

MEMORANDUM

TO: Steven M. Kahl, Executive Secretary
FROM: John M. Schuh
DATE: October 7, 2020
RE: AARP Intervention

On July 17, 2020, Montana-Dakota Utilities, Co. (MDU) filed a change to its Transmission Cost Adjustment rates to reflect updated electric transmission revenues and costs. N.D.C.C. Section 49-05-04.3 provides:

Upon receipt of rate adjustment filed under the tariff, the commission shall approve of the rate adjustment to become effective unless, after notice and opportunity for hearing and comment, the commission determines the rate adjustment does not comply with the tariff or the incurred costs for new or modified electric transmission facilities are not reasonable and prudent.

On August 5, 2020, the Commission issued a Notice of Opportunity for Hearing, allowing those interested to comment on the application in writing. It also provided that persons desiring a hearing must file a written request identifying their interest in the proceeding and the reasons for requesting a hearing.

As the Commissioners are aware, the Commission has received comments from AARP and its members. In the September 1, 2020 letter from AARP's Josh Askvig, it requests that the PSC schedule a "public hearing."

For the purpose of clarifying the intent of the correspondence, I had a conversation with Mr. Askvig and John Coffman. Based upon review of the letter, discussions, and not receiving a subsequent clarification, Staff has concluded that this is not a request for an adjudicative hearing under N.D. Admin. Code art. 69-02 or the Administrative Practices Act.