

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RECEIVED
JAN 5 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

WARREN SPANNAUS
ATTORNEY GENERAL

January 5, 1982

ADDRESS REPLY TO:
720 AMERICAN CENTER BLDG.
150 EAST KELLOGG BOULEVARD
ST. PAUL, MN 55101
TELEPHONE: (612) 296-6030

Judy Wehrwein
Rule Review Committee
Office of Attorney General
530 State Office Building
St. Paul, Minnesota

Dear Judy:

Enclosed please find the following documents submitted in accordance with 1 MCAR § 1.203 for review of the Department of Public Services proposed amendment to 4 MCAR § 3.0120 pursuant to Minn. Stat. § 15.042, subd. 4h:

1. Rule as adopted plus 3 copies
2. Order Adopting
3. Order for Notice of Intent to Adopt Rule Without Hearing
4. Notice of Intent to Adopt Without Hearing
5. Affidavit of Mailing Notice of Intent to Adopt
6. Mailing List Certificate
7. Copy of State Register pages from issue in which published
8. Statement of Need
9. Written Comments
10. Agency Decision Regarding Comments and Reasons Therefore
11. Certificate of Compliance

There were no requests for a hearing or for notification of submission to the Attorney General. A copy of the rule as adopted has also been submitted to the Revisor of Statutes for final approval. Please contact me if you have any questions.

Sincerely,

Barbara A. Leininger

BARBARA A. LEININGER
Special Assistant
Attorney General

BAL:hn

AN EQUAL OPPORTUNITY EMPLOYER

RECEIVED
JAN 5 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Our File No. 770

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1/5/82 Adopted w/a hearing _____
DATE FOR REVIEW 1-14-82 Adopted w/o hearing ✓
DATE DUE 1-19-82 Temporary rule _____

Approved 1/18/82 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State _____ Revisor approved 1/6/82
disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

✓ Order Adopting 1.5.82. Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
11.6.81 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
11.16.81 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact — no changes from Rules as proposed.

N/A LCRAR Report or agency Affidavit

N/A Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received + agency reply by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

AG copy.

Department of Public Service

Adopted Rule Governing the Specifications, Tolerances, and Other Standards for Commercial Weighing and Measuring Devices (PSC 120)

Rule as Adopted

4 MCAR S 3.0120 Standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D., the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, 4th Edition, 1976, are adopted by reference as the standards of the State of Minnesota for such devices. However, if Handbook 44 contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Utilities Commission, Minnesota law or Public Utilities Commission rule shall govern.

B. Fuel pump sales; measurement and price computation. The following are permissible methods for measurement and price computation of fuel pump sales:

1. Measurement and price computation per gallon;

2. Measurement and price computation per liter; and

3. Measurement and price computation per half-gallon.

However, equipment placed in service after December 31, 1982, shall not use method 3, and after December 31, 1983, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used in B., all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Liter-gallon price comparison. In the case of per liter

sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regulations and ordinances. Posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

Agency: Department of Public Service

Rule Numbers: 4 MCAR S 3.0120

Rule Title: Adopted Rule Governing the Specifications, Tolerances, and Other Standards for Commercial Weighing and Measuring Devices (PSC 120)

Type of Rules: Permanent X

Temporary _____

Documents Incorporated by Reference:

The attached Rules are approved as to form.

Steven C. Cross
Revisor of Statutes

APPROVED AS TO LEGALITY
1/18 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Jerry Anderson
SPECIAL ASSISTANT ATTORNEY GENERAL

Name: Lorna Breiter
Lorna Breiter

Title: Assistant Revisor

Phone: 296-2778

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 18 1982
Joan Anderson Growe
Secretary of State
8:40 AM

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : RICHARD L. AULD
DIRECTOR, DEPARTMENT OF PUBLIC SERVICE

DATE: January 18, 1982

ATTN : SPEC. ASST. ATTY. GEN. BARBARA A. LEININGER

FROM : JERRY S. ANDERSON
SPECIAL ASSISTANT ATTORNEY GENERAL

PHONE: 296-4692

SUBJECT: IN THE MATTER OF THE PROPOSED AMENDMENT OF RULES OF THE STATE DEPARTMENT OF PUBLIC SERVICE GOVERNING WEIGHTS AND MEASURES

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

JSA:drw

Rule as Adopted

4 MCAR § 3.0120

PSC 120 Governing standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D. below, the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44-4th Edition, 1976, are hereby adopted by reference as the standards of the State of Minnesota for such devices. Provided, however, that should the aforesaid Handbook 44 contain any provisions contrary to the laws of Minnesota or the rules of the Minnesota Public Service Commission, Minnesota law or Public Service Commission rule shall govern.

B. Fuel pump measurement and price computation. The following will be considered permissible methods for measurement and price computation of fuel pump sales:

1) Measurement and price computation per gallon

2) Measurement and price computation per liter

3) Measurement and price computation per half-gallon;

Provided that with respect to use of half-gallon measurement:

a) As of January 1, 1983, equipment placed in service after this date shall not use this method.

b) After January 1, 1984, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used, all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Facilitate comparison. In the case of per liter sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regualtions and ordinances. Such posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

Rule as Proposed

~~PSC 120~~ 4 MCAR S 3.0120 Standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D., the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, 4th Edition, 1976, are ~~hereby~~ adopted by reference as the standards of the State of Minnesota for such devices. ~~Provided~~ However, ~~that should the aforesaid~~ if Handbook 44 ~~contain any~~ contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public ~~Service~~ Utilities Commission, Minnesota law or Public ~~Service~~ Utilities Commission rule shall govern.

B. Fuel pump sales; measurement and price computation. The following are permissible methods for measurement and price computation of fuel pump sales:

1. Measurement and price computation per gallon;

2. Measurement and price computation per liter; and

3. Measurement and price computation per half-gallon.

However, equipment placed in service after December 31, 1982,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

shall not use method 3, and after December 31, 1983, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used in B., all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Liter-gallon price comparison. In the case of per liter sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regulations and ordinances. Posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Department of Public Service

Division Public Utilities Commission

Agency Contact Barb Leenenger Phone Number 6-1264

Title: Proposed Rules Governing Standards for Commercial Weighing and Measuring Devices.

Type of Rules: Permanent X Temporary_____

Incorporations by References: None

Rule Number Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Avilable

See Additional references on back Yes___ No___

Duplication of Statutory Language.

Rule Number Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Lorna Breiter
Lorha Breiter

Title: Assistant Revisor

Phone: 296-2778

Rule as Proposed

~~PSC 120~~ 4 MCAR S 3.0120 Standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D., the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, 4th Edition, 1976, are ~~hereby~~ adopted by reference as the standards of the State of Minnesota for such devices. ~~Provided~~ However, ~~that should the aforesaid~~ if Handbook 44 ~~contain any~~ contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public ~~Service~~ Utilities Commission, Minnesota law or Public ~~Service~~ Utilities Commission rule shall govern.

B. Fuel pump sales; measurement and price computation. The following are permissible methods for measurement and price computation of fuel pump sales:

1. Measurement and price computation per gallon;

2. Measurement and price computation per liter; and

3. Measurement and price computation per half-gallon.

However, equipment placed in service after December 31, 1982,

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

shall not use method 3, and after December 31, 1983, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used in B., all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Liter-gallon price comparison. In the case of per liter sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regulations and ordinances. Posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Department of Public Service

Division Public Utilities Commission

Agency Contact Barb Leenenger Phone Number 6-1264

Title: Proposed Rules Governing Standards for Commercial Weighing and Measuring Devices.

Type of Rules: Permanent X Temporary_____

Incorporations by References: None

Rule Number	Material Incorporated
	Author
	Title
	Place
	Publisher
	Date
	Cost
	Places Avilable

See Additional references on back Yes____ No____

Duplication of Statutory Language.

Rule Number	Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Lorna Breiter
Lorha Breiter

Title: Assistant Revisor

Phone: 296-2778

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Amendment of Rules of the State Department of Public Service Governing Weights and Measures

ORDER ADOPTING AMENDED RULES

Notice of the Director's intent to amend the above-entitled rules without a public hearing was published in the State Register on November 16, 1981 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on November 6, 1981. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that this rule identified as 4 MCAR 3.0120 are adopted as amended this 5th day of January, 1982 pursuant to authority vested in me [the Board] by Minnesota Statutes section 239.06 (1980).

STATE OF MINNESOTA

Richard L. Pond

DIRECTOR OF DEPARTMENT OF PUBLIC SERVICE

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SERVICE

In the Matter of the Proposed Adoption of Rules of the State Department of Public Service Governing Weights and Measures

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 22nd day of October, 1981 that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Service for that purpose and be published in the State Register.

STATE OF MINNESOTA

Richard L. Auld

DIRECTOR OF DEPARTMENT OF PUBLIC SERVICE

PROPOSED RULE GOVERNING THE SPECIFICATIONS, TOLERANCES, AND OTHER STANDARDS FOR COMMERCIAL WEIGHING AND MEASURING DEVICES (PSC RULE 120)

copy of rules was mailed with this notice 10

NOTICE OF INTENT TO AMEND RULE WITHOUT A PUBLIC HEARING

NOTICE is hereby given that the Minnesota Department of Public Service proposes to amend the above-entitled rule without a public hearing. The Director of the Department of Public Service has determined that the proposed amendment of this rule will be noncontroversial in nature and has elected to 2 follow the procedures set forth in Minnesota Statutes § 15.0142, subd. 4(h) (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. 3 The proposed rule may be modified if the modifications are supported by the data and views 4 submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30 day comment 5 period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the 7 provisions of Minnesota Statutes § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments to: Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-6025.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available upon request from: Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota, 55101, (612) 296-6025.

The authority to amend this rule is contained in Minn. Stat. § 239.06 (1980), which provides that the Department of Public Service shall prescribe and adopt such rules and regulations as it deems necessary to discharge its duties under Minnesota Statutes Chapter 239 (1980).

Upon adoption of the amended rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as amended will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for amendment, should submit a written statement of such request to Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota, 55101, (612) 296-6025.

Copies of this notice and proposed rule are available and may be obtained by contacting Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-6025.

November 2, 1981

RICHARD AULD
Director
Minnesota Department of
Public Service

In the Matter of the Proposed Adoption of Rules of the State Department of Public Service Governing Weights and Measures

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

HEATHER NAULT, being first duly sworn, deposes and says:

That on the 6th day of November, 1981, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the United States mail at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Service for the purpose of receiving notice of the proposed adoption of rules by the Department.

Heather Nault

Subscribed and sworn to before me
this 6th day of November 1981.

Darlene C. Williams

Darlene C. Williams
NOTARY PUBLIC – MINNESOTA
RAMSEY COUNTY
My commission expires Sept. 5, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the State Department of Public
Service Governing Weights and Measures

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Service for the purpose of receiving notice of the proposed adoption of rules by the Division of Weights and Measures is accurate and complete as of 9:00 A.M., this 6th day of November, 1981.

Edward P. Sklyarek

Where:

SSF = Solar saving fraction = fraction of swimming pool heat supplied by the solar system (Target SSF = .5)

E_{sp} = Energy used to heat the pool for the months of May through September.

21. Install positive shut-offs for all fireplaces or fireplace stoves.

Equation #23. $\Delta H = 1.08 (Q_o = Q_1) A$

Where:

Q_o = The infiltration value in cubic feet per minute per square foot for the existing condition before improvement.

Q_1 = The infiltration value after improvement with a positive shut-off.

A = The cross sectional area of the flue or connector in square feet.

B. Energy Index.

Energy Index = $E \times F_w$

Where:

E is energy content of all fuel (including electricity) used during the months of November through April, in Btus.

F_w is a weather adjustment factor.

It is the ratio of the number of degree days in an average heating season (November 1 thru April 30) to the number of degree days for the heating season preceding the calculation.

Department of Public Service

Proposed Rule Governing the Specifications, Tolerances, and Other Standards for Commercial Weighing and Measuring Devices (PSC 120)

Notice of Intent to Amend Rule without a Public Hearing

Notice is hereby given that the Minnesota Department of Public Service proposes to amend the above-entitled rule without a public hearing. The director of the Department of Public Service has determined that the proposed amendment of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0142, subd. 4(h) (1980).

Persons interested in this rule shall have 30 days to submit comment on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments to: Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-6025.

A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule has been prepared and is available upon request from: Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota, 55101, (612) 296-6025.

The authority to amend this rule is contained in Minn. Stat. § 239.06 (1980), which provides that the Department of Public Service shall prescribe and adopt such rules and regulations as it deems necessary to discharge its duties under Minnesota Statutes, chapter 239 (1980).

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Upon adoption of the amended rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as amended will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for amendment, should submit a written statement of such request to Richard Auld, Minnesota Department of Public Services, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota, 55101, (612) 296-6025.

Copies of this notice and proposed rule are available and may be obtained by contacting Richard Auld, Minnesota Department of Public Service, 790 American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-6025.

November 2, 1981

Richard Auld, Director
Department of Public Service

Rule as Proposed

~~PSC 120~~ 4 MCAR § 3.0120 Standards for commercial weighing and measuring devices.

A. Promulgation of existing code by reference. Excepting the requirements of the final sentence in 'Scales,' S.1.6.3. (Customer's Indications) and as set forth in B.-D., the specifications, tolerances and other technical standards for commercial weighing and measuring devices as prescribed by the National Conference on Weights and Measures and published in the National Bureau of Standards Handbook 44, 4th Edition, 1976, are ~~hereby~~ adopted by reference as the standards of the State of Minnesota for such devices. ~~Provided~~ However, ~~that should the aforesaid~~ if Handbook 44 ~~contain any~~ contains provisions contrary to the laws of Minnesota or the rules of the Minnesota Public ~~Service~~ Utilities Commission, Minnesota law or Public ~~Service~~ Utilities Commission rule shall govern.

B. Fuel pump sales; measurement and price computation. The following are permissible methods for measurement and price computation of fuel pump sales:

1. Measurement and price computation per gallon;

2. Measurement and price computation per liter; and

3. Measurement and price computation per half-gallon.

However, equipment placed in service after December 31, 1982, shall not use method 3, and after December 31, 1983, all measurement and pricing by half-gallon shall be permanently discontinued.

C. Advertisements. Regardless of the method used in B., all roadside signs and similar advertisements of motor fuel offered for retail sale shall indicate the price per gallon or price per liter.

D. Liter-gallon price comparison. In the case of per liter sales there shall be posting of per gallon and per liter prices at the device, service island, and premises of the establishment in accordance with state and local laws, regulations and ordinances. Posting shall be in a manner which facilitates consumer comparison between the per gallon price and the per liter price.

STATEMENT OF NEED & REASONABLENESS

MCAR § 3.0120 Standards for commercial weighing and measuring devices.

The Minnesota Department of Public Service, Division of Weights and Measures, has determined that the proposed amendment to PSC 120 is necessary for the following reasons:

1. The existing rule regarding standards for weighing and measuring devices was promulgated in 1976. Since that time, there have been numerous changes in several sectors of the business community, the tax laws and overall economic conditions related to the fuel pump operations of service stations and others. These changes led to the determination of the need to review this rule.

2. Specifically, current economic conditions indicate that retail gasoline prices will remain at their present levels in excess of $1.00 per gallon in the foreseeable future and that there is little or no likelihood they will ever return to levels below $1.00 per gallon.

3. The dramatic rise in gasoline prices to the current levels has taken place within the past four years.

4. The majority of fuel pumps in operation at present were manufactured and placed in service prior to this increase in per gallon price and are therefore not designed for or equipped to register and compute gas sales at per gallon levels in excess of $1.00.

5. The cost to convert existing fuel pumps to register and compute gas sales at levels exceeding $1.00 per gallon is substantial. The cost to purchase new fuel pumps with this capacity is even more substantial.

6. Promulgation of rules providing for a reasonable transition period for required installation of fuel pumps capable of registering and computing sales at levels exceeding $1.00 per gallon would mitigate the substantial cost burden such a requirement would impose on service station operators if conversion were mandated immediately.

7. Current gas prices result in half-price rates below $1.00. Existing fuel pump measuring devices are currently capable of registering and computing prices per half-gallon.

8. Permitting fuel pump measurement and price computation per half-gallon for a transition period to January 1, 1984 would provide service station operators an opportunity to replace or convert existing fuel pumps at a time and in a manner most economically prudent to their ordinary business operations.

9. Consistent with the purpose and policy of the Metric Implementation and Standards Act, Minn. Stat. §§ 239.001-239.003 (1980), there is a gradual conversion to measurement and computation of fuel pump sales per liter in progress within the industry.

10. Existing provisions of the National Conference on Weights and Measures adopted by reference in PSC 120 with regard to these matters may conflict with or be unclear concerning the policy deemed most reasonable for and sought to be implemented by the State of Minnesota.

Therefore, the Department of Public Service proposes to adopt the following provisions relating to fuel pump measurement for the State of Minnesota:

4MCAR § 3.0120, Part B: - Provides for measurement per gallon, per liter, and per half-gallon with a phase out of half-gallon pricing by 1984. This will give operators an opportunity to convert in a manner convenient to them yet places a reasonable time limit on this process.

Part C: To ensure that consumers are able to understand and compare gas prices charges by service station operators, all roadside advertisements must indicate price per gallon or per liter. This is a reasonable provision designed to minimize consumer confusion created by the transition and imposes no undue burden on operators.

Part D: To facilitate the conversion to metric measurement and pricing and assist consumers in their understanding and comparison of per liter prices with per gallon prices, a posting of these equivalents is required at all places of sale. This requirement is the minimum reasonably necessary to ensure consumer awareness and understanding of per liter measurement and pricing. The burden imposed on operators is minimal and may benefit them as well to the extent that the notices facilitate comparison shopping by consumers.

Adoption of these amendments to PSC Rule 120 is pursuant to Minn. Stat. § 239.06 hich grants the Department authority to prescribe and adopt such rules and regulations as it may deem necessary to carry out the provisions of Chapter 239 relating to weights and measures. This is the same authority under which the present PSC Rule 120 was promulgated in 1977. At that time, however, the Public Service Commission initiated the proceedings for the Department pursuant to its statutory directive in Minn. Stat. § 216A.05 (1979) hich provided at that time: "The Commission shall exercise each and every legislative function imposed by law on the Department of Public Service."

Pursuant to 1980 Minn. Laws Chapter 614, the Department of Public Service was restructured to consist of two entities the Department of Public Service and the Public Utilities Commission, rather than two divisions. 1980 Minn. Laws Chapter 614, section 101 continues the authority of the Department as vested and imposed immediately prior to the effective date of the act and subject to its provisions. Section 109 removes the authority of the Commission to act for the Department in legislative matters, thereby returning

that authority exclusively to the Department of Public Service. It is pursuant to this restructuring that the Department now seeks to exercise its authority to amend PSC 120.

Don Frerichs
District 32B
Dodge-Rural Olmsted Counties
Committees:
Commerce, Economic Development
and Housing
Regulated Industries
Transportation

Minnesota
House of
Representatives

Harry A. Sieben, Jr., Speaker

RECEIVED
DEC 0 1981
DEPT. OF PUBLIC SERVICE

December 3, 1981

Mr. Richard Auld
Director
Department of Public Service
7th Floor American Center Bldg.
Kellogg and Robert Streets
St. Paul, MN. 55101

Dear Mr. Auld:

Regarding your letter of November 6th and LMB/RA-RD133

Your proposed rule change to December 31, 1983 where all measurement and pricing a half gallon be permanently discontinued is unacceptable.

If this rule can be extended to at least 1985, and more appropriately 1989, then I would not object to allowing this change to occur without public objection.

It just seems to me that the forces of competition will adequately police the marketplace. This kind of rule which inflicts more regulation and substantial expense on an already beleaguered business community is unnecessary and unjustified.

I realize there is a time limitation to enacting this new rule and hope that agreement can be reached before the deadline. Thank you.

Sincerely,

Don Frerichs
State Representative

DF:kk

Reply to: ☐ 330 State Office Building, St. Paul, Minnesota 55155 (612) 296-4378

Joseph R. Begich
District 6A
St. Louis County
Committees:
Environment and Natural Resources
Labor-Management Relations
Worker's Comp. Subcommittee,
Chairman
Taxes

Minnesota
House of
Representatives

Harry A. Sieben, Jr., Speaker

December 8, 1981

fyi
discussed by phone
12/10. He favors
rules.

Richard L. Auld, Director
Department of Public Services
7th Fl. American Center Bldg.
160 E. Kellogg Blvd.
St. Paul, MN 55101

Dear Richard:

I would like to comment for the record on the proposed rule changes pertaining to the Fuel Pump Process.

Rule as proposed

A no comment

B We should allow those stations using a measurement and price computation per half-gallon ample time and not create a financial hardship to make the changeover. The proposed date of December 31, 1983 seems to be a reasonable amount of time to make the change and I would support a later date to 1984 if the small operator has financial problems. On page 1, line 23, equipment placed in service after December 31, 1982 shall not use method 3. (Measurement and price computation per half gallon) Does this mean replacing a unit with a second-hand unit on an old pump or just any new installation?

C I agree

D I agree

Sincerely,

Joseph R Begich

Joseph R. Begich
State Representative

JRB:mag

Reply to: ☐ 217 State Office Building, St. Paul, Minnesota 55155 (612) 296-5063

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT Public Service

Office Memorandum

TO : Barbara Leininger, Esq.
Special Assistant Attorney General

DATE: Jan. 4, 1982

FROM : Richard L. Auld, RLA
Director

PHONE: 6-7476

SUBJECT: Comment Received on Proposed Amendment to Fuel Pump Measurement Rule

In your memo to me on the above subject, dated Dec. 31, 1981, you have indicated that the department has received two written comments suggesting that the timetable established by the rule for phasing out half-gallon pricing be extended. You have also indicated in that same memo that the effect of incorporating this change into the rule would require reinitiation of the notice process to allow interested parties a 30-day comment period inasmuch as extension of the timetable would constitute substantive change to this rule.

I wish to indicate that I am in agreement with suggestions for timetable extension and that I believe such an extension would be consistent with the intent and purpose of the rule.

I have decided, however, not to incorporate such an extension in the current rule because of the necessity of delaying implementation further. This is because of the economic urgency to grant relief to operators from the requirement of current regulation to phase out half-gallon pricing on or before Jan. 1, 1982.

I, therefore, wish to proceed with submission of the rule, as published, for final review by the Attorney General's Office with the recommendation that further amendment to this rule extending the timetable be pursued at an opportune time prior to Dec. 31, 1983.

RLA:elw

PRINTED ON RECYCLED PAPER

STATEMENT OF COMPLIANCE WITH

RULEMAKING PROCEDURES

I, Special Assistant Attorney General Barbara Leininger, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Barbara A. Leininger

Special Assistant
Attorney General

Dated: Jan. 5, 1982