



# Public Utilities Commission's Public Participation Processes

Project Description

June 2019

## BACKGROUND

The Public Utilities Commission (PUC) regulates investor-owned electric, natural gas, and landline telecommunication utilities. It also makes decisions about the need for and location of petroleum pipelines, power plants, transmission lines, and wind farms, among other things. PUC's five commissioners make decisions about these issues in a public setting through formal processes akin to court proceedings. The commissioners are supported by about 50 staff, many of whom provide research about the cases before the commission.

Statutes and rules allow members of the public to provide input on certain issues that go before the commission. For example, members of the public may submit written comments about certain types of proposed projects. In some cases, members of the public may also provide comments verbally through public meetings or hearings. Typically, either the Department of Commerce or an Administrative Law Judge hears the comments provided during public meetings or hearings and summarizes them for the PUC commissioners.

State rules also allow members of the public to become legal parties in PUC cases through a process called intervening, if they meet certain criteria. Among other things, interveners have the ability to speak directly before commissioners during certain PUC proceedings.

## EVALUATION ISSUES

1. What are the commission's processes and rules for public participation?
2. To what extent do the commission's structure, processes, and rules facilitate public participation?

3. To what extent does the commission enforce its rules for public participation appropriately and consistently?

## DISCUSSION

The Legislative Audit Commission directed the Office of the Legislative Auditor to evaluate this topic in response to concerns about how PUC handled public participation for Enbridge Energy's application to replace a petroleum pipeline, called Line 3.

This evaluation will be narrowly focused on PUC's public participation processes. We will not evaluate whether PUC made the right decision on Line 3 or any other case. In addition, we will not evaluate the performance of other state agencies involved in PUC's processes, such as the Department of Commerce. Although Line 3 prompted this evaluation, we will review PUC's public participation processes more generally and will analyze a sample of cases in addition to the Line 3 case.

To conduct this evaluation, we will use a range of research methods. For example, we will review state laws and rules governing PUC's processes as well as PUC-established policies and protocols. We plan to review a sample of cases and observe a sample of PUC's public meetings and hearings. In addition, we will interview PUC leadership and staff. We may also research practices that public utilities commissions in other states use to facilitate public participation. Additionally, we will solicit input from members of the public, including some interveners, who have experienced PUC's public participation processes.

This evaluation is scheduled to be completed in February 2020. For additional information, contact Laura Schwartz, evaluation manager, at 651-296-1232 or [laura.schwartz@state.mn.us](mailto:laura.schwartz@state.mn.us).