

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Public Service Comm.
(Agency or Board)

Regulation No. 517(a), 508(b), 521(c), 517

Subject: Rules of Practice - Corrective Filing

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

JUL 30 1975

BY Eda Staudemaver
AUTH. SIGNATURE

10:45 AM RS

Stamped and filed with the Secretary of State 7-30-75

Rev. 9-72

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Public Service Commission
(Agency or Board)

Regulation No. P.S.C 500-517

Subject: Rules of Practice

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
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Stamped and filed with the Secretary of State July 1, 1975

Rev. 9-72

ADMIN. 1000

STATE OF MINNESOTA

DEPARTMENT Public Service

Office Memorandum

TO : Michael Miller
Office of the Attorney General

DATE: 7/25/75

FROM : Jerome Getz, SAAG
Department of Public Service

SUBJECT: Correction to Rules of Practice - PSC Docket No. A-8117-10

Enclosed is the original and four copies of the Supplementary Order referencing the adopted Rules of Practice for the Department of Public Service and correcting a typographical error in PSC 517(a).

If you need any additional information, please give me a call (296-4028).

/ss

APPROVED BY COMMN.
KR
ASE
KSS
RWS

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

Karl F. Rolvaag Chairman
Ronald L. Anderson Commissioner
Arlen I. Erdahl Commissioner
Katherine E. Sasseville Commissioner
Richard W. Session Commissioner

Approved of Record
7-21 1975
Secretary

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the Jurisdiction of the Department of Public Service.

SUPPLEMENTARY ORDER

PSC Docket No. A-8117-10

COMMISSION ORIGINAL

The Minnesota Public Service Commission has adopted new rules of practice which became effective on or about July 8, 1975.

The Commission has discovered the rules of practice contain the following errata:

1. PSC 517(a) contains a typographical error in that eight words were omitted. PSC 517(a) should read as follows:

"PSC 517 Prehearing Conferences; Settlement Conferences; Stipulations

(a) In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding <u>expedited, conferences between the parties to the proceeding</u> and staff for such purposes may be held at any time prior to such hearings before the presiding officer(s) as time, the nature of the proceeding and the public interest may permit."

(omitted words are underscored)

The underscored words were included in the proposed rule which was previously disseminated to the public for its comments.

2. In PSC 508(b)(1) (first sentence), the word "complainant" is a typographical error and should be "complaint."

3. In PSC 521(c) (second sentence), the first "or" that appears is a typographical error and should be "of."

WHEREFORE, It is hereby ORDERED that PSC 517(a) be and it hereby is amended to read as follows:

"PSC 517 Prehearing Conferences; Settlement Conferences; Stipulations

(a) In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the parties to the proceeding and staff for such purposes may be held at any time prior to such hearings before the presiding officer(s) as time, the nature of the proceeding and the public interest may permit."

and it is further:

ORDERED that the word "complainant" in the first sentence of PSC 508(b)(1) be and it hereby is stricken and the word "complaint" substituted in its stead; and it is further:

ORDERED that the first "or" in the second sentence of PSC 521(c) be and it hereby is stricken and the word "of" substituted in its stead.

BY ORDER OF THE COMMISSION

/s/ Lawrence J. Anderson
Secretary

By: [signature]
Deputy

SERVICE DATE:_____

(S E A L)

APPROVED AS TO FORM AND LEGALITY
JUL 29 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 30 1975 10:30 P.M
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
JUL 30 1975
BY Eda Staudenmaier
AUTH. SIGNATURE
10 45 AM.

STATEMENT OF COMPLIANCE WITH
MANUAL OF RULE MAKING PROCEDURES

I, Jerome L. Getz, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed.

Jerome L. Getz

Special Assistant Attorney General
Minnesota Department of Public Service

Dated: June 9, 1975

MINNESOTA RULES AND REGULATIONS
RELATING TO THE
PUBLIC SERVICE COMMISSION

CHAPTER FIFTEEN: PSC 500-517

RULES OF PRACTICE

PSC 500 Definitions

As used in the Public Service Commission's Rules of Practice:

(a) "Petitioner" means any person who requests commission permission, authorization or approval; or any person who notifies the commission of a proposed change in gas or electric rates.

(b) "Commission" means the Minnesota Public Service Commission.

(c) "Complainant" means any person who complains formally or informally of any commission regulation or general order, or of any action or failure to act (past, present or, in the opinion of the commission, reasonably certain to occur) in violation, or claimed violation, of any law governing the activities of the commission or under which the commission has jurisdiction, or of any commission rule, regulation or order.

(d) "Department" means the Minnesota Department of Public Service which includes the Minnesota Public Service Commission as its quasi-legislative branch.

(e) "Intervenor" means any person permitted to intervene as a party in any proceeding pursuant to these rules.

(f) "Party" means a person by or against whom a proceeding before the commission is commenced; a person permitted to intervene in a proceeding pursuant to these rules; or, a person admitted pursuant to these rules as a protestant in a motor carrier proceeding. Parties to proceedings shall be styled, "petitioners," "complainants," "intervenors," "respon-

dents" or "protestants" according to the nature of the proceeding and the relationship of the parties thereto. Parties to a proceeding may present evidence, cross-examine witnesses, file briefs, shall receive notification of all scheduling actions relating to the proceeding, and shall receive copies of all pleadings and other documents relating to the proceedings.

(g) "Person" means a natural person, corporation, municipal corporation, public corporation, body politic, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian or executor.

(h) "Presiding Officer(s)" means the commissioner(s), and/or, where appropriate, the hearing examiner(s) or staff member(s) presiding at a hearing.

(i) "Proceeding" means any undertaking of the commission, on its own motion or otherwise, formal or informal, whereby it seeks to resolve any questions or issue presented to it in a complaint, petition or notice of proposed changes in gas or electric rates.

(j) "Proof of Service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

(k) "Protestant" means a party objecting in a motor carrier proceeding.

(l) "Respondent" means one against whom a complaint is filed or against whom an investigation, order to show cause or other proceeding on commission motion is addressed.

(m) "Participant" means a person appearing at a proceeding pursuant to PSC 503(b) to present its views without becoming a party.

(n) "Utility" means any gas, electric or telephone company subject to the jurisdiction of the commission.

(o) "Motor Carrier" means a person engaged in the business of for-hire transportation as defined in Minnesota Statutes, Chapter 221 and includes local cartage carriers.

PSC 501 Applicability and Construction of Rules

(a) These rules govern practice and procedure in all matters before the commission.

(b) These rules shall be liberally construed to secure just, economical and expeditious determination of the issues presented.

(c) These rules shall be construed by the commission in light of its statutory responsibilities and its obligation to act in the public interest.

(d) Except as otherwise indicated, these rules shall apply to all businesses subject to the regulatory jurisdiction of the commission.

(e) Any conflict between these rules and statutory provisions must be resolved in accordance with the appropriate statute.

PSC 502 Commencement of Proceeding; Title; Joinder

(a) Complaint; Petition. A "proceeding," as the term is used in these rules, may be initiated by any of the following: (1) a complaint, which may be formal or informal, alleging a violation of any provision of law or any regulation or requirement made pursuant to a power granted by law; (2) a petition for: (a) the granting of any license, permit, certificate or privilege, authority to grant or withhold which is specifically vested in the commission; or (b) an order of the commission granting relief under or from any provision of law, regulation or requirement made pursuant to power vested by any law, or approving any submission required or permitted by law to be made by the commission; and (3) motion of the commission.

(b) Title. A person instituting a proceeding shall be styled the "complainant" if the proceeding is by complaint and "petitioner" in all other cases. A person against whom a complaint is brought shall be styled "respondent." In all other proceedings the matter shall be entitled "In the Matter of ....," followed by a brief description of the subject matter to which the same relates. No proceeding shall be dismissed, impaired or prejudiced because incorrectly entitled, or the parties thereto incorrectly styled; but opportunity shall be given in such cases to correct the error by amendment, giving due consideration to any person who may have been misled by the error.

(c) Joinder of Several Persons in One Pleading. Two or more persons may join in one pleading when they desire to make substantially the same allegation, subject to the power of the commission to order separate hearings upon its own motion or on the motion of any party to the proceeding.

PSC 503 Parties; Petition to Intervene; Participation and Appearance.

(a) Parties; Petition to Intervene. Complainants, petitioners and respondents specifically named as such in any pleading are parties to the proceeding. No other person shall become a party to the proceeding except by leave of the presiding officer(s) upon petition to intervene under PSC 510, and a showing that he is specifically deemed by statute to be interested in the particular type of matter involved, or that he is specifically declared by statute to be an interested party to the particular type of proceeding involved, or that by the outcome of the proceeding he will be bound and affected either favorably or adversely with respect to an asserted interest peculiar to

the person as distinguished from an interest common to the public or other taxpayers in general; such person shall be styled "intervenor." In addition any person admitted pursuant to these rules as a protestant in a motor carrier proceeding shall be considered a party to such proceeding and shall be styled "protestant."

(b) Participants. The presiding officer(s) may hear the views or evidence of any person or organization as to the subject matter, but no person shall become or shall be deemed to have become a party to the proceeding by reason of such participation in the hearing. Any person may enter an appearance in any proceeding, but no person shall become or shall be deemed to have become a party to the proceeding by reason of having entered an appearance therein.

PSC 504 Reserved for Future Use.

PSC 505 Protestants and Notices of Intent to Protest in Motor Carrier Proceedings.

(a) A motor carrier desiring to oppose a motor carrier petition shall file with the commission a written notice of intent to protest signed by the carrier and/or its attorney, if any. The notice of intent to protest shall be filed no later than ten (10) days prior to the scheduled hearing date as published in the department's notice of public hearings and decisions. The notice of intent to protest shall include proof of service thereof on the petitioner or its attorney. A motor carrier who files a timely notice of intent to protest shall be deemed a party to the proceeding without filing a petition to intervene pursuant to PSC 510.

A motor carrier desiring to participate in the proceeding who has not filed a timely notice of intent to protest as required by this rule shall not be admitted as a party to the proceeding, except for

good cause shown.

(b) Any notice of intent to protest filed pursuant to this rule shall set forth specifically the grounds upon which the protest will be made and shall contain a concise statement of the interest of the protestant in the proceeding.

(c) If a timely notice of intent to protest is filed but protestant fails without good cause to appear at the hearing, the presiding officer(s) may disregard the notice of intent to protest.

(d) A non-motor carrier desiring to participate as a party in a motor carrier hearing shall file a formal petition for leave to intervene pursuant to PSC 510, including proof of service thereof on the petitioner or its attorney.

PSC 506 Types of Pleadings.

The pleadings before the commission shall be Informal Complaint, Formal Complaint, Answer, Reply, Petition, Notice of Intent to Protest, Petition to Intervene, and Answer to Petition to Intervene, including amendments or supplements to any of the foregoing.

PSC 507 Informal Complaint

(a) Form. An informal complaint may be made by letter or other writing. In an emergency situation the department staff shall accept an informal complaint by telephone and shall prepare and file a memorandum concerning the call. No form of informal complaint is prescribed, but in substance the informal complaint must contain the name and address of the complainant, the name or names of the carrier, person or corporation against whom complaint is made, a statement that some certain statute of the State of Minnesota or rule or regulation of

the commission has been violated by such carrier, person or corporation, indicating when, where and how, and a request for affirmative relief. Informal complaints should be accompanied by copies in sufficient number to enable the commission to transmit one to each carrier, person or corporation named. They may be accompanied by supporting affidavits and papers.

(b) Response to Informal Complaint. Responses to informal complaints may be submitted to the commission by respondents named therein without proof of service upon the complainant and without verifications unless such complaint is verified. The commission shall assure that the complainant is notified of the substance of the response.

(c) Disposition; Filing. Informal complaints will be assigned numbers on the informal docket in the order of their receipt. Copies of the informal complaint and all writings relating to it shall be filed under the name of the respondent. Matters thus presented, if their nature warrants it, will be taken up by correspondence with the persons affected in an endeavor to bring about resolution of the complaint without formal hearing.

PSC 508 Formal Complaint; Answer; Reply.

(a) Formal Complaint.

(1) Form. Formal complaints must state the names and addresses of all complainants and respondents without abbreviation and the name and address of the attorney for complainant, if there be one. Formal complaints will be filed as received and assigned numbers on the formal docket.

(2) Allegations; Joinder of Causes. Formal complaints should be drawn

so as to advise fully and completely the respondents and the presiding officer(s) which provisions of the statutes of the State of Minnesota, or the rules and regulations of the commission, authorize the complaint and have been, or are, allegedly violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violation and the relief sought. Two or more grounds of complaint involving the same principle, subject, or state of facts may be included in one complaint, but should be separately stated and the paragraphs numbered. In case violation of two or more sections of the statutes are alleged, the facts claimed to constitute violation of one section should be stated separately from those in respect to any other section or sections wherever that can be done by reference, or otherwise, without undue repetition.

(3) Tariff Reference. Complaints regarding rates, fares, charges, classifications, rules, regulations, or practices should be specific with reference to the tariff on file with the Minnesota Public Serfice Commission whenever practicable.

(4) Preference or Prejudice to be Specified. If some undue or reasonable preference or advantage, or undue or unreasonable prejudice, disadvantage or discrimination, in violation of the statutes of the State of Minnesota, is alleged, then the particular person, company, firm, corporation, locality or description of traffic affected thereby, and the particular preference, advantage, prejudice, disadvantage, or discrimination relied upon as constituting such violation should be clearly specified.

(5) Subscription; Verification. Every formal complaint should be personally subscribed by the complainant or by a person authorized to appear for complainant under PSC 515. In addition, the facts alleged must be verified under oath by a complainant or by a partner, officer, agent or attorney of complainant. However, if the verification be by an agent or attorney, the reason it is not made by a complainant, partner or officer must be stated.

(6) Supplemental Complaint. Supplemental complaints setting forth any causes of action alleged to have accrued in favor of the complainants and against the respondents since the filing of the original complaint may be served by the complainants on the respondents at any time prior to the date set for hearing of the original complaint, and upon leave granted, may be filed as provided for original complaints, and will be disposed of in the same proceeding, if practicable.

(b) Answer to Formal Complaint

(1) Service. Answers to a formal complaint must be filed with the commission, with proof of service upon complainant, within twenty (20) days after the day on which the complainant was served, exclusive of the day of service. Any respondent failing to serve and file an answer to a formal complaint within such period will be deemed by the presiding officer(s) to have denied the same, and issue as to such respondent will be thereby joined.

(2) Form and Style. Answers to a formal complaint should be drawn so as to fully and completely advise the parties and the presiding officer(s) of the nature of the defense, state that respondent has granted the relief demanded if such is the case, and should

admit or deny specifically and in detail each material allegation of the pleading answered. Denial of an alleged discrimination or that an alleged preference or prejudice is undue or unreasonable should state fully the grounds relied upon in making such denial.

(3) Subscription; Verification. Such answers shall be subscribed by the respondent or his attorney and verified.

(c) Reply. If the answer to a complaint alleges the granting of the relief demanded, the complainant shall within twenty (20) days file with the commission, with proof of service upon respondent, a reply admitting or denying such allegation. If he fails to reply or admits the allegation, the proceeding shall be dismissed.

PSC 509 Petition

(a) Form. Except as otherwise prescribed by the commission or required by statute, a petition shall contain the name and address of petitioner without abbreviation and the name and address of the attorney for petitioner, if there be one.

(b) Allegations. A petition shall set forth a statement of facts and the grounds upon which relief or authority is sought, the statute or statutes under which the proceeding is brought or which are otherwise applicable, and the relief or authority sought by petitioner.

(c) Subscription; Verification; Filing. The petition must be subscribed in the same manner as a formal complaint; but unless prescribed by the commission or required by statute the petition need not be verified. Only the original need be filed with the commission; but additional copies shall be furnished to the commission upon its request.

PSC 510 Petition to Intervene; Answer; Scope of Intervenor's Participation.

(a) Petition to Intervene

(1) When Made. Any person desiring to be made a party to a pending proceeding may petition for leave to intervene therein. The petition with proof of service shall be filed with the commission at least ten (10) days prior to the date set for hearing, but not thereafter except for good cause shown.

(2) Allegations; Subscription; Verification; Filing.

A petition to intervene shall allege the grounds for the proposed intervention and the specific interest of the petitioner in the proceeding which qualifies him as a party under PSC 503. The allegations shall be reasonably pertinent to the issues involved in the principal pleadings, and shall not unduly broaden the issues. The petition must be subscribed in the same manner as a formal complaint. It shall be served upon all parties to the proceeding, and the original and eight (8) additional copies filed with the commission secretary.

(b) Answer to Petition to Intervene. Parties to the proceeding may file answers to petitions to intervene with the commission with proof of service upon petitioner in intervention prior to the hearing, or parties may answer on the record at the opening of the hearing if less than ten (10) days have expired from the date of service upon them of the petition to intervene. Thereafter, the presiding officer(s) shall grant or deny the petition to intervene stating his (their) reasons therefor. If permission is granted, the petitioner thereby becomes an intervenor and a party to the proceedings. Answers to petitions to intervene should admit or deny the interest of the petitioner in intervention, and if the intervention is objected to by a party to the proceeding, the grounds for the objection should be

stated in the answer. The answers need not be verified unless the petition to intervene has been verified. Failure to file an answer to a petition to intervene or to make oral objection to the petition shall be deemed to be consent to such intervention, but the presiding officer(s) may, on consideration of all the files and records of the proceeding, grant or deny the petition to intervene whether or not answers thereto have been filed or oral objections made.

(c) Scope of Intervenor's Participation

(1) The participation of a party granted leave to intervene will be limited to those matters raised in its petition to intervene unless for good cause shown on the record, the presiding officer(s) grant(s) an intervenor the right to participate more fully than set forth in its petition to intervene.

(2) Where there are two or more intervenors having substantially like interests and positions, the presiding officer(s) may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such intervenors.

PSC 511 Amendments

(a) Amendments of Pleadings. Formal complaints, answers (except answers to informal complaints) and replies may be amended at any time before the original time for answering or replying has expired, and thereafter only by order of the presiding officer(s) for good cause shown upon motion and upon notice to all parties to the proceeding. Amendments to petitions initiating any proceeding which do not en-

large in any respect the authority or relief sought or otherwise materially alter the petition, and amendments to notices of intent to protest and petitions to intervene, may be made without leave of the presiding officer(s) prior to the day of hearing. After the commencement of the hearing such petitions, notices of intent to protest, or petitions to intervene may be amended only by order of the presiding officer(s) for good cause shown upon motion.

(b) Answer to Amended or Supplemental Complaint, or to Petition to Intervene. Rules as to the form, content, subscription, verification, and time of filing of answers to formal complaints and petitions to intervene shall apply to answers to amended or supplemental complaints and answers to amended petitions to intervene.

PSC 512 Service

When filing a pleading or other document initiating or relating to a proceeding pending before the commission, the following rules of service shall be adhered to:

(a) Service of all documents shall be made upon other parties in proceedings before the commission by deposit in the first class mail or by delivery in person, unless otherwise ordered by the presiding officer(s) or unless otherwise specifically provided by law.

(b) When any party has appeared by attorney, service upon such attorney shall be deemed service upon the party.

(c) The date of service shall be the day when the document served is deposited in the mail or is delivered in person, as the case may be, unless otherwise provided by the presiding officer(s).

(d) When a document is served, the person serving the paper shall file with the commission proof of service, or acceptance of service by the person served or his attorney, annexed to the copies of documents served.

PSC 513 Continuances and Extension of Time. For good cause shown, continuances and extensions of time will be granted or denied by the presiding officer(s) in his (their) discretion.

PSC 514 Dockets; Trade Secret and Proprietary Information

(a) Open to Public Inspection. The commission will establish and maintain in the office of the secretary the necessary dockets which shall be open to public inspection; but any person desiring to inspect any record of the commission must first make application to the secretary of the commission.

(b) Filing of All Papers Required. Unless otherwise specified in these rules, an original and eight (8) copies of all pleadings, briefs, written arguments, notices, written motions, and all papers in any manner relating to or affecting any power or jurisdiction of the commission or which are intended for the information of or action by the commission must be first filed in the office of the secretary thereof; and thereafter a copy shall be preserved therein as a public record.

(c) Docket Number. The secretary, upon the filing with the commission of any matter within the jurisdiction of the commission, will enter such matter on the docket and give it a consecutive number therein.

(d) Trade Secret and Proprietary Information. Nothing in these regulations shall require the revealing of proprietary information or trade secrets or processes in any document filed with the commission under this chapter. When a document is filed with proprietary information or trade secret portions omitted therefrom, the person filing such a document shall bring the deletions to the attention of the presiding officer(s). The presiding officer(s) may require any omitted information to be submitted.

PSC 515 Hearings

(a) Appearances, Attorneys. All parties, except individuals appearing on their own behalf, shall be represented by counsel. Participants, as defined in PSC 500(1), need not be represented by counsel. Persons holding specific authority to practice before the commission in their areas of expertise, may continue to do so within the express limits of such authority.

(b) Presiding Officer(s). Each formal hearing before the Commission shall be presided over by one or more commissioners and/or, where appropriate, by one or more designated hearing examiners, or members of the staff, and the person or persons presiding shall be known as the presiding officer(s). The presiding officer(s) shall be in complete charge of the proceedings and shall rule on all matters of evidence, continuances, motions or other matters involving the case from the time the proceedings have been assigned to the presiding officer(s).

(c) Discretionary Hearing on Informal Complaint and Other Matters; Notice. Whenever it appears to the commission upon such investigation as it deems appropriate that a person filing an informal complaint is entitled to relief, it may order a hearing upon the informal complaint. It may at any time order a hearing on any matter on the informal docket or on any other matter where a hearing is discretionary with the commission.

(d) Hearing on Formal Complaint and Other Required Hearings. When issue has been joined upon formal complaint by service of answer or by failure of respondent to answer, and proof thereof has been filed, and in every other contested case, and in every case where a hearing is required by law, the commission shall assign a time and place of hearing pursuant to PSC 516.

(e) Examination of Witnesses; Cross-examination; Rebuttal. Witnesses may be examined orally before the presiding officer(s), or, where deemed appropriate, direct evidence may be taken by written statement prepared in advance of the hearing. In such cases the author of the written statement will be made available for cross-examination. Every party to a contested case shall have rights to cross-examine witnesses and to submit rebuttal evidence.

(f) Exhibits. Unless the presiding officer(s) shall otherwise direct, exhibits offered to the commission at any hearing or conference in a contested case shall be eight (8) in number with additional copies furnished to parties of record.

(g) Order of procedure; Party Instituting the Proceeding Shall Open Proof. Unless otherwise directed, the following order of procedure shall apply to all hearings before the commission: At hearings on informal complaints, formal complaints, or petitions, the complainant or petitioner shall open the proof. The presiding officer(s) shall determine the subsequent order of procedure. Intervening parties shall follow the party in whose behalf intervention is made; except that in all cases where the intervention is not in support of either original party, the presiding officer(s) shall determine when such intervening party shall be heard.

(h) Failure to Appear. If a complainant or petitioner fails to appear at a hearing, the presiding officer(s), at his (their) discretion may dismiss the proceeding with or without prejudice, continue the hearing, or grant the relief requested on the basis of a verified complaint or petition and affidavits, if any, filed in the case, which in all such cases shall be considered as having been offered in evidence at the hearing by the complainant or petitioner who is absent, but the presiding officer(s) shall not grant the relief requested upon such a showing if any person appears at the hearing who qualifies as a party and objects thereto.

(i) Admission of Evidence. In a contested case, the presiding officer(s) may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. He (they) shall give effect to rules of privilege recognized by law. He (they) may exclude imcompetent, irrelevant, immaterial and repetitious evidence.

(j) Documentary Evidence. In a contested case, documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(k) Evidence Must be Offered. All evidence in a contested case, including records and documents in the possession of the commission of which the presiding officer(s) desire(s) to avail itself (themselves), shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.

(l) Official Notice. In a contested case, the presiding officer(s) may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified in writing either before or during hearing, or by reference in preliminary reports or otherwise, or by oral statement in the record, of the material so noticed, and they shall be afforded opportunity to contest the facts so noticed.

(m) Record of Proceeding. The commission shall prepare an official record of all contested proceedings, including testimony and exhibits. Testimony before the presiding officer(s) shall be taken in shorthand or by stenotype by the official reporters at the expense of the commission. A transcript shall be prepared for any person requesting same at his expense; otherwise the preparation of a transcript shall be at the option of the commission.

PSC 516 Hearing; Notice

(a) Except as otherwise provided by statute or these rules, written notice of all hearings shall be served at least thirty (30) days before the date set therefor, upon all parties and such other persons as the commission directs, unless the commission for good cause determines a longer or shorter period of notice. The notice shall state the time, place and nature of the hearing and include a concise statement of the matter to be considered. The commission, except as otherwise provided by statute, may prescribe by order the form and extent of notice to be given.

(b) The department's Notice of Public Hearings and Decisions shall be issued weekly and shall be mailed to all subscribers, and to all parties and other persons deemed interested in a given proceeding by the secretary, and shall constitute official notice of all formal proceedings.

(c) When a utility has filed proposed changes in its rates or has requested new rates and charges, the commission shall, pursuant to statute, give notice by the governing bodies of each municipality or county in the area affected by such proposed changes. In addition, when determined by the commission to be appropriate, the utility proposing a change in rates shall notify individually its subscribers of the proposed change by billing stuffer or other appropriate method.

(d) All utilities seeking rate changes which have been scheduled for hearing shall cause to be published at least ten (10) days prior to the hearing a notice of hearing in a manner and form approved by the commission which will include, at a minimum, publication in the legal newspapers of the county seat towns in the counties in the service areas of the utilities affected. The notice shall indicate the place and date of the commencement of the hearing and shall include a summary sheet describing the percentage impact of the proposed rate changes upon revenues by the various classes of services offered by the petitioning utility and shall include a list of petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined by the public. The notice shall also contain in bold type the following statement: "The rate changes described in this notice have been requested by (specific utility). The commission may either grant or deny the requested changes, in whole or in part, and may grant a lesser or greater increase than that requested for any class or classes of service." Affidavits of publication and/or proof of service shall be filed at or before the commencement of the scheduled hearing.

(e) In addition to the notice required in paragraph (d) above, the petitioning utility company shall, at least ten (10) days prior to the scheduled hearing, mail a copy of the notice of hearing to the governing bodies of all cities within its service area as well as to all parties who have appeared in the two most recent rate proceedings of the petitioner and whose names appear as such in commission files. Such notice

shall indicate the place of the hearing, the date of commencement and include a summary sheet describing the percentage impact of the proposed rate changes upon revenues by the various classes of service offered by the petitioner, and shall include a list of the petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined. Proof of service is to be filed at or before the scheduled initial hearing.

(f) The petitioning utility shall, at least ten (10) days prior to the hearing, have available for inspection at its principal business office and such other business offices of the petitioner as the commission shall direct, statements of facts, expert opinions, substantiating documents, and exhibits supporting the change requested, and further, shall state the change proposed to be made in the rates than in force and the time when the modified rates will go into effect.

PSC 517 Prehearing Conferences; Settlement Conferences; Stipulations

(a) In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding and staff for such purposes may be held at any time prior to such hearings before the presiding officer(s) as time, the nature of the proceeding and the public interest may permit.

(b) At such prehearing or other conferences as may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers of settlement or proposals of adjustment, the possibility of the following:

(1) Simplification of the factual and legal issues to be determined;

(2) Amendment of pleadings;

(3) Determination of prehearing motions;

(4) Separation of issues;

(5) Consolidation of presentations by parties having substantially the same interest;

(6) The names, number and order of presentation of witnesses giving testimony;

(7) Production of exhibits and consideration of their authenticity;

(8) Arrangement for completion of discovery activities;

(9) Submission and consideration of appropriate authorities in support of contentions made;

(10) Estimation of the time required for hearing;

(11) Discussion of the possibility of voluntary dismissal of the proceedings;

(12) All other matters that may aid in the disposition of the proceedings.

(c) The presiding officer(s), with or without motion, may direct that a conference be held, and direct the parties to the proceeding, their attorneys, and the department's staff to appear thereat to consider any or all of the matters enumerated in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to

the proceeding, their attorneys and the department's staff. All parties shall come to the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. Such preparation should include, among other things, advance study of all relevant material, and advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable. Failure of a party to attend such conference, without prior notification to the presiding officer and for good cause, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to any order or ruling with respect thereto, but shall not otherwise prejudice such a party's position as to the issues in the proceeding.

(d) The presiding officer(s) at such conference may dispose of by ruling, irrespective of the consent of the parties, any procedural matters which he (they) is (are) authorized to rule upon during the course of the proceeding. All rulings made at the prehearing conference shall be binding on all parties to the proceedings. Such rulings may be subsequently modified for good cause shown.

(e) Nothing contained in this section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the department staff, or from requesting conferences for such purpose. The presiding officer(s) shall have the same powers at settlement conferences as those enumerated for prehearing conferences.

(f) The parties to a proceeding before the commission may agree by stipulation either in writing filed with the commission or oral entry in the record upon the facts or any portion thereof involved in the controversy and such stipulation shall be regarded and used as evidence in the determination thereof.

PSC 518 Witnesses

(a) Witnesses and Subpoenas; Who May Issue. Subpoenas requiring the attendance of witnesses at any designated place of hearing within the State of Minnesota and/or for the production of books, papers, or documents may be issued by the commission or by any member thereof or by a presiding officer. The commission or presiding officer(s) upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith may: (1) quash or modify the subpoena if it is unreasonable or oppressive or (2) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers or documents.

(b) Fees of Witnesses. Witnesses who are subpoenaed are entitled to the same fees as are paid for like service in the district courts of the State of Minnesota, such fees to be paid by the party at whose instance the testimony is taken.

(c) Service of Subpoenas. Service of subpoenas shall be made in like manner as provided by law for the service of subpoenas in the district courts of this state.

PSC 519 Briefs and Closing Argument

(a) Requests for Briefs or Closing Argument. If briefs or closing argument are desired by any of the parties to the proceeding, they shall notify the presiding officer(s) before or at the hearing. If such request is made, the presiding officer(s) shall allow all parties to file briefs and/or make closing argument. He (they) shall also prescribe the time for service and filing of briefs or making of closing argument.

(b) Filing and Service of Briefs. All briefs for presentation to the presiding officer(s) must be filed with the secretary accompanied by written evidence of service upon opposing counsel, party or parties.

(c) Recording and Transcribing Closing Argument. Oral argument shall be recorded and transcribed only if the commission so orders; when transcribed it shall be bound with a transcript of the testimony (if the testimony has been transcribed), and will be available to the commission for consideration in deciding the matter.

(d) Transcripts. The charge for transcripts shall be fixed by resolution of the commission.

PSC 520 Decisions and Orders

(a) Filing; Content; Service. Decisions and orders of the commission when made shall be filed with the secretary, who shall notify by mail all parties to the proceeding of such filing. Every decision or order adverse to a party in a contested case shall be in writing or stated in the record and shall include a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. A copy of the decision or order shall be delivered or mailed to each party.

(b) Proposal for Decision or Order. In a contested case the presiding officer(s) shall make and file a proposal for decision stating his findings of fact and his conclusions and recommendations. The secretary shall serve each party by mail with a copy of the proposal for decision or order.

(c) Exceptions. Within twenty (20) days after service of the proposal for decision or order, any party may file and serve exceptions thereto and reasons in support thereof.

(d) Form of Exception; Reply. Exceptions with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. When exception is taken to a statement of fact, a corrected statement must be incorporated. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. A reply to exception is not required, but may be filed by any party within ten (10) days after service of the exceptions to which reply is made along with proof of service thereof on all parties of record.

(e) Argument. Exceptions and replies thereto shall contain written arguments in support of the position taken by the party filing such exceptions or reply. An opportunity for oral argument before a majority of the commissioners shall be permitted all parties in the event that any party adversely affected by a proposal for decision, at the time of filing his exceptions or reply, requests oral argument. Oral arguments shall be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence shall be received at oral arguments.

PSC 521 Petitions for Further Hearing, Rehearing, Amendment, Vacation, Reconsideration, or Reargument

(a) Petition for Further Hearing. Before the presiding officer(s) renders his (their) proposal for decision or order in any proceeding, any party desiring a further hearing may file a petition with the presiding officer(s), which shall clearly set forth the grounds relied upon for a further hearing; and if it is proposed to produce additional testimony, the testimony so to be produced shall be briefly summarized. No further hearing will be granted where it appears that the evidence to be adduced will be merely cumulative. The petition shall be served upon all parties to the proceeding. An adverse party shall have 10 days from the date of the service of the petition within which to answer. No reply to an answer will be permitted. The presiding officer(s) may grant or deny the petition without a hearing or, in his (their) discretion, set a hearing on the petition.

(b) Petition for Rehearing, Amendment, Vacation, Reconsideration, Reargument. Within twenty (20) days from the date of the mailing by the secretary of the final decision or order, any party may petition for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, or for reconsideration or reargument. If the petition be for a further hearing, rehearing, vacation, reconsideration, or reargument, the grounds relied upon shall be specifically set forth and the claimed errors clearly stated. If the petition be for an amendment of the findings of fact, decision, or order, it shall contain the desired proposed amendments,

and the reasons therefor shall be clearly stated. The petition shall be served upon all parties to the proceeding. An adverse party shall have ten (10) days from the date of the service of the petition to answer and no reply will be permitted. The commission may grant or deny the petition without a hearing, or in its discretion set a hearing thereon. Pending the decision of the commission on the petition, the commission may vacate and set aside the decision or order. No petition will extend the time of appeal from the decision or order.

(c) Amendment of Effective Date of Order or Decision. Petitions for amendment or order or decisions which seek only a change in the date when they shall take effect, or in the period or date thereby prescribed, must be made by petition reasonably filed and served in like manner as other petitions under this rule, except that, in case of unforeseen emergency satisfactorily shown by the petitioner which requires relief within three (3) days, such relief may be sought informally, by telegram or otherwise, upon notice thereof to all parties to the proceeding.

(d) Second Petition Upon Same Ground Not Entertained. A second petition for further hearing, rehearing, amendment or vacation of any finding of fact, decision or order, reconsideration or reargument by the same party or parties and upon the same grounds as a former petition which has been considered and denied, will not be entertained.

APPROVED AS TO FORM AND LEGALITY
JUL 1- 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED - 4:00 pm
JUL 1 - 1975
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER 4:00 PM
Commissioner of Administration
JUL 1 1975
BY Eda Slandemaier
AUTH. SIGNATURE R.S.

CHAPTER FIFTEEN: PSC 500-~~513~~ 517

RULES OF PRACTICE

(PROPOSED)

PSC 500 Definitions

As used in these rules:

(a) "Petitioner" means any person who requests commission permission, authorization or approval, or any person who notifies the commission of a proposed change in gas or electric rates.

(b) "Commission" means the Minnesota Public Service Commission.

(c) "Complainant" means any person who complains formally or informally of any commission regulation or general order, or any action or failure to act, past, present or reasonably certain to occur, in violation, or claimed violation of any law governing the activities of the commission of which the commission has jurisdiction under, or of any commission rule, regulation or order.

(d) "Department" means the Minnesota Department of Public Service which includes the Minnesota Public Service Commission as its quasi-legislative branch.

(e) "Intervenor" means any person permitted to intervene as a party in any proceeding pursuant to these rules.

(f) "Party" to a proceeding before the commission means a person by or against whom a proceeding is commenced; a person admitted to intervene in a proceeding pursuant to these rules; or, a person admitted pursuant to these rules as a protestant in a motor carrier proceeding. Parties to proceedings shall be named petitioners, applicants, complainants, intervenors, respondents or protestants according to the nature of the proceeding and the relationship of the parties thereto. Parties to a proceeding may present evidence, cross-examine witnesses, file briefs and shall receive notification of all scheduling actions relating to the proceeding and shall receive copies of all pleadings and other documents relating to the proceedings.

(g) "Person" means a natural person, corporation, municipal corporation, public corporation, body politic, government agency, association, partnership, receiver, joint venture, trustee at common law or statutory trust guardian or executor.

(h) "Proceeding" means any undertaking of the commission, on its own motion or otherwise, formal or informal, whereby it seeks to resolve any question or issue presented to it in a complaint, petition or notice of proposed changes in gas or electric rates.

(i) "Proof of Service" means a certificate of service stating the facts of service, including the time and manner of service and the parties served.

(j) "Protestant" means a party objecting in a motor carrier proceeding.

(k) "Respondent" means one against whom a complaint is filed or against whom an investigation, order to show cause or other proceeding on commission motion is addressed.

(l) "Participant" means a person appearing at a proceeding pursuant to PSC 503(b) to present its views without becoming a party.

(m) "Utility" means any gas, electric or telephone company subject to the jurisdiction of the commission.

PSC 501 Applicability and Construction of Rules

(a) These rules govern practice and procedure in all matters before the commission.

(b) These rules shall be liberally construed to secure just, economical and expeditious determination of the issues presented.

(c) These rules shall be construed by the commission in light of its statutory responsibilities and its obligation to act in the public interest.

(d) Except as otherwise indicated, these rules shall apply to all business subject to the regulatory jurisdiction of the commission.

(e) Any conflict between these rules and statutory provisions must be resolved in accordance with the appropriate statute.

PSC ~~500~~ 502 Commencement of Proceeding; Title

(a) Complaint; Petition; ~~Application~~. A "proceeding," as the term is used in these rules, may be initiated by any of the following: (1) a complaint, which may be formal or informal, alleging a violation of any provision of law or any regulation or requirement made pursuant to a power granted by law; (2) ~~an application~~ a petition for: (a) the granting of any license, permit, certificate or privilege, authority to grant or withhold

which is specifically vested in the commission; ~~and (3) a petition~~ or (b) for an order of the commission granting relief under or from any provision of law, regulation or requirement made pursuant to power vested by any law, or for the consideration of any submission required or permitted by law to be made by the commission; and (3) motion of the commission.

(b) Title. ~~The~~ Any person~~, corporation, organization or commission~~ instituting ~~the~~ a proceeding shall be styled the "complainant" if the proceeding is by complaint, ~~or "applicant" if the proceeding is by application,~~ and "petitioner" in all other cases. In any complaint proceeding, the person or persons against whom the same is brought shall be styled the "respondent." In all other proceedings the matter shall be entitled "In the Matter of ...." followed by a brief description of the subject matter to which the same relates. No proceeding shall be dismissed, impaired or prejudiced because incorrectly entitled, or the parties thereto incorrectly styled; but opportunity shall be given in such cases to correct the error by amendment, giving due consideration to any person who may have been misled by the error.

(c) Joinder of Several Persons on One Pleading. Two or more persons may join in one pleading where they desire to make substantially the same allegations, subject to the power of the commission to order separate hearings upon its own motion or on the motion of any party to the proceeding.

PSC ~~501~~ 503 Parties; Petition to Intervene; Participation and Appearance.

(a) Complainants, ~~applicants~~, petitioners and respondents specifically named as such in any pleading are parties to the proceeding. No other person shall become a party to the proceeding except by leave of the commission upon petition to intervene under PSC ~~503~~, Par. 8, 506 (6), and a showing that he is specifically deemed by statute to be interested in the particular type of matter involved, or that he is specifically declared by statute to be an interested party to the particular type of proceeding involved, or that by the outcome of the proceeding he will be bound and affected either favorably or adversely with respect to an asserted interest peculiar to ~~him~~ the person as distinguished from an interest common to the public or other taxpayers in general; such person shall be styled "intervenor." ~~or "protestant."~~ In addition, any person admitted, pursuant to these rules,

as a protestant in a motor carrier proceeding shall be considered a party to such proceeding and shall be styled "protestant."

(b) The commission may hear the views or evidence of any person or organization as to the subject matter, but no person shall become or shall be deemed to have become a party to the proceeding by reason of such participation in the hearing. Any person may enter an appearance in any proceeding, but no person shall become or shall be deemed to have become a party to the proceeding by reason of having entered an appearance therein.

PSC 504 Participation by Department of Public Service Staff.

Members of the department staff may, at the direction of the commission, participate to discover, present and challenge, if necessary, facts pertinent to the issues. The staff may appear in any proceeding before the commission and through its witnesses present testimony as to the results of its accounting, engineering and economic investigation, field studies, inspections, enforcement activities, other technical investigation and studies. The staff, in any proceeding before the commission may make statements or recommendations on the record, cross-examine witnesses, or file briefs based upon the evidence presented. However, the staff shall not be considered a party nor shall it assume an adversary position in any commission proceedings.

PSC 505 Protestants and Notices of Intent to Protest in Motor Carrier Proceedings.

(a) A motor carrier desiring to oppose a motor carrier petition shall file with the commission a written notice of intent to protest signed by the carrier and/or its attorney, if any. The notice of intent to protest shall be filed no later than ten (10) days prior to the scheduled hearing date as published in the department's notice of public hearings and decisions. The notice of intent to protest shall include proof of service thereof on the petitioner or its attorney. A motor carrier who files a timely notice of intent to protest shall be deemed a party to the proceeding without filing a petition to intervene pursuant to PSC 506(6).

A motor carrier desiring to participate in the proceeding and who has not filed a timely notice of intent to protest as required by this rule shall not be admitted as a party to the proceeding, except for good cause shown.

(b) Any notice of intent to protest filed pursuant to this rule shall set forth specifically the grounds upon which the protest will be made and shall contain a concise statement of the interest of the protestant in the proceeding.

(c) If a timely notice of intent to protest is filed but protestant fails without good cause to appear at the hearing, the presiding officer may disregard the notice of intent to protest.

(d) A noncarrier desiring to participate as a party in a motor carrier hearing shall file a formal petition for leave to intervene pursuant to PSC 506(6), which petition shall show service thereof on the petitioner or its attorney.

PSC ~~503~~ 506 Pleadings

(a) Types of Pleadings. The pleadings before the commission shall be Informal Complaint, Formal Complaint, Answer, Reply, ~~Application,~~ Petition, ~~Protest,~~ Notice of Intent to Protest, Petition to Intervene, and Answer to Petition to Intervene, including amendments or supplements to any of the foregoing.

(1) Informal Complaint

(aa) Form. Informal complaints may be made by telephone calls, letter or other writing, and will be filed as received. Except in emergency situations the department staff shall require informal complaints to be submitted in writing. No form of informal complaint is prescribed, but in substance the ~~letter or other writing~~ informal complaint must contain the name and address of the complainant, the name or names of the carrier, person or corporation against whom complaint is made, a statement that some certain statute of the State of Minnesota or rule or regulation of the commission has been violated by such carrier, person or corporation, indicating when, where and how, and a request for affirmative relief. Informal complaints ~~need not but may be verified, and~~ should be accompanied by copies in sufficient number to enable the commission to transmit one to each carrier, person or corporation named. They may be accompanied by supporting affidavits and papers.

~~(bb)--Disposition.--Matters-thus-presented,-if-their-nature warrants-it,-will-be-taken-up-by-correspondence-with-the-persons-affected-in-an-endeavor-to-bring-about-satisfaction-of-the-complaint-without-formal hearing,-and-in-the-order-of-their-receipt-will-be-given-serial-numbers-on the-informal-docket.~~

(bb) Answer to Informal Complaint. Answers to informal complaints, which have been reduced to writing, may be filed with the commission by respondents named therein without proof of service upon the complainant and without verifications unless such complaint is verified.

~~(2)--Answer-to-Informal-Complaint.--Answers-to-informal-complaints may-be-filed-with-the-commission-by-respondents-named-therein-without-proof of-service-upon-the-complainant-and-without-verification-unless-such complaint-is-verified.~~

(cc) Disposition. Matters thus presented, if their nature warrants it, will be taken up by correspondence with the persons affected in an endeavor to bring about satisfaction of the complaint without formal hearing, and in the order of their receipt will be assigned numbers on the informal docket.

~~(3)~~ (2) Formal Complaint

(aa) Form. Formal complaints must state the names and addresses of all parties complainant and respondent without abbreviation and the name and address of the attorney for complainant, if there be one. Formal complaints will be filed as received and ~~given-serial~~ assigned numbers on the formal docket.

(bb) Allegations; Joinder of Causes. Formal complaints should be drawn so as to fully and completely advise the parties respondent and the commission wherein the provisions of the statutes of the State of Minnesota, or the rules and regulations of the commission, have been, or are, violated by the acts or omissions complained of, or will be violated by a continuance of such acts or omissions, and should set forth briefly and in plain language the facts claimed to constitute such violation and the relief sought. Two or more grounds of complaint involving the same principle, subject, or state of facts may be included in one complaint, but should be separately stated and the paragraphs numbered. In case violation of two or

more sections of the statutes are alleged, the facts claimed to constitute violation of one section should be stated separately from those in respect to any other section or sections wherever that can be done by reference, or otherwise, without undue repetition.

(cc) Tariff Reference. ~~The several~~ Complaints regarding rates, fares, charges, classifications, rules, regulations, or practices ~~complained of~~ should be ~~set out by~~ specific with reference to the tariff on file with the Minnesota Public Service Commission ~~tariff number as well as the tariff number of the issuing carrier or issuing agency in which they appear,~~ whenever ~~that is~~ practicable.

(dd) Preference or Prejudice to be Specified. If some undue or unreasonable preference or advantage, or undue or unreasonable prejudice, disadvantage or discrimination, in violation of the statutes of the State of Minnesota, is alleged, then the particular person, company, firm, corporation, locality or description of traffic affected thereby, and the particular preference, advantage, prejudice, disadvantage, or discrimination relied upon as constituting such violation should be clearly specified.

(ee) Subscription; Verification. Every formal complaint should be personally subscribed by the complainant or by a person authorized to appear for complainant under ~~Rule 592~~ PSC 511. In addition, the facts alleged must be verified under oath by a complainant, or by a partner, officer, agent or attorney of complainant. However, if the verification be by an agent or attorney, the reason it is not made by a complainant, partner or officer must be stated.

~~(ff) Number of Copies. Each formal complaint must be accompanied by copies in sufficient number to enable the commission to serve one upon each respondent and retain four for its own use.~~

~~(gg)~~(ff) Supplemental Complaint. Supplemental complaints may be tendered for filing by the parties complainant against the parties respondent named in the original complaint at any time prior to the date set for hearing of the original complaint, setting forth any causes of action alleged to have accrued in favor of the complainants and against the respondents since the filing of the original complaint; and upon leave granted, such supplemental complaints will be filed as provided for original complaints, and upon service upon each of the respondents and proof filed

with the commission will be heard, considered, and disposed of in the same proceeding, if practicable.

~~(4)~~(3) Answer to Formal Complaint

(aa) Service. Answers to formal complaints must be filed in quadruplicate with the commission, with proof of service upon complainant, within 20 days after the day on which the complaint was served, exclusive of the day of service. Any respondent failing to serve and file answer to a formal complaint within such period will be deemed by the commission to have denied the same, and issue as to such respondent will be thereby joined.

(bb) Form and Style. Answers to formal complaint(s) should be drawn so as to fully and completely advise the parties and the commission of the nature of the defense, state that respondent has granted the relief demanded if such is the case, and should admit or deny specifically and in detail each material allegation of the pleading answered. Denial of an alleged discrimination or that an alleged preference or prejudice is undue or unreasonable should state fully the grounds relied upon in making such denial.

(cc) Subscription; Verification. Such answers shall be subscribed by the respondent or his attorney and verified.

~~(5)~~(4) Reply. If the answer to a complaint alleges the granting of the relief demanded, the complainant shall within 20 days file with the commission, with proof of service upon respondent, a reply admitting or denying such allegation. If he fails to reply or admits the allegation, the proceeding shall be dismissed.

~~(6)~~(5) ~~Application and~~ Petition

(aa) Form. Except as otherwise prescribed by the commission or required by statute, ~~an application or~~ petition shall contain the name and address of ~~applicant or~~ petitioner without abbreviation, and the name and address of the attorney for ~~applicant or~~ petitioner, if there be one.

(bb) Allegation. It shall set forth a statement of facts and the grounds upon which relief or authority is sought, the statute or statutes under which the proceeding is brought or which are otherwise applicable, and the relief or authority sought by ~~applicant or~~ petitioner. ~~If the application or petition seeks a license or authority to perform a new or increased service or operation, it shall describe similar existing~~

~~services-or-operations-in-or-between-the-same-point-or-areas-and-shall-specify-the-reasons-why-such-new-or-increased-service-or-operation-should be-authorized-by-the-commission.~~

(cc) Subscription; Verification; Filing. The ~~application~~ or petition must be subscribed in the same manner as a formal complaint; but unless prescribed by the commission or required by statute the ~~application~~ or petition need not be verified. Only the original need be filed with the commission; but additional copies shall be furnished to the commission upon its request.

~~(7)--Protest.--Protests-may-be-filed-containing-objections-to-any-application-or-petition,-and-the-person-so-protesting-shall-be-styled-"Protestants,"-but-shall-become-a-party-to-the-proceeding-only-by-leave-of the-commission-under-provision-of-Rule-501.~~

~~(8)~~(6) Petition to Intervene

(aa) When Made. Any person desiring to be made a party to a pending proceeding may petition for leave to intervene therein ~~prior-to-or at-the-time-it-is-called-for-hearing,-but-not-thereafter-except-for-good-cause-shown.~~ The petition with proof of service shall be filed at least ten (10) days prior to the date set for hearing, but not thereafter except for good cause shown.

(bb) Allegations; Subscription; Verification; Filing. Such petition to intervene shall allege the grounds for the proposed intervention and the specific interest of the petitioner in the proceeding which qualifies him as a party under Rule ~~501~~ 503, which allegations shall be reasonably pertinent to the issues involved in the principal pleadings, and shall not unduly broaden the issues. The petition must be subscribed in the same manner as a formal complaint~~,-but-unless-the-intervenor-seeks-affirmative-relief, it-need-not-be-verified. When-filed-before-or-after-the-hearing,-it~~ It shall be served upon all parties to the proceeding, and the original and four additional copies filed with the commission secretary. ~~When-filed-at-the hearing,-an-original-only-need-be-prepared-and-filed-with-the-presiding-officer;-it-need-not-be-served-on-parties.~~

~~(9)~~(7) Answer to Petition to Intervene. Parties to the proceeding may file answers to petitions to intervene with the commission with proof of service upon petitioner in intervention ~~within-20-days-after-the-day-upon~~

~~which-the-petition-to-intervene-was-served-upon-the-answering-party,-but-not later-than-the-opening-of-the-hearing;~~ prior to the hearing, or parties may ~~make-oral-objection~~ answer on the record at the opening of the hearing if less than ~~20~~ 10 days have expired from the date of service upon them of the petition to intervene. Thereafter, the commission shall grant or deny the petition to intervene; and if such permission is granted, the petitioner thereby becomes an "intervenor" ~~or-"protestant,"-as-the-case-may-be~~, and a party to the proceedings. Answers to petitions to intervene should admit or deny the interest of the petitioner in intervention, and if the intervention is objected to by a party to the proceeding, the grounds for such objection should be stated in the answer. Such answers need not be verified unless the petition to intervene has been verified. Failure to file an answer to a petition to intervene or to make oral objection to such petition shall be deemed to be consent to such intervention, but the commission may, on consideration of all the files and records of the proceeding, grant or deny the petition to intervene whether or not answers thereto have been filed or oral objections made.

(8) Scope of Intervenor's Participation.

(aa) The participation of a party granted leave to intervene will be limited to those matters raised in its petition to intervene unless for good cause shown on the record, the commission or the hearing examiner grants such intervenor right to more fully participate than set forth in its petition to intervene.

(bb) Where there are two or more intervenors having substantially like interests and positions, the commission or hearing examiner may, in order to expedite the hearing, arrange appropriate limitations on the number of attorneys who will be permitted to cross-examine and make and argue motions and objections on behalf of such intervenors.

PSC ~~504~~ 507 Amendments

(a) Amendment of Pleadings. Formal complaints, answers (except answers to informal complaints) and replies may be amended at any time before the original time for answering or replying has expired, and thereafter only by order of the commission for good cause shown upon motion and upon notice to

all parties to the proceeding. Amendments to ~~applications or~~ petitions initiating any proceeding, which do not enlarge in any respect the authority or relief sought or otherwise materially alter the petition, and amendments to notices of intent to protests and petitions to intervene, may be made without leave of the commission and by filing the same with the commission prior to the day of hearing. ~~On or a~~After the ~~day of~~ commencement of the hearing such ~~applications,~~ petitions, notices of intent to protests, or petitions to intervene may be amended only by order of the ~~commission~~ presiding officer for good cause shown upon motion ~~and upon notice to all parties to the proceeding; and a like motion shall be required to amend an application or petition which enlarges in any respect the authority or relief sought, whenever made.~~

(b) Answer to Amended or Supplemental Complaint, or to Petition to Intervene. Rules as to the form, content, subscription, verification, and time of filing of answers to formal complaints and petitions to intervene shall obtain as to answers to amended or supplemental complaints and answers to amended petitions to intervene.

PSC ~~505~~ 508 Service

When filing a pleading or other document initiating or relating to a proceeding pending before the commission, the following rules of service shall be adhered to:

~~(a) Service. Informal, formal, supplemental and amended complaints will be served by the commission; but all answers, protests, petitions to intervene filed before or after the hearing, replies, written motions and notices in proceedings formally pending before the commission, when filed or tendered to the commission for filing, must show service thereof upon all parties to the record. Such service may be made by delivering in person, or by mailing, properly addressed with postage prepaid, one copy to each party. When service is by mailing, service shall be effective upon mailing.~~

(a) Service of all documents shall be made upon other parties in proceedings before the commission by deposit in the first class mail or by delivery in person, unless otherwise ordered by the commission or unless otherwise specifically provided by law.

~~(b)--Service-Upon-Attorneys.--When-any-party-has-appeared-by-an-attorney, service-upon-such-attorney-shall-be-deemed-service-upon-the-party.~~

(b) When any party has appeared by attorney, service upon such attorney shall be deemed service upon the party.

(c) The date of service shall be the day when the document served is deposited in the mail or is delivered in person, as the case may be, unless otherwise provided by the commission or the hearings examiner.

(d) When a document is served, the person serving the paper shall file with the commission proof of service, or acceptance of service by the person served or his attorney, annexed to the copies of documents served.

PSC ~~506~~ 509 Continuances and Extension of Time. For cause shown, continuances and extensions of time will be granted or denied by the ~~commission~~ presiding officer in ~~its~~ his discretion.

~~PSC-507--Stipulations.--The-parties-may,-by-stipulation-in--writing-file--with-the-commission-or-presented-at-the-hearing,-agree-upon-any-facts involved-in-the-proceeding.--It-is-desired-that-the-facts-be-thus-agreed upon-so-far-as-and-whenever-practicable.~~

PSC ~~508~~ 510 Dockets

(a) Open to Public Inspection. The commission will establish and maintain in the office of the secretary the necessary dockets which shall be open to public inspection; but any person desiring to inspect any record of the commission must first make application to the secretary of the commission.

(b) Filing of All Papers Required. Unless otherwise specified in these rules, an original and eight ~~8~~copies of all pleadings, briefs, written arguments, notices, written motions, and all papers in any manner relating to or affecting any power or jurisdiction of the commission or which are intended for the information of or action by the commission must be first filed in the office of the secretary thereof; and thereafter the same shall be preserved therein as public records.

(c) Docket Number. The secretary, upon the filing with the commission of any matter within the jurisdiction of the commission, will enter such matter on the docket, giving it then a consecutive number therein.

(d) Nothing in these regulations shall require the revealing of trade secrets or processes in any document filed with the commission under this chapter.

(e) When any document is filed with the trade secret portion omitted therefrom, the person filing such a document shall bring the deletion to the attention of the commission.

(f) The commission may require any omitted information to be submitted to the commission. In such event any person filing such document may file written objection to its public disclosure. Thereafter, information contained in such document shall not be made available to the public unless and until the commission determines that disclosure is required in the public interest and so orders.

PSC ~~509~~ 511 Hearings

(a) Appearances, Attorneys.

(1) All parties, except individuals appearing on their own behalf, shall be represented by counsel. Participants, as defined in PSC 500(1), need not be represented by counsel. Persons holding specific authority to practice before the commission in their areas of expertise, may continue to do so within the express limits of such authority.

(b) Presiding Officer(s). Each formal hearing before the commission shall be presided over by one or more commissioners and/or, where appropriate, by one or more designated hearing examiners, or member of the staff, and said person or persons presiding shall be known as the presiding officer or officers. The presiding officer or officers shall be in complete charge of the proceedings and shall rule on all matters of evidence, continuances, motions or other matters involving the case from the time the proceedings have been assigned to such presiding officer or officers.

~~(a)~~ (c) Discretionary Hearing on Informal Complaint and Other Matters; Notice. Whenever the commission shall consider that the cause of action in any informal complaint is of such a nature as prima facie to admit of relief

or justify redress under the law, and for this reason the commission may make such an ex parte investigation as it may deem necessary, the commission at any time may order a hearing upon such informal complaint; and it may at any time order a hearing on any matter on the informal docket, ~~investigation docket,~~ or any other matter where a hearing is discretionary with the commission. ~~It shall give written notice as required by law to the parties, and to any other persons as required by law, stating the time, place and issues involved.~~

~~(b)~~(d) Hearing on Formal Complaint and Other Required Hearings; ~~Notice.~~ When issue has been joined upon formal complaint by service of answer or by failure of respondent to answer, and proof thereof has been filed, and in every other contested case, and in every case where a hearing is required by law, the commission shall assign a time and place of hearing ~~and given written notice as in the preceding paragraph,~~ pursuant to PSC 512.

~~(c)~~(e) Examination of Witnesses; Cross-examination; Rebuttal. Witnesses ~~will~~ may be examined orally before the ~~commission, a commissioner, or one of the designated employees of the commission,~~ presiding officer, or, where deemed appropriate, direct evidence may be taken by written statement prepared in advance of the hearing. In such cases the author of the written statements will be made available for cross-examination. Every party to a contested case shall have ~~the rights of~~ to cross-~~examination~~examine of witnesses ~~who testify,~~ and ~~shall have the right~~ to submit rebuttal evidence.

~~(d)~~(f) Exhibits. Unless the presiding officer shall otherwise direct, exhibits offered to the commission at any hearing or conference in a contested case shall be in quadruplicate, and a reasonable number of copies shall be furnished to parties in attendance.

~~(e)~~(g) Order of Procedure.

~~(1)~~ Party Instituting the Proceeding Shall Open Proof. Unless otherwise directed, the following order of procedure shall apply to all hearings before the commission: At hearings on informal complaints, formal complaints, or petitions ~~or application,~~ the complainant, or petitioner ~~or applicant~~ shall open the proof. The presiding officer shall determine the subsequent order of procedure. Intervening parties shall follow the party in whose behalf intervention is made; except that in all cases where the intervention is not in support of either original party, the presiding officer shall determine when such intervening party shall be heard.

~~(2)~~(h) Failure to Appear. If a complainant~~,-applicant~~ or petitioner fails to appear at a hearing, the proceeding may be dismissed, with or without prejudice, at the discretion of the ~~commission~~ presiding officer; or the ~~commission~~ presiding officer may, in ~~its~~ his discretion, continue the hearing; or the ~~commission~~ presiding officer may, in ~~its~~ his discretion, grant the relief requested upon the basis of a verified complaint, ~~application or~~ petition, and affidavits if any, filed in the case, which in all such cases shall be considered as having been offered in evidence at the hearing by the complainant~~,~~ or petitioner ~~or applicant~~ who is absent, but the ~~commission~~ presiding officer shall not grant the relief requested upon such a showing if any person shall appear at the hearing who qualifies as a party to the proceeding and shall object thereto.

~~(f)~~(i) Admission of Evidence. In a contested case, the ~~commission~~ presiding officer may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. It shall give effect to rules of privilege recognized by law. It may include incompetent, irrelevant, immaterial and repetitious evidence.

~~(g)~~(j) Documentary Evidence. In a contested case, documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

~~(h)~~(k) Evidence Must be Offered. All evidence in a contested case, including records and documents in the possession of the commission of which it desires to avail itself, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.

~~(i)~~(l) Official Notice. In a contested case, the commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within their specialized knowledge. Parties shall be notified in writing either before or during hearing, or by reference in preliminary reports or otherwise, or by oral statement in the record, of the material so noticed, and they shall be afforded opportunity to contest the facts so noticed.

~~(j)~~(m) Record of Proceeding. The commission shall prepare an official record of all contested proceedings, including testimony and exhibits.

Testimony before the commission shall be taken in shorthand or by stenotype by the official reporters at the expense of the commission. A transcript shall be ~~furnished upon application at the expense of the applicant;~~ prepared for any person requesting same at his expense; otherwise the preparation of a transcript shall be at the option of the commission.

PSC 512 Hearing, Notice.

(a) Except as otherwise provided by statute, written notice of all non-utility hearings, at least thirty (30) days before the date set therefor, shall be served upon all parties and such other persons as the commission directs, unless the commission determines a longer period of notice for good cause. The notice shall state the time, place and nature of the hearing and a concise statement of the matter to be considered. The commission, except as otherwise provided by statute, may prescribe by order the form and extent of notice to be given.

(b) The Minnesota Public Service Department's Notice of Public Hearings and Decisions shall be issued weekly and shall be mailed to all subscribers, parties, and other persons deemed interested in a given proceeding by the secretary, and shall constitute official notice of all formal proceedings.

(c) When a utility has filed proposed changes in its rates or has requested new rates and charges, the commission shall, pursuant to statute, give notice to the governing bodies of each municipality or county in the area affected by such proposed changes. In addition, when determined by the commission to be appropriate, the utility proposing a change in rates shall notify individually its subscribers of the proposed change by billing stuffer or other appropriate method.

(d) All utilities seeking rate changes which have been scheduled for hearing shall cause to be published at least ten (10) days prior to the hearing a notice of hearing in a manner and form approved by the commission which will include, at a minimum, publication in the legal newspapers of the county seat towns in the counties in the service areas of the utilities affected. Such notice shall indicate the place and date of the commencement of the hearing and shall include a summary sheet describing the percentage

impact of the proposed rate changes upon revenues by the various classes of service offered by the petitioning utility and shall include a list of petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined by the public. Such notice shall also contain in bold type the following statement: "The rate changes described in this notice have been requested by (specific utility). The Minnesota Public Service Commission may either grant or deny the requested changes, in whole or in part, and may grant a lesser or greater increase than that requested for any class or classes of service." Affidavits of publication and/or proof of service shall be filed at or before the commencement of the scheduled hearing.

(e) In addition to the notice required in paragraph (d) above, the petitioning utility company shall, at least ten (10) days prior to the scheduled hearing, mail a copy of the notice of hearing to the governing bodies of all cities within its service area as well as to all parties who have appeared in the two most recent rate proceedings of the petitioner and whose names appear as such in commission files. Such notice shall indicate the place of the hearing, the date of commencement and include a summary sheet describing the percentage impact of the proposed rate changes upon revenues by the various classes of service offered by the petitioner, and shall include a list of the petitioner's business office locations where the proposed rate schedules and a comparison of present and proposed rates can be examined. Proof of service is to be filed at or before the scheduled initial hearing.

(f) The petitioning utility shall, at least ten (10) days prior to the hearing, have available for inspection at its principal business office and such other business offices of the petitioner as the commission shall direct, statements of facts, expert opinions, substantiating documents, and exhibits supporting the change requested, and further, shall state the change proposed to be made in the rates then in force and the time when the modified rates will go into effect.

PSC 513 Prehearing Conferences; Settlement Conferences; and Stipulations.

(a) In order to provide opportunity for the submission and consideration of facts, arguments, offers of settlements, or proposals of adjustment, for settlement of a proceeding, or any of the issues therein, or consideration of means by which the conduct of the hearing may be facilitated and the disposition of the proceeding expedited, conferences between the parties to the proceeding and staff for such purposes may be held at any time prior to such hearings before the presiding officer as time, the nature of the proceeding and the public interest may permit.

(b) At such prehearing or other conferences as may be held to expedite the orderly conduct and disposition of any hearing, there may be considered, in addition to any offers to settlement or proposals of adjustment, the possibility of the following:

(1) Simplification of the factual and legal issues to be determined;

(2) Amendment of pleadings;

(3) Determination of prehearing motions;

(4) Separation of issues;

(5) Consolidation of presentations by parties having substantially the same interest;

(6) The names, number and order of presentation of witnesses giving testimony;

(7) Production of exhibits and consideration of their authenticity;

(8) Arrangement for completion of discovery activities;

(9) Submission and consideration of appropriate authorities in support of contentions made;

(10) Estimation of the time required for hearing;

(11) Discussion of the possibility of voluntary dismissal of the proceedings;

(12) All other matters that may aid in the disposition of the proceedings.

(c) The presiding officer, with or without motion, may direct that a conference be held, and direct the parties to the proceeding, their attorneys, and the commission's staff to appear thereat to consider any or all of the matters enumerated in paragraph (b) of this section. Due notice of the time and place of such conference will be given to all parties to the proceeding,

their attorneys and the commission's staff. All parties will be expected to come to the conference fully prepared for a useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. Such preparation should include, among other things, advance study of all relevant material, and advance informal communication between the parties, including requests for additional data and information, to the extent it appears feasible and desirable. Failure of a party to attend such conference, without prior notification to the presiding officer and for good cause, after being served with due notice of the time and place thereof, shall constitute a waiver of all objections to any order or ruling with respect thereto, but shall not otherwise prejudice such a party's position as to the issues in the proceeding.

(d) The presiding officer at such conference may dispose of by ruling, irrespective of the consent of the parties, any procedural matters which he is authorized to rule upon during the course of the proceeding. All rulings made at the prehearing conference shall be binding on all parties to the proceedings. Such rulings may be subsequently modified for good cause shown.

(e) Nothing contained in this section shall be construed as precluding any party to a proceeding from submitting at any time offers of settlement or proposals of adjustment to all parties and to the commission staff, or from requesting conferences for such purpose. The presiding officer shall have the same powers at settlement conferences as those enumerated for prehearing conferences. In addition, the presiding officer shall submit a proposed settlement to the commission after all parties and the commission staff agree to the proposal. Even though all parties and staff are not in agreement, the presiding officer may submit a proposed settlement to the commission provided all parties and staff have an opportunity to make known their objections to such a proposal.

(f) The parties to a proceeding before the commission may agree by stipulation either in writing filed with the commission or oral entry in the record upon the facts or any portion thereof involved in the controversy and such stipulation shall be regarded and used as evidence in the determination thereof.

PSC ~~510~~ 514 Witnesses

(a) Witnesses and Subpoenas; Who May Issue. Subpoenas requring the attendance of witnesses at any designated place of hearing within the State of Minnesota may be issued by the commission or by any member thereof or by a designated employee then presiding; but subpoenas for the production of books, papers, or documents, unless directed by the commission upon its own motion, will issue only upon application to the commission in writing. Application to compel witnesses who are not parties to the proceedings, or agents of such parties, to produce documentary evidence must be verified and must ~~specify as nearly as may be~~ describe as precisely as possible the books, papers or documents desired and the facts to be proven by them. Where the proceedings before the commission charge a violation of law, or a rule or regulation of the commission, application may be made to the commission by either party to require the production of such books and records as may be material upon a showing of the materiality of the evidence sought to be obtained; and the commission may permit the examination by any party to the proceeding of books and records so produced, which are pertinent to the issues, but such examination shall be made in the office of the commission or other place designated by the commission, and in such manner as is approved or directed by the commission.

(b) Fees of Witnesses. Witnesses who are subpoenaed are entitled to the same fees as are paid for like service in the district courts of the State of Minnesota, such fees to be paid by the party at whose instance the testimony is taken.

(c) Service of Subpoenas. Service of subpoenas shall be made in like manner as provided by law for the service of subpoenas in the district courts of this State.

PSC ~~511~~ 515 Briefs and Oral Argument

(a) Requests for Briefs or Oral Arguments. If briefs or oral argument are desired by any of the parties to the proceeding, they shall notify the presiding officer before or at the hearing. If such request is made, the presiding officer shall allow all parties to file briefs or make oral argument, or he may permit both. He shall also prescribe the time for service and filing of briefs or making of oral argument.

(b) Filing and Service of Briefs. All briefs for presentation to the commission must be filed with the secretary accompanied by written evidence of service upon opposing counsel, party or parties.

(c) Recording and Transcribing Oral Argument. Oral argument shall be recorded and transcribed only if the commission so orders; when transcribed it shall be bound with a transcript of the testimony (if the testimony has been transcribed), and will be available to the commission for consideration in deciding the matter.

(d) Transcripts. The charge for transcripts shall be fixed by resolution of the commission.

PSC ~~512~~ 516 Decisions and Orders

(a) Filing; Content; Service. Decisions and orders of the commission when made shall be filed with the secretary, who shall notify by mail all parties to the proceeding of such filing. Every decision or order adverse to a party in a contested case shall be in writing or stated in the record and shall ~~be-accompanied-by~~ include a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. A copy of the decision or order ~~and-accompanying-statement-of-reasons, together-with-a-certificate-of-serfice,-if-requested,~~ shall be delivered or mailed to each party, or his attorney of record.

(b) Proposal for Decision or Order. ~~Whenever-i~~In a contested case ~~a majority-of-the-commissioners-has-not-heard-or-read-the-evidence,-before making-a-decision-or-order-adverse-to-a-party-other-than-the-commission,-the commission~~ the presiding officer shall make and file a proposal for decision unless a majority of the commission presided, or read the transcript of the proceedings, in which case a final order may issue. The secretary shall serve ~~by-mailing~~ to each party by mail a copy of a the proposal for decision or order~~,-including-a-statement-of-reasons-therefor~~.

(c) Exceptions. Within 20 days after service of the proposal for decision or order, any party may file and serve exceptions thereto and reasons in support thereof.

(d) Form of Exceptions; Reply. Exceptions with respect to statements of fact or matters of law must be specific and must be stated and numbered separately. When exception is taken to a statement of fact, a corrected statement must be incorporated. If exception is taken to conclusions in the report, the points relied upon to support the exception must be stated and numbered separately. A reply to exceptions may be filed along with proof of service thereof on all parties of record, but is not required, by any party within 10 days after service of the exceptions to which reply is made.

(e) Argument. Exceptions and replies thereto shall contain written arguments in support of the position taken by the party filing such exceptions or reply. An opportunity for Oral argument before a majority of the commissioners ~~may~~ shall be permitted all parties, ~~in-the-discretion-of-the-commission,~~ in the event that any party adversely affected by a proposal for decision, at the time of filing his exceptions or reply, requests oral argument. Oral arguments relating to commission orders may be held at the discretion of the commission. Oral arguments shall be limited to a discussion of legal questions and a restatement of facts in evidence. No new evidence shall be received at oral arguments.

PSC ~~513~~ 517 Petitions for Further Hearing, Rehearing, Amendment, Vacation, Reconsideration, or Reargument

(a) Further Hearing. Before the ~~commission~~ presiding officer renders ~~its~~ his proposal for decision or order in any proceeding, any party thereto desiring a further hearing may file a petition therefor with the commission, which said petition shall clearly set forth the grounds relied upon for a further hearing; and if it is proposed to produce additional testimony, the testimony so to be produced shall be briefly summarized. No further hearing will be granted where it appears that the evidence to be adduced will be merely cumulative. Such petition shall be served upon all parties to the proceeding. An adverse party shall have 10 days from the date of the service of such petition within which to answer thereto. No reply to such answer will be permitted. The commission may grant or deny such petition without a hearing or, in its discretion, set a hearing on such petition.

(b) Rehearing, Amendment, Vacation, Reconsideration, Reargument. Within 20 days from the date of the mailing by the secretary of the final decision or order, any party may petition for a rehearing, or for an amendment or vacation of the findings of fact, decision or order, on the reconsideration or reargument. If such petition be for a further hearing, rehearing, vacation, reconsideration, or reargument, the grounds relied upon shall be specifically set forth and the claimed errors clearly stated. If such petition be for an amendment of the findings of fact, decision, or order, such petition shall contain the desired proposed amendments, and the reasons therefor shall be clearly stated. Such petition shall be served upon all parties to the proceeding. An adverse party shall have 10 days from the date of the service of such petition to answer thereto, and no reply will be permitted. The commission may grant or deny such petition without a hearing, or in its discretion set a hearing thereon. Pending the decision of the commission on such petition, the commission may vacate and set aside said decision or order. No such petition will extend the time of appeal from said decision or order.

(c) Amendment of Effective Date of Order or Decision. Petitions for amendment of orders or decision which seek only a change in the date when they shall take effect, or in the period of notice or other period or date thereby prescribed, must be made by petition reasonably filed and served in like manner as other petitions under this rule, except that, in case of unforeseen emergency satisfactorily shown by the petitioner which requires relief within three days, such relief may be sought informally, by telegram or otherwise, upon notice thereof to all parties to the proceeding.

(d) Second Petition Upon Same Ground Not Entertained. A second petition for further hearing, rehearing, amendment or vacation of any finding of fact, decision or order, reconsideration or reargument by the same party or parties and upon the same grounds as a former petition which has been considered and denied, will not be entertained.

CERTIFICATION OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Lawrence J. Anderson, do hereby certify that I am the duly appointed and acting Secretary of the Minnesota Public Service Commission, an agency authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a motion made and passed at a meeting of the Commission duly and properly called and held on the 12th day of November, 1974; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the Minutes of said meeting and that it has not been rescinded or modified:

Item 942. It was moved and approved that a public hearing be convened on Tuesday, December 17, 1974, at 10:00 A.M., in Room 83 of the State Office Building, St. Paul, Minnesota, for the purpose of making revisions, amendments and additions to the Commission Rules of Practice and to submit for hearing the new proposed rules of customer service standards for the regulation of gas and electric utilities, pursuant to the provisions of M.S.A. Section 15.0412.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Minnesota Public Service Commission.

Dated this 15th day of November, 1974.

Secretary

(S E A L)

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

Karl F. Rolvaag — Chairman
Ronald L. Anderson — Commissioner
Robert W. Carlson — Commissioner

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the Jurisdiction of the Department of Public Service.

ORDER FOR HEARING

PSC Docket No. A-8117-10

IT APPEARING that the Rules of Practice of the Minnesota Public Service Commission, hereinafter Commission, have not been significantly revised since 1961 and that changes in methods of operation in regulated industries require that the Commission staff be permitted to recommend and suggest revisions in these rules; and

IT FURTHER APPEARING that under the provisions of Chapter 429 of Minnesota Laws of 1974, the Commission is required to regulate the gas and electric utility companies in the state of Minnesota and, therefore, must adopt rules and regulations in relation thereto with regard to Customer Service Standards:

IT IS THEREFORE ORDERED:

O R D E R

That a public hearing on rules relating to the above be held in Room 83 of the State Office Building, St. Paul, Minnesota 55155, on Tuesday, December 17 through Friday, December 20, 1974, commencing at 10:00 a.m. (CST) each day and continuing until all representatives of associatiors or other interested groups or persons have had an opportunity to be heard; and

IT IS FURTHER ORDERED that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

BY ORDER OF THE COMMISSION

Lawrence J. Anderson
Secretary

Dated at Saint Paul, Minnesota,
this 12th day of November, 1974.

(S E A L)

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE PUBLIC SERVICE COMMISSION

Karl F. Rolvaag, Chairman
Ronald L. Anderson, Commissioner
Robert W. Carlson, Commissioner

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the Jurisdiction of the Department of Public Service.

NOTICE OF HEARING

PSC Docket No. A-8117-10

Notice is hereby given that a public hearing pursuant to Minn. Stat. Sec. 15.0412(4) (1971), will be held in St. Paul, Minnesota, Room 83 of the State Office Building on Tuesday, December 17th through Friday, December 20th, 1974, commencing each day at 10:00 a.m. (CST), and continuing until all representatives or other interested groups of persons have had an opportunity to be heard concerning adoption of the proposed rules above-captioned by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing. In addition, the record of the hearing will remain open for twenty (20) days following adjournment and written comments may also be submitted during this period.

The matters to be resolved at this hearing are:

I. AMENDMENT OF PUBLIC SERVICE COMMISSION RULES 500-517 (RULES OF PRACTICE.

New rules and amendments to existing rules will be proposed as definitions, participation in hearings by Department of Public Service Staff, notices of intent to protest, formal and informal complaint procedures, petitions to intervene, role of intervenor, service of documents, hearing notices, utility public notice of proposed rate change, prehearing conferences.

These proposed amendments are to be heard on Tuesday, December 17, 1974, commencing at 10:00 a.m.

II. ADOPTION OF PROPOSED GAS AND ELECTRIC UTILITY REGULATIONS REGARDING CUSTOMER SERVICE STANDARDS.

The following proposed regulations, which will not apply to municipal gas and electric utilities, will be heard on December 18, 19 and 20, 1974, commencing at 10:00 a.m.:

A. Utility Customer Complaint Procedures: Customer information, personnel procedures, complaint records, reporting requirements, inspection by Public Service Department staff.

B. Extension, Discontinuation and Restoration of Service: Definition of terms; extension of service--rates, service justifications, load specifications, non-service areas; temporary service--costs, rate classification, advance payments; discontinuation of service--permissible reasons; suspension of service--permissible reasons; non-permissible reasons to discontinue or suspend service; cold weather conditions; notice requirements; manner of disconnection and suspension; reconnection of service and dispute proceedings for service discontinuation (disconnection).

C. Service Billing: Billing basis, meter reading and billing periods; estimated billing, billing content, adjustment of bills--electric, adjustment of bills--gas.

D. Deposits: Assurance of payment; permissible means of assuring payment; impermissible means of assuring payment.

E. Public Record Access: Records open to public.

Copies of the Proposed Rules and Amendments will also be available at the door on the date of the hearing.

BY ORDER OF THE COMMISSION

/s/ LAWRENCE J. ANDERSON

Secretary

SERVICE DATE NOV 15 1974

(S E A L)

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

CERTIFICATE

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the jurisdiction of the Department of Public Service.

Docket No. A-8117-10

I hereby certify that the attached 391 Ladies & one sheets constitute the complete list of persons, associations, and other interested groups who as of 4:00 o'clock, p.m. this 14th day of November, 1974, have requested pursuant to M.S. 1971, Section 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Arlen I. Erdahl

ARLEN I. ERDAHL
SECRETARY OF STATE

By Gail Dion

State of Minnesota)
(SS
County of Ramsey)

AFFIDAVIT
OF MAILING

Docket No. A-8117-10

Jane A. Turnquist, being first duly sworn, deposes and says:

That on the 15th day of November, 1974, at the City of St. Paul, County of Ramsey, State of Minnesota, (s)he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons at the addresses shown on the attached mailing list.

Jane A. Turnquist

Subscribed and sworn to before me
this 15th day of November, 1974.

Notary Public _____ County, Minn.

My Commission expires _____

STEPHEN A. SCHMIT
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Sept. 28, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

PUBLIC SERVICE COMMISSION

Karl F. Rolvaag	Chairman
Ronald L. Anderson	Commissioner
Arlen I. Erdahl	Commissioner
Richard W. Session	Commissioner
Katherine Sasseville	Commissioner

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division Under the Jurisdiction of the Department of Public Service.

STATEMENT OF NEED

PSC Docket No. A-8117-10

The above-captioned matter as it relates to the Rules of Practice of the Public Service Commission of the Department of Public Service of the State of Minnesota involves the amendment of existing rules. The existing rules are found at Minn. Reg. PSC 500-513. These rules were last amended as of December 1, 1972. However, the last previous major revision of the Rules of Practice occurred in 1960. (PSC Docket No. A-6709-9; March 17, 1960.)

There are several specific reasons supporting the proposed revision of the Minnesota Public Service Commission's Rules of Practice. First is the fact that the rules have not been subject to a comprehensive revision for approximately 15 years. During that time, numerous amendments have been made to the Minnesota Administrative Procedures Act as it applies to the Commission as well as to the various provisions in Minnesota law which grant the Commission its regulatory jurisdiction over specific industries. In addition to these statutory changes, there are matters of policy which previously

have not been incorporated into the Commission's Rules of Practice.

Second, the Minnesota Public Utilities Act of 1974 (Minn. Laws 1974, Chapter 429, Section 8) authorizes the Commission "to make rules and regulations in furtherance of the purposes of this Act." In addition, the Act contains specific provisions regarding such matters as notice, complaints and orders, as well as many other topics which have procedural consequences for the Commission. The number of matters requiring formal proceedings prior to disposition by the Commission will increase as the Commission discharges its new regulatory responsibilities. A survey conducted by the Department of Public Service staff indicated that in 1975 alone as many as 25 gas and electric utility companies plan to file general rate increases. These additions to the Commission's docket relating to gas and electric utilities will require precise, workable rules of practice.

Third, the experience of the Commission in conducting two major telephone rate cases during the past three years has underscored the need for and value of carefully defined Rules of Practice, especially where the proceedings involve several parties as well as many complex issues.

Fourth, the Department of Public Service staff has received suggestions from time to time from practitioners before the Commission as to ways in which the Rules of Practice might be improved. The current proposal is, in many respects, a response to those comments.

This revision of the Commission's Rules of Practice marks the second major step taken by the Commission, working with the Department of Public Service, to improve its hearing process during the past year. Earlier, the number of hearing

examiners who are attorneys was increased from one to three. The Commission feels that this change was necessary to assure due process in hearings which daily become more complex and fraught with legal issues. For the hearing examiners to be fully effective, they must have a workable framework of procedural rules within which to function. It is our belief that the Rules of Practice, as amended, provide the necessary framework.

Lawrence J. Anderson, Secretary
MINNESOTA PUBLIC SERVICE COMMISSION

Dated: June 6, 1975.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

PUBLIC SERVICE COMMISSION

Karl F. Rolvaag	Chairman
Ronald L. Anderson	Commissioner
Arlen I. Erdahl	Commissioner
Richard W. Session	Commissioner
Katherine Sasseville	Commissioner

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the Jurisdiction of the Department of Public Service.

FINDINGS OF FACT

PSC Docket No. A-8117-10

The above-captioned matter as it relates to the Minnesota Public Service Commission Rules of Practice came on for hearing before the full Commission, Karl F. Rolvaag, Chairman, Ronald L. Anderson, Commissioner, and Robert W. Carlson, Commissioner, presiding on the 17th day of December, 1974, at 10:00 a.m. in the State Office Building auditorium (Room 83), St. Paul, Minnesota, after proper notice as required by Minnesota Statutes, Section 15.0412 (1971) had been served upon all persons registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, the Commission finds the following facts in support of the Rules of Practice as adopted.

I.

GENERAL

The Minnesota Public Service Commission's ("Commission") Rules of Practice (Minn. Regs. PSC 500-513), which relate to matters of procedure in proceedings before the Commission, were last amended December 1, 1972. However, the most recent comprehensive revision of these rules occurred in 1960 (PSC Docket A-6709-9; March 17, 1960).

The Minnesota Public Utilities Act of 1974, Minn. Stat. Ch. 216B (1974),

confers substantial additional regulatory authority upon the Commission and also authorizes the adoption of "rules and regulations in furtherance of this Act." The Rules of Practice, as amended, are a critical tool to be used in the effective implementation of the Commission's new statutory responsibilities.

Various grammatical and stylistic changes have been made to the proposed rules. These changes were made for the purpose of increased clarity and do not change the substance of the rules. Accordingly, they are not discussed below.

Many of the existing rules of practice have been carried over into the proposed rules in whole or in part but renumbered. In addition, the numbers of many of the final rules differ from the corresponding proposed rules. These changes were made because proposed Rule 506 contained eight subsections and was seven pages long. It has been subdivided into five different sections (PSC 506-510) in the rules as finally enacted. The remaining proposed rules have been renumbered accordingly. In addition, the numbers of the subparagraphs in PSC 506-510 have been simplified.

A distribution table showing the changes in numbers of the existing, proposed, and final rules is attached hereto as an appendix.

References in the Findings of Fact to existing rules are over-scored with a hyphenated line (e.g., "~~PSC-506-(a)~~"). References to proposed rules are in brackets (e.g., "[PSC 506 (a)]"). References to final rules are not specially marked (e.g., "PSC 507").

II.

DISCUSSION OF RULES AND RELEVANT FACTS PERTAINING TO EACH

PSC 500--Definitions

This new section of the Rules of Practice sets forth the meaning of various terms which are used repeatedly throughout the Rules of Practice and are key to an understanding of the rules in which they are used. The definitions will be of particular assistance to the Commission in understanding the status or roles of persons participating in Commission proceedings. In addition, by clarifying the various methods of participation, the Commission will be better able to put in perspective the interests of persons appearing before them. Specifically, defining the role of a "participant" (PSC 500 (1)) as something

different and apart from the role of a "party" (PSC 500 (g)) reveals that participation in Commission proceedings can occur on more than one level and should help insure that all legitimate interests are fully represented in Commission proceedings.

During the course of the hearing on the proposed rules, it was suggested by a spokesman for Burlington Northern, Inc. that the definition of "complainant" under PSC 500 (c) encouraged premature complaints by indicating that they might be based upon facts "reasonably certain to occur" in the future (Transcript, p. 24). The Commission finds merit in this comment and, accordingly, the proposed rules were modified to indicate that complaints may be based upon any action or failure to act which "in the opinion of the Commission" is reasonably certain to occur.

Also giving rise to some controversy at the hearing was the definition of the term "party" found at PSC 500 (f). The City of St. Paul suggested that pursuant to Minn. Stat. §216B.22 (1974), any municipality that regulated and controlled the exercise of a public utility franchise under its home rule charter as of January 1, 1975 be admitted as a "party" in Commission proceedings upon the city's election to assist the Public Service Commission as an "amicus curiae." We read Minn. Stat. §216B.22 (1974) to authorize municipalities to participate in Commission proceedings. We do not believe that it was intended to confer an absolute right upon municipalities to participate as parties in Commission proceedings. This position is supported by the discussion on the record involving Commissioner Anderson, Mr. Tom Stearns representing the City of St. Paul, and Mr. John Van de North, Commission counsel (Transcript pp.38-42). As was there pointed out, there is a distinction to be drawn between parties to a proceeding and so-called "amicus curiae." Had the legislature intended that municipalities be allowed an automatic right to participate as parties in Commission proceedings, it would have conferred that right expressly and would not have chosen to use the term "amicus curiae." For the reasons stated, we have rejected the City of St. Paul's recommended modification to the proposed rules. By this action, the Commission in no way intends to indicate that it is not eager to benefit from the experience of the municipalities who have actively engaged in the regulation of gas and electric utilities in their jurisdictions in the past. It is clear that municipalities may become "participants" in all Commission proceedings and have the right to petition for leave to intervene as parties.

To make it consistent with the remainder of the rules, the word "applicant" was stricken from 500 (f).

Mr. James Finley, an attorney representing various motor carriers, testified that, in his view, the rules would be made clearer if the term "motor carrier" were expressly expanded to include local cartage carriers (Transcript, p. 86). It appears to us that the intent of the proposed rules was to make them applicable to local cartage carriers. For purposes of the Rules of Practice, we see no substantive reason for treating them differently than motor carriers. Consequently, we have added the term "motor carrier" to our list of definitions (see Minn. Stat. §221.011, subd. 15 (1974)) to include local cartage carriers. In addition, we note that Minn. Stat. §221.296, subd. 2 (1974), provides in part that the Department of Public Service shall regulate the operation of local cartage carriers "in all matters affecting the relationship between them and the shipping public." Accordingly, we find the express reference to local cartage carriers in the Rules of Practice to be appropriate.

Finally, it was suggested by Northwestern Bell Telephone Company (Transcript, p. 71) that the introductory phrase "as used in these Rules" at the beginning of PSC 500 should be further clarified by specifying that the definitions are intended to apply only to the Rules of Practice, PSC 500-[517] 521. Consequently, for purposes of clarity, the rules, as adopted, have been modified to indicate that the definitions in PSC 500 are applicable to the "Public Service Commission's Rules of Practice."

PSC 501--Application and Construction of Rules

This rule contains a discussion regarding the application and interpretation of the Rules of Practice. Such a provision has been absent in previous editions of the rules (Transcript, p. 14), is typical of most statutes and regulations (PSC Exhibits 9-12), and is a helpful addition to our Rules of Practice.

PSC 502--Commencement of Proceeding; Title

The proposed rule provides that a proceeding before the Public Service Commission may be initiated in one of three ways: First, by the filing of a complaint; second, by the filing of a petition; or third, by action of the Commission on its own motion. Eliminated is the distinction drawn in the existing rules between "petitions" and "applications." We find no substantive difference between the two terms (Transcript, p. 116) and consequently adopt the proposed

rule which provides only for "petitions".

It was suggested by Mr. Finley (Transcript, p. 89) that the provision allowing proceedings to be initiated on the Commission's own motion be eliminated. The objection appeared to be based upon a concern that adequate procedural safeguards had not been provided so as to assure due process in matters initiated by the Commission. We are aware of nothing in the history of the Commission's actions nor were any specific examples presented on the record which would substantiate this concern. We are of the opinion that the Commission has the necessary authority under such statutes as Minn. Stat. §§216A.05, 216B.21, 218.041 and 221.293 (1974) and need the flexibility to issue orders to show cause, order investigations and initiate other proceedings on our own motion. The statutory right to appeal Commission actions to the state's district courts provides additional safeguards.

With respect to Mr. Finley's suggestion that the content of "petitions" filed with the Commission be further specified in the Rules of Practice (Transcript, pp. 90-92), we find that for the purposes of these rules the form and content of "petitions" are adequately prescribed by PSC [506 (a) (5)] 509. Specifically, PSC 509 requires the identification of the petitioner, the relief sought and the specific grounds upon which the petition is made. Mr. Finley suggested that the petition contain a statement from all supporting witnesses. The Commission feels that this suggestion may have merit but that it will be necessary to consider it as part of a future study to formulate rules of discovery.

Mr. Finley further suggests certain specific requirements for petitions relating to the motor carrier industry. The Commission feels that it would be appropriate for it to adopt specific requirements for petitions filed in each of the subject areas which it regulates as it has already done in the area of gas and electric utilities (see proposed PSC 400-406). However, the record herein is not sufficient for it to do so at this time.

PSC 503--Parties; Petition to Intervene; Participation and Appearance

The record is relatively silent with regard to the proposed changes in this rule. The City of St. Paul suggests substantially the same change that it had recommended as to the definition of the term "party" found at PSC 500 (f) (Transcript, p. 43). For the reasons which we set forth in our discussion of

PSC 500 above, we likewise reject St. Paul's proposed modification to PSC 503. The Commission finds that the provision making protestants in motor carrier proceedings parties is necessary to make this section consistent with PSC 500 (f) and 505. We find that the proposed changes in this rule are helpful to a complete understanding of the roles played by the various categories of participants in Public Service Commission proceedings.

[PSC 504]--Participation by Department of Public Service Staff

The proposed rule has generated considerable discussion both during (Transcript pp. 15-16; 43-45; 72-74) and subsequent to the hearing among interested persons, including the Commission which has been expanded since the initial hearing from three to five members. We are unable to find sufficient support in the record for the rule as proposed and indeed there is no clear consensus among the Commissioners as to the appropriate wording for such rule at this time. Consequently, we deem the best course to be to reserve this section, i.e., [PSC 504], for future use. The Commission is confident that until such time as a revised rule regarding staff participation can be promulgated the matter can be adequately dealt with on an ad hoc basis.

PSC 505--Protestants and Notices of Intent to Protest In Motor Carrier Proceedings

The proposed rule recognizes the highly competitive nature of motor carrier proceedings before the Commission as opposed to other types of proceedings. Pursuant to Minn. Stat. Ch. 221 (1974), the Commission cannot grant new authority to any motor carrier unless it is convinced there is a true need for a new carrier and that traffic is not unnecessarily diverted to the economic detriment of existing carriers. It is apparent that the limited number of existing permitted or certificated carriers has a keen and real pecuniary interest in such a determination. The provision, which allows a motor carrier to become a party in a motor carrier proceeding without petitioning for leave to intervene, is, in our view, a justified departure from procedures applicable to other types of proceedings before the Commission.

A staff sponsored modification of PSC 505 (d) clarifies that PSC 505 is intended to apply only to motor carrier proceedings involving other types of carriers such as railroads.

PSC [506(a)(1)] 507a--Pleadings

The first change at PSC [506 (a) (1) (aa)] 507a clarifies the policy of

the Commission regarding telephone call complaints. We find this policy which allows telephone complaints in emergency situations but which requires that all routine complaints be reduced to writing to be both workable and appropriate. We have partially adopted the suggestion of Mr. Finley (Transcript, pp. 92-5) that all telephone complaints be noted in the file of the person complained against by including language which requires memoranda requiring emergency phone call complaints to be filed by staff (see Section 3).

By letter dated December 31, 1974, the Minnesota Public Interest Research Group (hereinafter "MPIRG") suggests that PSC [506 (a) (1) (bb)] 507 (b) be modified so as to require respondents to informal complaints or the Commission to transmit responses to informal complainants. We find merit in the MPIRG suggestion and indeed it is our understanding that the Department of Public Service staff has followed a substantially similar practice in the past. In light of such practice and MPIRG's suggestion, we have modified PSC [506 (a) (1) (bb)] 507 (b).

The City of St. Paul suggests (Transcript, p. 45) that PSC [506 (a) (2) (bb)] 508 (a) (2) be modified so as to require complainants to specify the statutory provisions authorizing the complaint. We find merit in the City's suggestion and accordingly have changed the proposed language. We note in passing that a complainant may well have standing to file a complaint before the Minnesota Public Service Commission absent specific statutory authorization.

The City of St. Paul has also suggested an amendment (Transcript p.46) to PSC [506 (a) (2) (cc)] 508 (a) (3) which would require a reference to "schedules" on file with the Department of Public Service. We find that the word "tariff" in the existing proposed language is synonymous with the word "schedule" and thus PSC [506 (a) (2) (cc)] 508 (a) (3) is sufficiently broad to include this reference. Consequently, we see no need to vary from the proposed rule.

MPIRG suggests in its letter of December 31, 1974, that the PSC [506 (a) (3) (aa)] 508 (b) (1) be modified to indicate that any respondent's failing to answer a formal complaint be considered as an admission of the charges in the complaint. MPIRG claims this is consistent with the current practice in federal and state district courts. We believe that MPIRG's interpretation of federal

and state district court rules is incorrect. See Rule 55 of the Minnesota Rules of Civil Procedure for the District Courts.

In further support of its suggestion, MPIRG has incorrectly suggested that whenever a complainant fails to reply to respondents' allegations, proceedings before the Public Service Commission are dismissed (see PSC [506 (a) (4)] 508 (c). Only where the answer alleges the granting of the relief demanded does the failure of the complainant to reply provide grounds for the dismissal of a proceeding. PSC [506 (a) (3) (aa)] 508 (b) (1) was unchanged except for its number and there is no evidence in the record which justifies changing its substance. We do not think it would be advisable to adopt its suggestion.

Mr. Finley suggested (Transcript, p. 97) a change in PSC [506 (a) (7)] 510 (b) which would expressly require the Commission to show good cause for denying a petition to intervene. The Commission has inherent discretion to determine whether a person should not be an intervenor. It should not be required to make an affirmative showing to support its decision. It appears, however, that Mr. Finley's real objection (Transcript, p. 97) is that the Commission should be required to state its reason for granting or denying a petition to intervene. We agree and have made an appropriate change in PSC [506 (a) (7)] 510 (b).

Northwestern Bell Telephone Company suggested a modification to PSC [506 (a) (8) (aa)] 510 (c) (1) (Transcript, p. 74) which would prohibit the hearing examiner from expanding the rights of a particular intervenor to participate in Commission proceedings. It is the company's view that such permission should be reserved to the full Commission. We find that the rule as proposed will provide an immediate and therefore more practical solution to specific problems as they arise in the course of actual hearings (Transcript, p. 75). Ultimately, there are various remedies available to a party who feels he was somehow prejudiced by the actions of a hearing examiner. For example, an aggrieved party may file exceptions to a proposal for a decision and be granted an oral argument before the full Commission (Transcript, p. 85). In addition, final orders of the Commission are appealable to District Court.

By a letter dated December 30, 1974, Shell Oil Company objects to PSC [506 (a) (8) (bb)] 510 (c) (2) which permits the limitation of attorneys appearing on behalf of intervenors in Commission proceedings. We find that the

rule as proposed contains the necessary flexibility to accommodate the needs of a particular intervening party seeking to assert its cause apart from that of other intervening parties. We have no reason to believe that Commission hearing examiners will abuse the discretion given them under the proposed rule. However, to eliminate any confusion regarding our intent, we have modified the proposed rule to make clear that the concurrence of the parties is necessary.

PSC [507] 511--Amendments

We find that the proposed changes in the Commission's Rules of Practice related to the amendment of pleadings make the language consistent with other provisions of the rules as amended and appropriately authorize the presiding officer in a given proceeding to determine whether a proposed amendment to a pleading is or is not reasonable (Transcript, p. 17). No comments on the proposed change were received at the hearing or subsequent thereto from interested persons.

PSC [508] 512--Service

The proposed rule is a rewriting of the existing rule on service (Transcript, p. 17) and spells out adequately the requirements to be met in serving documents relating to Commission proceedings.

No comments were received from interested persons either during or subsequent to the hearing on the proposed changes. We find the proposed rule to be in the best interest of the orderly and expeditious disposition of matters pending before the Commission.

PSC [509] 513--Continuances and Extensions of Time

We find that the proposed change which transfers the responsibility for disposing the requests for continuances from the Commission to the presiding officer is highly appropriate. The change recognizes the fact that the Commission, which has authority under the present rules, may often be unfamiliar with specific facts of a particular proceeding (Transcript, p. 18). No comments were received from interested persons regarding this rule change.

PSC [510] 514--Dockets; Trade Secret and Proprietary Information

Although PSC [510] 514 received only limited attention in the record (Transcript, p. 18), the provisions of [510] 514 (d)-(f) have generated considerable discussion among the Commissioners and have raised several legal questions. We have rejected the suggestion of NSP that PSC [510] 514 (d) and (e) include

references to "privileged" information (letter dated January 7, 1975). We find that the rules adequately address the matter of "privileged" information at PSC [511] 515 (i). However, we have adopted NSP's suggestion that PSC [510] 514 (d) and (e) include references to "proprietary information" for the reason that there may be information that is proprietary but not a trade secret (Transcript, p. 77), and we see no justification for eliminating reference to one or the other.

The provision in PSC [510] 514 (f) which allowed the Commission to withhold certain information from the public has been deleted on advice of counsel. The deleted provision is not expressly authorized by statute and consequently appears to be contrary to Minnesota's public records access laws (Minn. Stat. §15.17, subd. 4 (1974).

PSC [511] 515--Hearings

Burlington Northern, Inc. (Transcript, p. 26) and the City of St. Paul (Transcript, p. 47) object to the proposed wording in PSC 511 (b) wherein it is prescribed that the Commission may designate a member of its staff to be the presiding officer in a given Commission proceeding. The railroad and the City direct our attention to Section 15 of the Minnesota Public Utilities Act of 1974, Minn. Stat. Ch. 216B (1974), which states the Commission may not designate an employee as presiding officer in a public utility rate case unless the parties so stipulate. The Commission will, of course, recognize any assertion of this statutory right in the context of a case governed by the Utilities Act (see PSC 501 (e)) (Transcript, pp. 47-8).

Minnesota Gas Company (letter dated January 20, 1975 with appendix) and Burlington Northern (Transcript, p. 27) have recommended that staff members other than hearing examiners not be authorized to conduct hearings. This suggestion would preclude what has proven to be a workable procedure for holding hearings on highly technical, narrow-issue matters (Transcript, pp. 27-30). Accordingly, we find the proposed rule appropriate.

With respect to proposed PSC [511] 515 (i), we have made the obvious correction to the last sentence of that section (Transcript, p. 11). We find that the word "include" should properly be stricken and in its place we insert the word "exclude."

The City of St. Paul has suggested a modification of PSC [511] 515 (ii)

(Transcript, pp. 48-55) which in public utility rate cases would disallow the introduction of evidence other than that contained in documents submitted 30 days prior to the commencement of the proceeding pursuant to Section 16 of the Minnesota Public Utilities Act of 1974, Minn. Stat. Ch. 216B (1974). We find the City's recommendation with regard to this rule is overly specific inasmuch as it relates solely to public utility rate making proceedings and consequently would be more appropriate in other rules of the Commission. It should be noted that a similar suggestion has already been implemented in the form of a proposed rule relating to the content of rate filings (see proposed PSC 401 (c) (6)). We therefore have not adopted the City's suggested change on the grounds that it is inappropriate and unnecessary in our Rules of Practice.

MPIRG has suggested a broadening of PSC [511] 515 (h) which states that if complainants fail to appear at hearings, the proceedings may be dismissed. MPIRG's suggestion would require that the failure of respondents to appear should be considered a default in favor of the complainants. The suggestion once again attempts to cast the Commission in the role of a court of law. By statute (see Minn. Stat. Ch. 216A (1974)), the Commission is a quasi-legislative body with an independent responsibility for regulating those businesses subject to its jurisdiction. Its responsibility goes beyond the failure of a complainant in a given proceeding to prosecute a complaint or the failure of a respondent to appear at a hearing. The Commission may, and it often does, pursue complaints on its own and the failure of a respondent to participate in such an investigation occurs at that respondent's peril.

The Shell Oil Company objects to the requirement of PSC [511] 515 (a) (1) that parties except for individuals appearing pro se be represented by counsel (letter dated December 30, 1974). It is the view of the Commission that in light of the increasing complexity of the matters presented to us and in light of the substantial impact our decisions have on the rights of not only those parties appearing before us but of others as well, that the requirement of legal counsel for parties in proceedings before the Commission does not constitute an undue burden. Individuals appearing on their own behalf need not be represented by counsel under the proposed rules. In addition, participants, as defined by PSC 500 (1) and 503 (b), need not be represented by counsel. Shell Oil Company's assumption that participants' statements will not be made part of

the record of Commission proceedings is an incorrect assumption. However, it is true that such statements may be given less weight than other testimony which is subject to cross-examination.

The City of St. Paul has suggested certain rephrasing of PSC [511] 515 (i), (j), (k) and (l) (Transcript, pp. 48-62). We find that as to these suggested changes the proposed rules are consistent with comparable provisions in Minn. Stat. §15.0419 (1974) which, pursuant to Minn. Stat. §216B.17, subd. 7 (1974), are expressly applicable to all contested cases before the Commission. We find further that the recommended language changes sponsored by the City of St. Paul, while having some merit, provide no substantive improvement upon the rules as proposed (Transcript, p. 84). We conclude that it would be preferable to leave these proposed rules unchanged.

PSC [512] 516--Hearing, Notice

Northwestern Bell Telephone Company (Transcript, p. 78) and the Minnesota Motor Transport Association (Letter dated December 23, 1974) have suggested that the language in PSC [51^] 516 (a) should be clarified to indicate more clearly those Commission proceedings of which 30 days' notice must be given. We agree that the proposed language is somewhat confusing and have modified the proposed rule to reflect their suggestions.

We also adopt the staff recommendation to add the words "or shorter" following the word "longer" in PSC [512] 516 (a) because there may be circumstances which would require a shorter period of time (Transcript, p. 11). We understand the concern of staff as to scheduling and believe the adopted language provides the needed flexibility (Transcript, p. 101). For the same reasons we specifically reject Mr. Finley's suggestion (Transcript, p. 99) for 60 days' notice of motor carrier hearings.

We find the staff suggestion as to PSC [512] 516 (c) to be confusing and unnecessary at this stage of utility rate regulation. Experience may provide additional guidance on these matters.

MPIRG objects to the wording of PSC [512] 516 on the grounds that allegedly it violates the Minnesota Administrative Procedures Act, Minn. Stat. Ch. 15 (1974), and that with regard to public utility rate hearings the ten-day notice of hearing under PSC [512] 516 (d) is inadequate for potential intervening consumer groups (Letter dated January 2, 1975). In response to MPIRG's

objections we find the following: First, the thirty day notice requirement to which MPIRG refers in the Minnesota Administrative Procedures Act is found in Minn. Stat. §15.0412, Subd. 4 (1974), and applies only to rulemaking proceedings. Minn. Stat. §15.0418 (1974) contains the requirement for notice in contested cases and states only that it be "reasonable." Second, Minn. Stat., §216.16 (1974) requires that in proceedings before the Minnesota Public Service Commission the minimum notice required is ten days. Third, and most important, with regard to public utility rate proceedings, the effect of the proposed rules will be to provide considerably more than ten days' notice to interested persons. This is so for the reason that the Minnesota Public Utility Act of 1974, Minn. Stat. Ch. 216B (1974), requires a utility seeking to change its rates to file such a proposed change with supporting documentation at least thirty days before such rates are scheduled to go into effect. Under PSC [512] 516 (c), notice of this filing must be given to the governing bodies of municipalities affected and, in major rate cases, subscribers will also be individually notified of the proposed change by billing stuffer or other appropriate method. All of this notice occurs well before the time a rate proceeding is actually set for hearing. Once a matter has been set for hearing, PSC [512] 516 (d) requires at least ten days' notice of the hearing to be given. For the reasons stated, we find that the proposed rules do provide reasonably adequate notice to all persons interested in contested cases heard before the Minnesota Public Service Commission.

The Minnesota Association of Electric Cooperatives has objected to PSC [512] 516 (d) (Transcript, p. 129) on the grounds that it is unnecessary in view of the notice of filing requirements included in PSC [512] 516 (c). NSP concurs in this objection (NSP comments dated January 7, 1975, p. 4) as does the Minnesota Gas Company (Letter dated January 20, 1975). We find that due process is best served by the Commission assuring that specific notice of all hearings before the Commission is given. Consequently, although notice of <u>filing</u> is provided under PSC [512] 516 (c), it is our view that Minn. Stat., §§216.16 and 15.0418 (1974), as well as Minn. Stat. Ch. 216B (1974) require that specific notice of <u>hearing</u> be given to the public in addition to notice of rate change filings.

The Minnesota Association of Electric Cooperatives (Transcript, p. 136)

and Northwestern Bell Telephone Company (Transcript, p. 79) object to PSC [512] 516 (e) which requires that written notice be given by a utility to parties that have appeared in the two most recent rate proceedings involving the utility seeking a change in rates. The objection appears to be based on the grounds that such a requirement is unnecessary and not required by due process. We find that it is not unduly burdensome for a utility to provide specific notice to parties who have participated in previous rate proceedings involving the utility. There would appear to be a reasonable presumption that parties interested in one proceeding involving a utility will have a continuing interest in subsequent proceedings involving that same utility (Transcript, pp. 135-6).

The City of St. Paul has suggested certain modifications of PSC [512] 516 (e) and (f) (Transcript, pp. 64-66). These suggested modifications require that the utility seeking a rate change make prefiled data in a rate case available to interested persons for review and copying. Although we find merit in the City's suggested modification, it is the view of the Commission that we have had inadequate experience with actual rate case proceedings to answer the many questions raised by the City's proposal. For example, should the utility be required to make copies of documents for all interested persons or only for parties to a proceeding? Should the Department of Public Service provide this copying service? Should documents be available to parties for copying earlier than ten days prior to the commencement of a hearing? We are confident that we can deal with these matters adequately on an ad hoc basis for a period of time. During that time the experience of a major electric rate case will provide us with the answers to many of the administrative problems encountered during the course of rate proceedings. At that time we will be better prepared to promulgate an adequate rule regarding matters such as those raised by the City of St. Paul in its proposed modification to PSC [512] 516 (e) and (f).

We have previously addressed ourselves to the City of St. Paul's suggested modification of PSC [512] 516 (g) (see discussion, supra., of PSC [511] 515 (i)).

PSC [513] 517--Pre-Hearing Conferences; Settlement Conferences; and Stipulations

The Commission finds that the provisions in the rule as proposed are patterned after procedures well established in the courts of the State of Minnesota and elsewhere and have been fashioned in such a way as to accommodate the

delicate balance necessary to assure the fullest possible hearing of all litigable issues in a proceeding while eliminating unnecessary discussion (Transcript, p. 21). We find that in the face of a statutory ten-month time frame between the date of the filing by a utility of a change in its rates and the issuance of the final Commission order regarding such a filing, time-saving devices such as those suggested by PSC [513] 517 will be of great value in expediting Commission proceedings.

The City of St. Paul has suggested a modification to PSC [513] 517 (b) which would include deposition taking as one of the matters to be itemized as a pre-hearing conference issue. We find the suggestion unnecessary in light of PSC [513] 517 (b) (8) which specifically refers to "discovery activities" and would, in our view, also entail the discussion of such matters as depositions.

Mr. Finley (Transcript, p. 102) recommended that a pre-hearing conference under PSC [513] 517 be a matter of right for any party. We find that the presiding officer is in the best position to determine whether a pre-hearing conference will serve the objective of PSC [513] 517, i.e., to save time, and accordingly the proposed rule allows him discretion in convening pre-hearing sessions (Transcript, pp. 103-104).

PSC [514] 518--Witnesses

We find that the proposed change in our existing rule with respect to witnesses is made for the sake of clarity (Transcript, p. 21).

Minnesota Gas Company (Letter dated January 20, 1975) and Mr. Finley (Transcript, p. 105) have suggested a change to PSC [514] 518 (a) which would eliminate the requirement for attorneys to petition the Commission for subpoenas for the production of books, papers or documents. The record indicates that there is no reason to apply a more restrictive procedure than that used in courts of law (Transcript, pp. 103-7). Accordingly, we have revised the proposed rule to make the issuance of subpoenas a matter of right and have inserted an appropriate procedure to guard against abuse comparable to that employed in the district courts of the state.

PSC [515] 519--Briefs and Oral Arguments

No change has been suggested in the existing rule. We find that the rule in its present form adequately serves the needs of the Public Service Commission and the businesses it regulates.

PSC [516] 520--Decisions and Orders

We find that the rule as proposed which allows presiding officers who may be hearing examiners to make and file proposals for decisions rather than the Commission which has been the practice in the past provides a better method of approach in disposing of matters before the Public Service Commission (Transcript, pp. 21-2). There were no comments on this proposed change.

As the record clearly indicates (Transcript, pp. 22, 108-109), PSC [516] 520 (e) complies with the requirements of the Minnesota Administrative Procedure Act as it relates to the opportunity for oral arguments by parties adversely affected subsequent to the issuance of proposals for decision (see Minn. Stat., Section 15.0421).

PSC 517 521--Petitions for Further Hearing, Rehearing, Amendment, Vacation, Reconsideration or Reargument

Interstate Power Company suggested the following addition to PSC [517] 521 (b):

> "No final decision or order of the Commission shall be rescinded, altered, amended or re-opened, other than as provided in this subsection, in the absence of fraud in the inducement of such decision or order."

The reason given by the Company in support of this recommendation is that the suggested language would provide additional assurances to utilities that a final order is indeed "final" (Transcript, p. 121). We find that the adoption of the suggested language of Interstate Power Company would restrict unnecessarily the inherent powers of the Commission with respect to the amendment of Commission orders. Specifically, the Commission is of the view that it has authority pursuant to Minn. Stat., Sections 216A.02 and 216A.05 to revise, on its own motion, orders previously issued (also see Transcript, pp. 121-2).

Miscellaneous

Interstate Power Company (Transcript, p. 118) and Northwestern Bell Telephone Company (Transcript, p. 81) have suggested an addition to the proposed rules which would specifically authorize parties to a proceeding before the Commission to submit proposed findings of fact, conclusions of law and orders. While this has been the practice of the Commission from time to time in the past, we find it more appropriate to continue to deal with the matter of proposed orders on an ad hoc basis rather than to include it in our Rules of Practice at

this time.

Mr. Finley (Transcript, p. 111) and the City of St. Paul (Transcript, p. 68) have suggested that a provision be added to the Commission's Rules of Practice which would allow for the taking of depositions. Section 30 of the Minnesota Public Utilities Act of 1974, Minn. Stat. §216B.30 (1974) authorizes the taking of depositions in any investigation or hearing before the Commission. It further prescribes that the Rules of Civil Procedure for federal and state district courts govern the taking of depositions in proceedings before the Commission. It appears to the Commission that it should provide for depositions in other types of proceedings and for other types of discovery in all proceedings. However, it is unable on the basis of the record before it to adopt any rule on discovery at this time. It has asked for the assistance of the Administrative Law Section of the Minnesota State Bar Association in proposing rules of discovery and hopes to receive a report from the committee which it can use as the basis for proposing such rules.

Lawrence J. Anderson
Secretary, MINNESOTA PUBLIC
SERVICE COMMISSION

Dated: June 6, 1975.

APPENDIX

DISTRIBUTION TABLE

PSC RULES OF PRACTICE

EXISTING RULES	PROPOSED RULES	FINAL RULES
- -	500	Same
- -	501	Same
500	502	Same
501	503	Same
- -	504	Not Adopted
- -	505	Same
503(a)(Initial par.)	506(a)(Initial par.)	506 (Complete)
503(a)(1)(aa)	506(a)(1)(aa)	507(a)
503(a)(2)	" " " (bb)	507(b)
503(a)(1)(bb)	" " " (cc)	507(c)
503(a)(3)(aa)	506(a)(2)(aa)	508(a)(1)
" " " (bb)	" " " (bb)	508(a)(2)
" " " (cc)	" " " (cc)	508(a)(3)
" " " (dd)	" " " (dd)	" " (4)
" " " (ee)	" " " (ee)	" " (5)
" " " (gg)	" " " (ff)	" " (6)
503(a)(4)(aa)	506(a)(3)(aa)	508(b)(1)
" " " (bb)	" " " (bb)	" " (2)
" " " (cc)	" " " (cc)	" " (3)
" " (5)	" " (4)	508(c)
" " (6)(aa)	" " (5)(aa)	509(a)
" " " (bb)	" " " (bb)	" (b)
" " " (cc)	" " " (cc)	" (c)
" " (7)(aa)	" " (6)(aa)	510(a)(1)
" " " (bb)	" " " (bb)	" " (2)
" " (8)	" " (7)	" (b)
" " (9)(aa)	" " (8)(aa)	" (c)(1)
" " " (bb)	" " " (bb)	" " (2)
504	507	511
505	508	512
506	509	513
508	510	514
509	511	515
- -	512	516
- -	513	517
510	514	518
511	515	519
512	516	520
513	517	521

CERTIFICATE OF COMMISSION'S ADOPTION
OF RULES RESOLUTION

I, Lawrence J. Anderson, do hereby certify that I am the duly appointed qualified and acting Secretary of the Minnesota Public Service Commission, an agency authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a motion made and passed at a meeting of the Commission duly and properly called and held on the 9th day of June, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the Minutes of said meeting and that it has not been rescinded or modified:

Item 478. RESOLVED that the rules pertaining to the Minnesota Public Service Commission Rules of Practice, as presented be and the same hereby are approved and adopted pursuant to authority vested in the Minnesota Public Service Commission under the provisions of M.S.A. Section 15.0412; and that the Secretary of the Commission be and he hereby is authorized and directed to transmit the aforesaid rules and amendments to the office of the Attorney General for approval.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Minnesota Public Service Commission.

Dated this 9th day of June, 1975.

Lawrence J. Anderson

(S E A L)

RESOLUTION

RESOLVED that the rules pertaining to the Minnesota Public Service Commission Rules of Practice, as presented be and the same hereby are approved and adopted pursuant to authority vested in the Minnesota Public Service Commission under the provisions of M.S.A. Section 15.0412; and that the Secretary of the Commission be and he hereby is authorized and directed to transmit the aforesaid rules and amendments to the office of the Attorney General for approval.

APPROVED BY COMMN.

KR

RLA

A. L. E.

KE

Chas

Approved of Record

6-9 1975

LJA

Secretary

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

PUBLIC SERVICE COMMISSION

Karl F. Rolvaag	Chairman
Ronald L. Anderson	Commissioner
Arlen I. Erdahl	Commissioner
Richard W. Session	Commissioner
Katherine Sasseville	Commissioner

In the Matter of Proposed Rules, Amendments and Additions to Existing Rules of the Minnesota Public Service Commission Relating to the Rules of Practice and to the Rules of Gas and Electric Regulation in the Public Utilities Division under the Jurisdiction of the Department of Public Service.

ORDER ADOPTING RULES

PSC Docket No. A-8117-10

The above-entitled matter came on for hearing before the Public Service Commission of the State of Minnesota in Room 83 of the State Office Building, Saint Paul, Minnesota, on December 17, 1974, commencing at 10:00 a.m. after proper notice required by Minn. Stat. 1971, Section 15.0412, Subd. 4, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above-captioned rules:

NOW, THEREFORE, IT IS ORDERED that the attached Rules of Practice are adopted this 9th day of June, 1974, pursuant to authority vested in this Commission by Minn. Stat. 1971, Section 15.0412.

BY ORDER OF THE COMMISSION

Lawrence J. Anderson
Secretary

(S E A L)