

**Minnesota Valley Electric Cooperative
DISTRIBUTED GENERATION DISPUTE RESOLUTION RULES**

I. PURPOSE.

These rules are established by the Board of Directors of Minnesota Valley Electric Cooperative pursuant to Minnesota Statutes §216B.164, Subd.11(a) for the dispute resolution process to be followed in all instances where issues arise under Minn. Stat. §216B.164.

II. DEFINITIONS.

For purposes of these rules the following words have the following meanings.

1. **Board** means a number of duly seated directors of the Cooperative constituting a quorum that are assembled for the purpose of addressing the dispute or otherwise implementing these rules.
2. **Board Hearing** means the opportunity for a member to address the Board, present written and oral evidence, call witnesses and otherwise communicate its position regarding a dispute to the Board.
3. **Cooperative** means Minnesota Valley Electric Cooperative.
4. **Dispute** means an unresolved disagreement that has been articulated in writing and submitted to the Cooperative.
5. **Hearing Examiner** means the individual who has been selected under these rules to conduct the Board Hearing.
6. **Hearing Record** means the recording of the proceedings, written submissions, and other documentary evidence offered by either party and received and allowed into the record by the Hearing Examiner.
7. **Mediator** means an individual listed on the roster of neutrals for civil matters established by the State Court Administrator under Rule 114.12 of Minnesota's General Rules of Practice for District Courts who has been selected pursuant to these rules for the purpose of assisting in resolving the dispute.
8. **Member** means an individual(s) or entity that is a "member" as defined by the Bylaws of the Cooperative, is in good standing, and is involved in a dispute with this Cooperative.
9. **Substantial Evidence** means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. To be substantial, the evidence should be reasonable in nature, credible, and of solid value. Substantial evidence may consist of inferences, but such inferences must be logical and reasonable and must be based on the evidence. Inferences that are the result of speculation or conjecture cannot support a finding.

III. DISPUTE PROCEDURES.

A. Initial Procedures.

1. **Written Description of Dispute.** A member who has a dispute with the Cooperative which arises from or is related to the member or Cooperative's rights or responsibilities under Minn. Stat. §216B.164 shall first prepare a written description of the dispute and provide as much explanation of the dispute as is reasonably necessary to allow others to understand the nature of the dispute. An approved Distributed Generation Dispute Form is attached.
2. **File Dispute Description with Cooperative.** The member shall furnish the written dispute to the Cooperative's Executive Assistant to the CEO, who shall acknowledge receipt of the dispute by providing the member with a signed and dated receipt for the same.
3. **Informal Meeting to Attempt to Resolve.** Within ten (10) business days of receipt of the written dispute, the Cooperative shall contact the member and use its best efforts to schedule a meeting between the member and Cooperative staff, which shall include the Cooperative's CEO. The purpose of this meeting shall be to discuss the dispute and try to come to a mutually amicable resolution of the dispute. Any resolution reached at this stage shall be reduced to writing and signed by the Cooperative and member.

B. Board Hearing

1. **Request for Hearing.** If no mutual resolution is reached at the meeting described in Section III(A)(3) of this policy, the member shall then have the right to have the dispute heard in a Hearing before a quorum of the Cooperative Board of Directors. Any request for this Hearing before the Board shall be made by the member of the Cooperative within ten (10) business days of the date when the meeting described in Section III(A)(3) above occurred.
2. **Scheduling of Hearing.** The Board Hearing shall be scheduled by the Cooperative's CEO for a time and date that is within sixty (60) business days after the date when the request for said Board Hearing was received from the member. The Board Hearing shall take place at the Cooperative's principal business address or if that is not available at such other suitable place that the Cooperative's CEO may designate.
3. **Attendance at Hearing.** The Board Hearing may be attended by Cooperative directors, Cooperative legal counsel, staff, the member, the member's legal counsel, if any, and any witnesses the parties may deem necessary for proper presentation of their respective positions on the dispute. With the exception of legal counsel and/or witnesses described above, the Board Hearing is only open to members of the Cooperative in good standing.
4. **Recording of Hearing.** The Board Hearing shall be recorded. Either party may retain a court reporter to record the Hearing at their expense. In this event, either party may obtain a transcript of the reported proceedings, at the requesting party's expense.
5. **Appointment of Hearing Examiner.** The Hearing shall be conducted by an individual designated by the Board, who may be the Cooperative's legal counsel or a non-member who is retained specifically for this purpose. The individual selected shall be referred