

## Chapter PSC 140

CONSTRUCTION OF FACILITIES TO SUPPLY  
HEAT BY UTILITIES

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**PSC 140.01 Application of regulations.** The provisions of this order shall be observed by all public utilities, both privately and publicly owned, engaged in providing heat, whether acting as a public heating utility or providing such heating service in connection with another type of utility service.

**PSC 140.015 Filing areas of service.** (1) **MAP.** Within 3 months after the date of this order each public heating utility shall file a map showing the location of its heating facilities and the area or areas in which it considers itself obligated to serve.

(2) **FURNISHING INFORMATION.** All utilities, other than heating utilities, which furnish heat in connection with utility service of another type shall notify this commission within 3 months of the date of this order and shall keep the commission currently informed thereafter of what customers are being furnished with such heating service.

**PSC 140.02 Required authorization.** (1) Unless and until the commission shall have certified that the same is required by public convenience and necessity, no public heating utility shall acquire, construct (or materially change through reconstruction), install, or place in utility operation:

(a) Any facilities for providing service in a municipality in which the utility has not heretofore rendered service.

(b) Any facilities for providing service outside the area or areas submitted in response to section PSC 140.015.

(c) Any heating plant or principal heat-absorbing, fuel-burning, or pumping unit.

(d) Any change in the method of transmitting heat to the customers, such as change from hot water to steam.

(e) Any building or addition to an existing building the cost of which exceeds \$5,000 or 3% of the system's gross heating operating revenue for the previous calendar year, whichever is the greater.

(f) Any mains or distribution or transmission facilities in the area where the utility has theretofore been operating which is estimated to involve a gross capital expenditure in excess of \$500 or 3% of the system's gross heating operating revenue for the previous calendar year, whichever is the greater.

(2) Unless and until the commission shall have certified that the same is required by public convenience and necessity, no utility other than a heating utility shall construct (or materially change through reconstruction), install, or place in operation:

(a) Any facilities to provide heat to new customers or facilities the end or by-product of which are to be used temporarily or permanently to provide heat to new or existing customers.

(b) Any added facilities or building estimated to cost more than \$500 necessary to serve heat to existing customers.

(c) Any change in method of supplying such services.

**PSC 140.03 Application and information.** (1) **APPLICATION.** The utility shall apply to this commission for a certificate of authority as above required before acquisition is completed or construction started on any of the facilities for which such certificate is required. The application shall contain: (a) description of the project, (b) gross estimated cost, (c) cost of facilities that may be retired, (d) reason for the construction, (e) effect of construction on revenues and expenses.

(2) **COMMISSION ACTION.** If upon consideration of the application, together with any supplemental information and objections, the commission shall be satisfied that public convenience and necessity require the project as proposed, it will so find and certify without public hearing. Otherwise, the commission will hold public hearing thereon and thereafter will grant or deny the application, in whole or in part, subject to such conditions as the public interest and public convenience and necessity may be found to warrant and require.