

RESOLUTION NO. 16PUC-001


**RESOLUTION OF THE DULUTH PUBLIC UTILITIES
COMMISSION RECOMMENDING THAT THE CITY OF
DULUTH ADOPT SECTION 48-239.1 OF THE CITY CODE
CLARIFYING THE APPLICATION OF THE STATE'S COLD
WEATHER RULE.**

RESOLVED, that the Duluth Public Utilities Commission hereby recommends that the City of Duluth adopt the attached section 48-239.1 to the City code pertaining to the application of the State of Minnesota's cold weather rule, as set forth in Minnesota Statutes Section 216B.097, to the provision of natural gas for residential heating between October 15th and April 15th.

Approved by the DPUC: Jan. 19, 2016
(date)

Submitted to City Council: Jan. 20, 2016
(where appropriate) (date)

ATTEST:



Director
Public Works and Utilities
City of Duluth

STATEMENT OF PURPOSE

The purpose of this resolution is to clarify the application of the State's so-called Cold Weather Rule to the City's provision of natural gas for residential heating between October 15th and April 15th of any year.

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..Title

AN ORDINANCE ADOPTING SPECIAL PROCEDURES PERTAINING TO TERMINATION OF NATURAL GAS SERVICE DURING THE COLD WEATHER RULE PERIOD, AMENDING ARTICLE XV OF CHAPTER 48 OF THE DULUTH CITY CODE, 1959, AS AMENDED TO ADD A NEW SECTION 48-239.1.

..Body

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Article XV of Chapter 48 of the Duluth City Code, 1959, as amended, is hereby amended to add a new section 48-239.1 which reads as follows:

Section 48-349.1 Cold Weather Rule Procedures

The provisions of Minnesota Statutes Section 216B.097 and as the same may from time to time be amended shall govern the disconnection and reconnection of natural gas service to residential properties for which natural gas is the primary source of heating fuel between October 15th of any year and April 15th of the succeeding year and to any appeals from any decision of the department with regard the provision thereof. Unless the contrary shall be provided for in said statute, the appeals process set forth in this article shall apply to such disconnection and reconnection decisions except that, nothing to the contrary in section 48-237 above, natural gas service to any such residential property shall not be disconnected during the pendency of any appeal.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

..Statement of Purpose

STATEMENT OF PURPOSE: The purpose of this ordinance is to specifically recognize the application of the so-called "Cold Weather Rule" to the City's provision of natural gas for residential heating and to amend, for situations where the rule is applicable, the City's normal practice of not supplying gas to a property which has been disconnected for any reason during the pendency of any appeal from that decision.

Under Section 237 of the Code, when utility service to a property has been disconnected for any reason, the service stays disconnected during the time pendency of the appeal.

Some time ago, the State legislature passed what is commonly called the "Cold Weather Rule" which is intended to provide special protections to residential customers of heating fuel during the "Cold Weather" period of October 15th through April 15th. In essence it requires the City (and other utilities) to provide notice to low-income customers subject to having their heating fuel disconnected of their rights to retain their access to heating fuel in return for agreeing to a reasonable payment plan. In order to

be entitled to these protections, the customer must meet certain statutory criteria of income and effort to pay. Of particular importance to the City, the Statute provides that the City cannot discontinue services during the pendency of the process which would include an appeal of a factual determination by the City that the criteria had not been met. If the City had already terminated service before an appeal was brought, the requirement under Section 237 referenced above would run directly contrary to the requirements of the Statute.

The purpose of this ordinance is to clarify that the Cold Weather Rule applies to the City's provision of gas for residential heating and to create a special exception to the normal rule referenced above preventing the City from reconnecting service to a property if the Cold Weather Rules requires it.