

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA public utilities COMMISSION

(612) 296-2357

May 24, 1983

Hon. Hubert H. Humphrey III
Attorney General
204 State Administration Bldg.
50 Sherburne Ave.
St. Paul, MN 55155

Dear Mr. Humphrey:

Enclosed for your review under M.S. § 14.26 and 1MCAR § 1.203 are the adopted rules of the Minnesota Public Utilities Commission governing Notice of Schedule Changes.

Please note that the agency received no written comments on the rule, so no materials are included pursuant to 1MCAR § 1.203N.

Please have your staff contact me with any questions.

Sincerely,

Christopher K. Sandberg
Legal Research Analyst

CKS:sj
Enc.

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

Our File No. 905

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 5-27
DATE FOR REVIEW 6-6
DATE DUE 6-10

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 _____ disapproved _____

___✓___ Rule as Adopted

___✓___ Rule as Proposed

___✓___ Order Adopting 5.24.83 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
4.1.83 At least 30 days prior to ~~hearing~~/adoption

___✓___ Mailing list Certificate

___✓___ Publication in State Register
4.4.83 . At least 30/~~20~~ days prior to ~~hearing~~/adoption
and extension of comment period 5.2.83

___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

___N/A___ LCRAR Report or agency Affidavit

___✓___ 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

___N/A___ 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

___✓___ Comment to the Attorney General -
from Greyhound
from PUC

SF-00006-02

DEPARTMENT ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

TO : Randall D. Young, Executive Secretary

Attn: KARL SONNEMAN
Special Assistant Attorney General

DATE: June 9, 1983

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 Schedule Changes of Common Carriers

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

AG copy

Minnesota Public Utilities Commission

Adopted Rule Governing Schedule Changes of Common Carriers

Rule as Adopted

4 MCAR S 3.0039 Notice of schedule changes.

A. Change in schedule. For purposes of this rule, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

B. Notice. A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e)(5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "Notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

OFFICE OF THE REVISOR OF STATUTES

Certificate of Approval of Adopted Rules

AR0320

Agency: Department of Public Service

Division: Public Utilities Commission

Agency Contact: Christopher K. Sandberg

Rule Numbers: 4 MCAR S 3.0039

Title: Adopted Rule Relating to Notice of Schedule Changes of Common Carriers

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: May 27, 1983

APPROVED AS TO LEGALITY
June 9, 1983
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 13 1983
Joan Anderson Growe
Secretary of State
9:38 AM

Rule as Proposed (all new material)

4 MCAR S 3.0039 Notice of schedule changes.

A. Change in schedule. For purposes of this rule, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

B. Notice. A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e)(5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "Notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

RR

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD320

Agency: Department of Public Service

Division: Public Utilities Commission

Agency Contact: Christopher K. Sandberg

Rule Numbers: 4 MCAR S 3.0039

Title: Proposed Rule Relating to Notice of Schedule Changes of Common Carriers

Type of Rules: Permanent

Incorporations by Reference: None

Duplication of Statutory Language: None

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Ron Ray
Assistant Revisor
Phone: 296-0945
Date: February 25, 1983

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 Schedule Changes of Common Carriers	DOCKET NO. RRCC-999/R-83-18 ORDER ADOPTING RULES

Notice of the Minnesota Public Utilities Commission's (the Commission's) intent to adopt the above-entitled rules without a public hearing was published in the State Register on April 4, 1983 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 14.14, subdivision 1 on April 1, 1983. The period for comment was extended until May 18, 1983, by Notice published in the State Register on May 2 , 1983. After affording interested and affected persons an opportunity to submit comments for 42 days after Notice , receiving fewer than seven written requests for a public hearing within the 42-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 these rules identified as 4 MCAR § 3.0039, Notice of Schedule Change, are adopted this 24th day of May, 1983, pursuant to authority vested in the Commission by Minnesota Statutes sections 216A.05 and 221.041, subd. 2.

BY ORDER OF THE COMMISSION

Randall D. Young
Executive Secretary

DATE: MAY 24 1983

(S E A L)

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 Schedule Changes of Common Carriers	DOCKET NO. RRCC-999/R-83-18 ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 10th day of February, 1983, 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 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: FEB 10 1983

(S E A L)

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 Schedule Changes of Common Carriers

DOCKET NO. RRCC-999/R-83-18

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 (the Commission), which is 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 8th day of February, 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 rescinded or modified.

> "RESOLVED, that Randall D. Young, the 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 governing Bus Passengers Schedule Change Notice, to sign the Notice thereof, and to perform any and all acts incidental thereto. In the event a public hearing is necessary, he is hereby 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 my name this 24th day of May, 1983.

Randall D. Young
Executive Secretary

ATTES: Terry Hoffman
Terry Hoffman
Chairman

Minnesota Public Utilities Commission

In the Matter of the Proposed Adoption of Rules of the Minnesota Public Utilities Commission Governing Schedule Changes of Common Carriers

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (the Commission) proposes to adopt the above-entitled rules without a public hearing. The Commission has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes section 14.21-14.36 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules 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 rules 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 section 14.13-14.20 (1982).

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

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
Kellogg & Robert Streets
St. Paul, Minnesota 55101
(612) 296-7526

Authority for the adoption of these rules is contained in Minnesota Statutes section 216A.05 and 221.041, subd. 2. Additionally, a Statement of

(Over)

Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Christopher K. Sandberg upon request at the above address or by telephone at (612) 296-2357.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted 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 rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Mr. Sandberg.

BY ORDER OF THE COMMISSION

Randall D. Young
Executive Secretary

APR 1 1983

Rule as Proposed (all new material)

4 MCAR S 3.0039 Notice of schedule changes.

A. Change in schedule. For purposes of this rule, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

B. Notice. A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e)(5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "Notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

In the Matter of the Proposed Adoption
of Rules of the Minnesota Public Utilities
Commission Governing Schedule Changes of
Common Carriers

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Lorraine Pelton, being first duly sworn deposes and says:

That on the 1st day of April, 1983, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Public Utilities Commission for the purpose of receiving notice of the proposed adoption of rules by this Commission.

Lorraine M Pelton

Subscribed and sworn to before me
this 5th day of April, 1983

Mary E. Swanson

MARY E. SWANSON
NOTARY PUBLIC—MINNESOTA
RAMSEY COUNTY
MY COMM. EXPIRES FEB. 8, 1990

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Rules of the Minnesota Public Utilities
Commission Governing Schedule Changes of
Common Carriers

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 Minnesota Public Utilities Commission for the purpose of receiving notice of the proposed adoption of rules by this Commission is accurate and complete as of 9:00 a.M., this 1st day of April, 1983.

Charles A. Lindberg

Minnesota Public Utilities Commission

Proposed Rule Governing Schedule Changes of Common Carriers

Notice of Intent to Adopt Rule without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (the commission) proposes to adopt the above-entitled

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.

rule without a public hearing. The commission has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes sections 14.21-14.36 (1982).

Persons interested in this rule shall have 30 days to submit comments 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 sections 14.13-14.20 (1982).

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

Randall D. Young
Executive Secretary
Minnesota Public Utilities Commission
780 American Center Building
Kellogg & Robert Streets
St. Paul, Minnesota 55101
(612) 296-7526

Authority for the adoption of this rule is contained in Minnesota Statutes sections 216A.05 and 221.041, subd. 2. Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Christopher K. Sandberg upon request at the above address or by telephone at (612) 296-2357.

Upon adoption of the final 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 adopted 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 adoption, should submit a written statement of such request to Mr. Sandberg.

A copy of the proposed rule is attached to this notice.

Copies of this notice and the proposed rule are available and may be obtained by contacting Mr. Sandberg.

Randall D. Young
Executive Secretary

Rule as Proposed (all new material)

4 MCAR § 3.30039 Notice of schedule changes.

A. Change in schedule. For purposes of this rule, "change in schedule" means a change in the time of arrival at or departure from a scheduled or flag stop.

B. Notice. A regular route common carrier that has been granted authority by order of the commission for a change in schedule for the intrastate transportation of passengers, or that anticipates a change in schedule for the intrastate transportation of passengers for which no prior state approval is needed under United States Code, title 49, section 11501 (e) (5) (1982), shall give 30 days notice of the change in schedule to the commission, and to the mayor or city clerk of each municipality affected by the change in schedule, and shall display a copy of the old and new schedules with the caption "notice of Change in Schedule on this Route" in boldface print in all buses, terminals, agencies, and flag stops serving the route.

Notice of Intent to Solicit Outside Opinion Concerning a Proposed Rule Regarding the Establishment of an Emeritus Registration Status for those Physicians or Osteopaths No Longer Wishing to Remain in Practice

Notice is hereby given that the Minnesota Board of Medical Examiners is considering the adoption of a rule which will establish an emeritus registration for those physicians and osteopaths no longer wishing to practice medicine and who have not been the subject of disciplinary action during their professional careers. The registration is not a license to practice medicine, but will certify the completion of ones career without disciplinary action. The cost of a document certifying the emeritus registration status will be set at five dollars, requirements for the emeritus registration and for reverting back to licensure are included in the rules.

The proposed rule is authorized by Minnesota Statute § 147.02, which establishes authority for the Board of Medical Examiners to license physicians and osteopaths, which includes establishing licensure requirements which are deemed to be in the interest and protection of the public.

All interested or affected persons or groups may submit information on this subject. The rule may be revised on the basis of comments received. Any written material received will become part of the record of any rule hearings held on this subject. Written or oral information and comments should be addressed to:

Arthur W. Poore, Executive Secretary
Minnesota Board of Medical Examiners
717 S.E. Delaware Street, Suite 352
Minneapolis, Minnesota 55414

All statements of information and comments must be received by July 1, 1983.

Arthur W. Poore
Executive Secretary

Minnesota Public Utilities Commission

Notice of Extension of Time for Comments

On April 4, 1983, the Minnesota Public Utilities Commission (the commission) published at 7 S.R. 1429 a Notice of Intent to Adopt Rules without a Public Hearing for a Proposed Rule Governing Schedule Changes of Common Carriers.

That notice stated that interested persons who have 30 days to submit comments on the proposed rule.

The commission hereby provides notice that it will accept comments on the proposed rule through May 16, 1983.

Randall D. Young
Executive Secretary

Department of Public Welfare
Support Services Bureau

Notice of Intent to Solicit Outside Opinion Concerning Proposed Temporary Rules Governing Reimbursement for Nursing Home Providers

Notice is hereby given that the Department of Public Welfare is drafting proposed temporary rules to implement proposed legislation on nursing home reimbursement.

The proposed temporary rules if adopted would replace present 12 MCAR § 2.049, Rules for determining welfare per diem rates for nursing home providers under the Title XIX, Medical Assistance Program (Rule 49).

Authority for present Rule 12 MCAR § 2.049 is found in Minn. Stat. § 2568.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

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 Schedule Changes of Common Carriers	DOCKET NO. RRCC-999/R-83-18 CERTIFICATE OF COMMISSION'S RESOLUTION ADOPTING RULES

I, Randall D. Young, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission (the Commission), which is 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 24th day of May, 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 rescinded or modified.

> "RESOLVED, that the rules relating to Notice of Schedule Changes of Common Carriers be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes §§216A.05 and 221.041, subd. 2, and that Randall D. Young, the Executive Secretary of the Commission, be and hereby is authorized to sign an order adopting these rules and further is authorized to perform the necessary acts to provide that these rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24th day of May, 1983.

Randall D. Young
Executive Secretary

ATTEST: Terry Hoffman
Terry Hoffman
Chairman

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 Schedule Changes of Common Carriers	STATEMENT OF NEED AND REASONABLENESS DOCKET NO. RRCC-999/R-83-18

4 MCAR § 3.0039 Notice of schedule changes.

A. Change in schedule. This section defines "change in schedule" to mean a change in the time or in the days when a carrier arrives at or departs from either a scheduled stop or a flag stop. It is necessary to define a change in schedule so that affected carriers will know what changes will have to be preceded by notice. It is reasonable to include both scheduled and flag stops within the definition of changes in schedule so that passengers who board or leave a bus at either type of stop will have the opportunity to be made aware of the arrival or departure of busses serving them.

B. Notice. This section states which carriers will be required to give notice of schedule changes, when those carriers will be required to give notice, to whom the notice must be given, and the manner in which notice must be given.

This section places all regular route common carriers providing intrastate passenger service within the scope of the proposed rule. This scope is necessary because those carriers operate according to preestablished schedules which are generally available to the public and upon which the public has come to rely. It is reasonable to limit the scope of the proposed rule to regular route common carriers because other carriers generally do not operate on fixed schedules but upon more specific demands of their customers.

This section requires notice to be given in two circumstances: when the Commission has given a carrier authority (through either a formal or informal written order) to change a schedule for an intrastate passenger route pursuant to M.S. § 221.041, subd. 2, and when a carrier anticipates a schedule change for an intrastate passenger route for which prior Commission approval is not needed due to the provisions of the Bus Regulatory Reform Act of 1982 § 17 (amending 49 U.S.C. § 11501(3) (5))(the Act). In the case of Commission-approved schedule changes, it has been the Commission's practice, on a case-by-case basis, to require adequate public notice of the schedule change. While the Commission may approve the change ex parte, it has believed that due process requires its Order to be noticed to the public and has so required. The Commission believes it is essential that the passengers who will be affected by a schedule change have effective notice of that change. It is reasonable to include this requirement within the proposed rule so that all carriers are treated equitably in the scope and time of notice required. In the case of schedule changes for which prior Commission approval is not required, the Act allows state regulatory bodies to require the carrier to give notice not in excess of 30 days of any schedule change. It is necessary to require the same notice in these cases as in Commission-approved cases so that passengers are treated equitably regardless of the type of route or identity of bus company by which they are served. It is reasonable to require notice in these cases, as is shown by the authority given to state regulatory bodies in the Act.

This section requires notice to be given to the Commission, to the mayor or city clerk of the affected communities, and in the carrier's busses, terminals, agencies, and at flag stops on the affected route. It is necessary to require notice to be given in this manner so that the persons and entities most likely to be concerned with the change will receive the notice. It is reasonable to require notice to the Commission because the Commission is a central point of reference on the operation of common carriers. For cases where the Commission has approved the schedule changes, the Commission can monitor compliance with its Order. In cases where prior Commission approval is not required by Federal statute, notice to the Commission will inform the Commission and enable it to respond to inquiries from citizens concerned by the change. It is also reasonable to require notice to local officials because they are usually concerned with a change in a vital service, such

as passenger transportation, to their community, and to require postings in buses, terminals, agencies and at flag stops because these are direct methods of alerting passengers of impending changes.

This section requires the notice to be given 30 days in advance of the change and to be in the form of a copy of the old and new schedules with a boldface heading "Notice of Change of Schedule on this Route". It is necessary to require 30 days' notice to ensure that the greatest number of passengers will have an opportunity to see the notice before the change takes effect, balanced against the need for the carrier to make changes in an expeditious fashion. Moreover, 30 days is the maximum time permitted by the Act, and using 30 days for Commission-approved changes will maintain consistency between the two types of changes. It is necessary to require the comparison of the old and new schedules and a bold face heading to ensure that the changes are clear to passengers and to allow easy evaluation of the effects of the change. It is reasonable to require this form because it will be simple for the carrier to prepare and should result in the lowest level of customer confusion.

This section requires that the schedule on an individual route be submitted with the notice or display. It is the intention of the Commission that only the particular route affected should be shown here. This is necessary in order to prevent confusion and undue burden upon the part of a community officials and passengers who might otherwise have to search through multiple schedules to find the schedule that serves them. It is reasonable in order that these person will have a reasonable opportunity to learn of the scheduled change affecting themselves.

The Commission concludes that requiring notice as provided in this section will not unduly burden the regular route common carriers involved. In requiring thirty days notice and determining who shall receive that notice, the Commission has balanced the interests of the community served and the passengers using the bus service with the interests of the bus companies in being able to promptly and efficiently make changes in the schedules as contemplated in the respective statutes. The Commission believes that adequate notice to the public is in the interest of the carriers, since accurate information to the public of the operating schedules may be expected to encourage use of the service. The Commission also finds that requiring posting on a route-by-route basis will not unduly burden the carriers who will ordinarily prepare and print their schedules on a route-by-route basis whether or not the schedules are bound into a larger compilation. Further, any additional burden that does fall upon the carrier is certainly outweighted by the convenience and benefit to the affected communities and users who will receive more effective notice.

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 Schedule Changes of Common Carriers

DOCKET NO. RRCC-999/R-83-18

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Karl A. Sonneman, do hereby declare that I have examined the 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.

Karl A. Sonneman
Special Assistant Attorney General

Dated: May 24, 1983

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 Schedule Changes of Common Carriers

DOCKET NO. RRCC-999/R-83-18

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 24th day of May, 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 24th day of May, 1983.

Karen Dorff

KAREN DORFF
NOTARY PUBLIC-MINNESOTA
ANOKA COUNTY
MY COMMISSION EXPIRES APRIL 14, 1990

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 Schedule Changes of Common Carriers	DOCKET NO. RRCC-999/R-83-18 NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minnesota Statutes, section 14.26:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on this date, May 24, 1983, for review as to form and legality. Pursuant to 1 MCAR § 1.206C, 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, 204 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-1288. 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

Dated: MAY 24 1983