

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA public UTILITIES COMMISSION

January 14, 1983

RECEIVED
JAN 19 19
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Hubert H. Humphrey, III
Attorney General
Room 102
Capitol Building
Aurora Avenue
St. Paul, MN 55155

Dear Mr. Humphrey:

Enclosed for review by your office pursuant to M.S. §14.26 are the materials required under 1 MCAR §1.203 for review of rules adopted without a public hearing.

A copy of the adopted rule is being sent today to the Revisor of Statutes.

Sincerely,

Christopher K. Sandberg
Legal Research Analyst

CKS:ST

Enclosure

AMERICAN CENTER building • kellogg AND ROBERT STS • SAINT PAUL, MN 55101

RECEIVED
JAN 18 1983
ATTORNEY GENERAL
102 STATE CAPITOL
ST. PAUL, MINN. 55155

Our File No. 001

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 1/19/83
DATE FOR REVIEW 1/28/83
DATE DUE 2/1/83

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved _____ Disapproved _____ Returned to Agency _____

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

Date filed w/Secretary of State _____ Revisor approved 1/19/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR

✓ Order Adopting 1.10.83 Date

_____ Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

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

✓ Mailing list Certificate

✓ Publication in State Register
12.6.82 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

✓ Agency's Findings of Fact no changes.

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

_____ 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 by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RANDALL D. YOUNG
Executive Secretary

DATE: 1/31/83

Attn: JAMES T. JARVIS
Special Assistant Attorney General

FROM: LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR § 3.0299 F.2.b.

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;

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.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

Minnesota Public Utilities Commission

Adopted Amendment of Rules Governing the Cold Weather Rule

Rule as Adopted

4 MCAR S 3.0299 Disconnection of service during periods of cold weather.

A.-E. [Unchanged.]

F. Commission determination of inability to pay.

1. All appeals of declarations of inability to pay shall be determined on an informal basis by the commission within 30 days after receipt of the utility's written appeal.

2. The commission shall determine the residential customer's inability to pay based upon the following:

a. a finding that the residential customer is in compliance with 4 MCAR S 3.0299 D.1.; and

b. a finding of "lower budget," as defined in the Bureau of Labor Statistics Guidelines, which are contained in the United States Department of Labor News (82-139) dated April 16, 1982, "Autumn 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas" for the Minneapolis-St. Paul, Minnesota area.

3.-4. [Unchanged.]

G.-I. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 31 1983
Secretary of State
2:30 P.M.

APPROVED AS TO LEGALITY

January 31, ,19 83

HUBERT H. HUMPHREY, III ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Terry Hoffman	Chairman
Leo G. Adams	Commissioner
Roger L. Hanson	Commissioner
Juanita R. Satterlee	Commissioner
Lillian Warren-Lazenberry	Commissioner

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR §3.0299 F.2.b.

ORDER ADOPTING RULES

DOCKET NO. G,E,999/R-82-563

Notice of the Minnesota Public Utilities Commission's (the Commission's) intent to adopt the above-entitled rule amendments without a public hearing was published in the State Register on December 6, 1982, and was sent by United States mail to all persons on the list maintained by the Commission pursuant to M.S. §15.0412, subd. 4, on November 22, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after the Notice, receiving no written requests for a public hearing within the 30-day comment period, and determining the need for and reasonableness of the above-captioned rule amendments, the Commission finds that the proposed rule amendments should be adopted as proposed, and will so order.

O R D E R

1. The amendments to the Commission's rules identifed as 4 MCAR §3.0299 F.2.b. are hereby adopted as proposed, pursuant to authority vested in the Commission by M.S. §216A.05 and 216B.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Randall D. Young
Executive Secretary

SERVICE DATE: JAN 10 1983

(S E A L)

RDY:CKS:ST

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Lillian Warren-Lazenberry	Chairman
Leo G. Adams	Commissioner
Roger L. Hanson	Commissioner
Terry Hoffman	Commissioner
Juanita R. Satterlee	Commissioner

In the Matter of the Proposed Amendment of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR § 3.0299 F.2.b.

ORDER FOR NOTICE OF INTENT TO AMEND RULES WITHOUT PUBLIC HEARING

DOCKET NO. G,E, 999/R-82-563

IT IS ORDERED this 2nd day of November, 1982 that a Notice of Intent to Amend Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Public Utilities Commission for that purpose and be published in the State Register.

BY ORDER OF THE COMMISSION

Randall D. Young
Executive Secretary

SERVICE DATE: NOV 2 1982

(S E A L)

RDY:MJB:jyp

DOCKET NO. G,E-99/R-82-583

CERTIFICATE OF COMMISSION'S

AUTHORIZING RESOLUTION

I Randall D. Young, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission, a Commission duly authorized under the laws of the State of Minnesota, and the the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Public Utilities Commission duly and properly called and held on the 1st day of November, 1982, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

RESOLVED, that Randall D. Young, Executive Secretary of the Minnesota Public Utilities Commission, be and hereby is granted the authority and directed to sign an Order of the Commission directing that Notice be given of the Commission's intent to adopt without a public hearing rules amending 4 MCAR § 3.0299 F. 2., to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing becomes necessary, he hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules as well as perform any and all acts incidental thereto, including but without being limited to signing an Order for Hearing and Notice of Hearing as well as acting as the Commission's representative at all hearings.

IN WITNESS WHEREOF, I have hereunto subscribed by name this 22nd day of November, 1982.

Randall D. Young
Executive Secretary

Lillian Warren-Lazenberry
Chairman

MINNESOTA PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Amendment of Rules of the Minnesota Public Utilities Commission governing the Cold Weather Rule, 4 MCAR § 3.0299 F.2.b.

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission proposes to revise the above-entitled rules without a public hearing. The Commission has determined that the proposed revision of this rule will be non-controversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1981).

The proposed changes to the rules would update the maximum total household income levels that qualify for "Inability to Pay" status under the Cold Weather Rule.

Persons interested in this rule shall have 30 days to submit comments on the proposed amendment. The proposed amendment 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 amendment 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 Minn. Stat. § 15.0412, subds. 4 - 4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Mr. Randall D. Young, Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Authority for the amending of this rule is contained in Minn. Stat. § 216A.05, subd. 1 and § 216B. Additionally, a Statement of Need and Reasonableness that describes the need for the reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Mr. Christopher K. Sandberg upon request. Mr. Sandberg may be reached at the above address or by telephone at (612) 296-2357.

Upon adoption of the amendment without a public hearing, the proposed amendment to the rule, this Notice, and 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 rules as proposed for adoption, should submit a written statement of such request to Mr. Sandberg.

A copy of the proposed amendment to the Cold Weather Rule is attached to this notice.

Copies of this notice and the proposed amendment to the rule are available and may be obtained from Mr. Sandberg.

Dated: NOV 17 1982

Randall D. Young
Executive Secretary

Rule as Proposed

4 MCAR S 3.0299 Disconnection of service during periods of cold weather.

A.-E. [Unchanged.]

F. Commission determination of inability to pay.

1. All appeals of declarations of inability to pay shall be determined on an informal basis by the commission within 30 days after receipt of the utility's written appeal.

2. The commission shall determine the residential customer's inability to pay based upon the following:

a. a finding that the residential customer is in compliance with 4 MCAR S 3.0299 D.1.; and

b. a finding of "lower budget," as defined in the Bureau of Labor Statistics Guidelines, which are ~~these applicable on the effective date of this rule~~ contained in the United States Department of Labor News (82-139) dated April 16, 1982, "Autumn 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas" for the Minneapolis-St. Paul, Minnesota area.

3.-4. [Unchanged.]

G.-I. [Unchanged.]

APPROVED BY THE REVISOR OF STATUTES OFFICE BY:

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Public Utilities Commission
Governing the Cold Weather Rule,
LMCAR §3, 0299F.2.b.

AFFIDAVIT OF MAILING

DOCKET NO. G,E-99/R-82-563

STATE OF MINNESOTA
COUNTY OF RAMSEY

Christopher K. Sandberg, being first duly sworn, deposes and says:

That on the 22nd day of November, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, be served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all person and associations who have requested that their names be placed on a list with the Minnesota Public Utilities Commission (the Commission) for the purposed of receiving notice of the proposed adoption of rules by the Commission.

Christopher K. Sandberg

SUBSCRIBED AND SWORN TO BEFORE
ME THIS 22ND DAY OF NOVEMBER, 1982.

Mary E. Swanson

MARY E. SWANSON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEB. 8, 1988

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed
Amendment of Rules of the
Minnesota Public Utilities Commission
Governing the Cold Weather Rule,
4 MCAR §3.0299F.2.b.

DOCKET NO. G,E-99/R-82-563

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to the Minnesota Statutes §15.0412, subd. 4, that their names be placed on file with and maintained by the Minnesota Public Utilities Commission (the Commission) for the purpose of receiving notice of the proposed adoption of rules by the Commission is accurate and complete as of 5:00 P.M., this 22nd day of November, 1982.

Christopher K. Sandberg
Legal Research Analyst

Minnesota Public Utilities Commission

Proposed Amendment of Rules Governing the Cold Weather Rule (4 MCAR § 3.0299 F.2.b.)

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission proposes to revise the above-entitled rules without a public hearing. The commission has determined that the proposed revision of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h (1981).

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.

The proposed changes to the rules would update the maximum total household income levels that qualify for "Inability to Pay" status under the Cold Weather Rule.

Persons interested in this rule shall have 30 days to submit comments on the proposed amendment. The proposed amendment 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 amendment 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 Minn. Stat. § 15.0412, subds. 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Mr. Randall D. Young, Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
St. Paul, Minnesota 55101

Authority for the amending of this rule is contained in Minn. Stat. § 216A.05, subd. 1 and § 216B. Additionally, a statement of need and reasonableness that describes the need for the reasonableness of the proposed amendment and identifies the data and information relied upon to support the proposed amendment has been prepared and is available from Mr. Christopher K. Sandberg upon request. Mr. Sandberg may be reached at the above address or by telephone at (612) 296-2357.

Upon adoption of the amendment without a public hearing, the proposed amendment to the rule, this notice, and 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 rules as proposed for adoption, should submit a written statement of such request to Mr. Sandberg.

A copy of the proposed amendment to the Cold Weather Rule is attached to this notice.

Copies of this notice and the proposed amendment to the rule are available and may be obtained from Mr. Sandberg.

November 17, 1982

Randall D. Young
Executive Secretary

Rule as Proposed

4 MCAR § 3.0299 Disconnection of service during periods of cold weather.

A.-E. [Unchanged.]

F. Commission determination of inability to pay.

1. All appeals of declarations of inability to pay shall be determined on an informal basis by the commission within 30 days after receipt of the utility's written appeal.

2. The commission shall determine the residential customer's inability to pay based upon the following:

a. a finding that the residential customer is in compliance with 4 MCAR § 3.0299 D.1.; and

b. a finding of "lower budget," as defined in the Bureau of Labor Statistics Guidelines, which are ~~those applicable on the effective date of this rule~~ contained in the United States Department of Labor News (82-139) dated April 16, 1982, "Autumn 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas" for the Minneapolis-St. Paul, Minnesota area.

3.-4. [Unchanged].

G.-I. [Unchanged.]

Department of Public Welfare

Proposed Rules Governing Mental Health Center Standards (12 MCAR §§ 2.0290-2.0298)

Notice of Hearing

A public hearing concerning the above-entitled matter will be held in the Minnesota Veterans Home Auditorium (Building 15), 5100 Minnehaha Avenue, Minneapolis, Minnesota 55417 on January 6, 1983 commencing at 9:00 a.m. and continuing until

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Terry Hoffman	Chairman
Leo G. Adams	Commissioner
Roger L. Hanson	Commissioner
Juanita R. Satterlee	Commissioner
Lillian Warren-Lazenberry	Commissioner

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR §3.0299 F.2.b.

CERTIFICATE OF COMMISSION'S RESOLUTION ADOPTING RULE

DOCKET NO. G,E-999/R-82-563

I Randall D. Young, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission (the Commission), a commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Commission, duly and properly called and held on the 10th day of January, 1983, that a quorum was present at said meeting, that a majority of those present voted for the resolution, and that said resolution is set forth in the minutes of said meeting and has not been recinded or modified.

> RESOLVED, that the amendments to the Commission's Cold Weather Rule, 4 MCAR §3.0299 F.2.b., be and hereby are approved, pursuant to authority vested in the Commission by M.S. §216A.05 and 216B, and that Randall D. Young, Executive Secretary of the Commission, be and hereby is directed to sign an order adopting these rule amendments and further is authorized to perform the necessary acts to provide that these rule amendments shall have the force and effect of law.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 14th day of January, 1983.

Randall D. Young
Executive Secretary

Terry Hoffman
Chairman

RDY:CKS:ST

STATEMENT OF NEED AND REASONABLENESS

The Minnesota Public Utilities Commission is proposing to amend 4 MCAR § 3.0299 F.2.b. This is the portion of the Cold Weather Rule which sets the maximum total household income levels which will permit a utility customer to qualify for "Inability to Pay" status under the Rule.

Since 1979, inflation has had a dramatic impact upon the household incomes. The Commission believes, based upon its experience with the operation of the Rule over the last two winters, that this impact has been especially severe on low-income households. The Bureau of Labor Statistics data upon which the current Rule is based is now over four years old, and simply no longer accurately reflects even the minimum needs of Minnesota families. Therefore, the Commission believes it is necessary to adjust these household income levels to reflect the uncontestably increased costs of living.

It is reasonable to increase the income levels by using the same Bureau of Labor Statistics "lower budget" standard as is presently in the Rule. It is necessary to update the Rule to reflect the most recent compilation of income levels made by the Bureau of Labor Statistics.

The "lower budget" proposed to be used in this amendment is that for the Minneapolis-St. Paul area, which was issued by the Bureau of Labor Statistics in the Autumn 1981 Urban Family Budgets and Comparative Indexes for Selected Urban Areas. Because the Commission is proposing to continue to use the same basis for determining income eligibility for "Inability to Pay" status as in the current Rule (which has been used for two and one-half winters), it is reasonable to amend the Rule in the fashion proposed without the need for a public hearing.

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR § 3.0299 F.2.b.

DOCKET NO. G,E-999/R-82-563

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, James T. Jarvis, do hereby declare that I have examined the rules and all related documents and that, based on my examination and 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.

James T. Jarvis,
Special Assistant Attorney General

Date: 1/14/83

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR § 3.0299 F.2.b.

DOCKET NO. G,E-999/R-82-563

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Christopher K. Sandberg, being first duly sworn, deposes and says.

That on the 14th day of January, 1983, in the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Christopher K. Sandberg

Subscribed and sworn to before me this 14th day of January, 1983.

Cecilia J. Loughrey

CECILIA J. LOUGHREY
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 18, 1987

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Terry Hoffman	Chairman
Leo G. Adams	Commissioner
Roger L. Hanson	Commissioner
Juanita R. Satterlee	Commissioner
Lillian Warren-Lazenberry	Commissioner

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing the Cold Weather Rule, 4 MCAR §3.0299 f.2.b.	DOCKET NO. G,E-999/R-82-563 NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with M.S. §14.26:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, January 14, 1983, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least eight calendar days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, G-25 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determining what changes, if any, were made in the proposed rules after publication in the State Register, and before submission to the Attorney General, you may contact Christopher K. Sandberg at 612-296-2357.

Randall D. Young,
Executive Secretary

SERVICE DATE: JAN 14 1983

(S E A L)

RDY:CKS:ST


RECEIVED
JAN 18 1983
ATTORNEY GENERAL
102 STATE CAPITOL
ST. PAUL, MINN. 55155