally, the Commission will also direct all utilities offering GAP to file comments in their next annual report on whether the Commission should require them to act on GAP applications by the next billing cycle.

ORDER

1. The Commission accepts Great Plains' compliance filing.
2. The Commission accepts Xcel's compliance filing.
3. The Commission accepts IPL's compliance filing.
4. The Commission will require all gas utilities offering GAPs to, starting with their annual reports filed in 2010, report the following data, except as set forth in Ordering Paragraph 5:
 - A. Customer Payment Frequency: A comparison of the payment frequency for customers in GAP to payment frequency before they were enrolled in GAP, plus a comparison of the payment frequency for GAP participants to the payment frequency for LIHEAP grant recipients.
 - B. Disconnection: The percentage of GAP customers disconnected compared to the percentage of all firm customers disconnected; in addition, a comparison of the percentage of GAP customers disconnected to the percentage of disconnected LIHEAP customers that do not participate in GAP.
 - C. Payment Amount: The average annual and monthly bill credit amount in the utility's annual GAP reports. In addition, a comparison of these amounts to the average GAP participant's annual and average monthly bill and arrearage amount.
 - D. Customer payment history: the number of GAP participants that paid their bills each month in full before and during their participation in the 2008 GAP. In addition, information about the number of customers that made partial or no payments.
 - E. Arrearage level: the change in the arrearage level for the average GAP customer compared to the LIHEAP customers that are not enrolled in the GAP and the average level of arrearage for all of the utility's residential customers.
 - F. Coordination with other available low-income bill payment assistance and conservation resources: information relating to how each utility has coordinated its GAP with other available low income and conservation resources, naming the agencies the utility has coordinated with, how often the utility has communicated with those agencies during the year, the content of those communications, and what was accomplished in terms of coordination.

5. Great Plains and IPL shall randomly sample 10 percent of their GAP customers (and, where comparison to a larger group of its customers is required, sample an equal number of its other customers) and report that data for reporting requirements 4A, 4D, and 4E above, and for IPL, the portion of 4B where comparison of the percentage of GAP customers disconnected, to LIHEAP customers disconnected, is required.
6. Xcel shall promptly change the income threshold in the GAP from 6 percent to 4 percent.
7. All gas utilities (except Greater Minnesota Gas) shall revise their GAP tariffs to explain how their GAP credit is calculated.
8. All gas utilities offering GAP shall notify the Commission's Consumer Affairs Office, via e-mail, when a waiting list for their GAP begins and quarterly thereafter until a waiting list no longer exists. All gas utilities offering GAP shall notify CAO how many people are on their waiting list.
9. All gas utilities offering GAP shall, in addition to any other comments to be filed by March 31, 2010, file comments on whether the Commission should require them to act on a GAP application by the next billing cycle.
10. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION



Burl W. Haar
Executive Secretary



(S E A L)

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STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

I, Margie DeLaHunt, being first duly sworn, deposes and says:

That on the 18th day of November, 2009 she served the attached

ORDER ACCEPTING COMPLIANCE FILINGS REGARDING GAS AFFORDABILITY PROGRAMS AND REQUIRING FURTHER ACTION.

MNPUC Docket Number: G-008/GR-05-1380; G-002/GR-06-1429; G-007,011/M-07-1131; G-004/M-07-1235; G-001/M-07-1295 & G-022/CI-08-1175

XX By depositing in the United States Mail at the City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid

XX By personal service

XX By inter-office mail

to all persons at the addresses indicated below or on the attached list:

- Commissioners
- Carol Casebolt
- Peter Brown
- Eric Witte
- Marcia Johnson
- Kate Kahlert
- Jerry Dasinger
- Bob Harding
- Stuart Mitchell
- Janet Gonzalez
- Tracy Smetana
- Michelle Rebholz
- Mary Swoboda
- DOC Docketing
- AG - PUC
- Julia Anderson - OAG
- John Lindell - OAG

Margie DeLaHunt

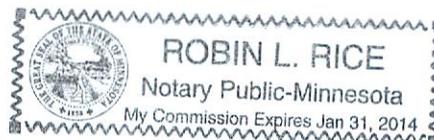
Subscribed and sworn to before me,

a notary public, this 18th day of

November, 2009

Robin L. Rice

Notary Public



Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
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OFF_SL_06-1429_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
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OFF_SL_06-1429_1	Joseph V.	Plumbo		Local Union 23, I.B.E.W.	932 Payne Avenue St. Paul, MN 55130	Paper Service	No
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OFF_SL_06-1429_1	Peter G.	Mikhail	pmikhail@kennedy-graven.com	Kennedy & Graven, Chartered	470 U.S. Bank Plaza 200 South Sixth Street Minneapolis, MN 55402	Paper Service	No
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Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
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OFF_SL_06-1429_1	Tim	Barth		Marathon Petroleum Company	P.O. Box 3128 Houston, TX 77253	Paper Service	No
OFF_SL_06-1429_1	Todd J.	Guerrero	tguerrero@fredlaw.com	Fredrikson & Byron, P.A.	Suite 4000 200 South Sixth Street Minneapolis, MN 554021425	Electronic Service	No
OFF_SL_06-1429_1	Valerie	Means	valerie.means@state.mn.us	Office of the Attorney General	1400 BRM Tower445 Minnesota Street St. Paul, MN 55101	Electronic Service	No
OFF_SL_06-1429_1	William	Grant	bgrant@iwla.org	Izaak Walton League, Midwest Office	1619 Dayton Ave Ste 202 St. Paul, MN 551046206	Paper Service	No
OFF_SL_06-1429_1	William A.	Blazar	bblazar@mnchamber.com	Minnesota Chamber Of Commerce	Suite 1500 400 Robert Street North St. Paul, MN 55101	Paper Service	No

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_07-1131_1	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_07-1131_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
OFF_SL_07-1131_1	Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes
OFF_SL_07-1131_1	Michael	Ahem	ahem.michael@dorsey.com	Dorsey & Whitney, LLP	Suite 1500 50 South Sixth Street Minneapolis, MN 554021498	Paper Service	No
OFF_SL_07-1131_1	Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Paper Service	No
OFF_SL_07-1131_1	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_07-1235_1	Brian	Meloy	brian.meloy@leonard.com	Leonard, Street & Deinard	150 S 5th St Ste 2300 Minneapolis, MN 55402	Paper Service	No
OFF_SL_07-1235_1	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_07-1235_1	Donald R.	Ball	don.ball@mdu.com	Great Plains Natural Gas Co.	400 N 4th St Bismarck, ND 58501	Paper Service	No
OFF_SL_07-1235_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No
OFF_SL_07-1235_1	Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No
OFF_SL_07-1235_1	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_7-1295_1	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_7-1295_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	No
OFF_SL_7-1295_1	Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	No
OFF_SL_7-1295_1	Kathleen M.	Brennan	kmb@mcgrannshea.com	McGrann Shea Anderson Carnival	Straughn & Lamb, Chartered 800 Nicollet Mall, Suite 2600 Minneapolis, MN 554027035	Paper Service	No
OFF_SL_7-1295_1	Kent	Ragsdale	kentragsdale@alliantenergy.com	Alliant Energy-Interstate Power and Light Company	P.O. Box 351 200 First Street, SE Cedar Rapids, IA 524060351	Paper Service	No
OFF_SL_7-1295_1	Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Paper Service	No
OFF_SL_7-1295_1	Paula N.	Johnson		Interstate Power and Light Company	200 First Street SE PO Box 351 Cedar Rapids, IA 524060351	Paper Service	No
OFF_SL_7-1295_1	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes

Service List Name	First Name	Last Name	Email	Company Name	Address	Delivery Method	View Trade Secret
OFF_SL_08-1175_1	Burl W.	Haar	burl.haar@state.mn.us	MN Public Utilities Commission	Suite 350 121 7th Place East St. Paul, MN 551012147	Electronic Service	Yes
OFF_SL_08-1175_1	Eric	Swanson	eswanson@winthrop.com	Winthrop & Weinstine	Suite 3500 225 South Sixth Street Minneapolis, MN 554024629	Electronic Service	No
OFF_SL_08-1175_1	John	Lindell	agorud.ecf@state.mn.us	OAG-RUD	900 BRM Tower 445 Minnesota St St. Paul, MN 551012130	Electronic Service	Yes
OFF_SL_08-1175_1	Julia	Anderson	Julia.Anderson@state.mn.us	MN Office Of The Attorney General	1400 BRM Tower 445 Minnesota St St. Paul, MN 551012131	Electronic Service	Yes
OFF_SL_08-1175_1	Kevin	Alishouse	kalishouse@greatermngas.com	Greater Minnesota Gas	Suite 201 315 1/2 South Minnesota Avenue St. Peter, MN 56082	Paper Service	No
OFF_SL_08-1175_1	Nissa	Olson	nolson@greatermngas.com	Greater Minnesota Gas, Inc.	315 1/2 South Minnesota Ave. Suite 201 St. Peter, MN 56082	Paper Service	No
OFF_SL_08-1175_1	Pam	Marshall	pam@energycents.org	Energy CENTS Coalition	823 7th St E St. Paul, MN 55106	Paper Service	No
OFF_SL_08-1175_1	Sharon	Ferguson	sharon.ferguson@state.mn.us	State of MN - DOC	85 7th Place E Ste 500 Saint Paul, MN 551012198	Electronic Service	Yes