

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

RULE REVIEW CHECKLIST

File No. 1316 Docket No. 05.0009.0729

DATE RECEIVED 9/19/86
REVIEW DATE
DUE DATE 10/3/86

APPROVED 10/3/86 Dec'd comments accepted 10/9 p.m.
DISAPPROVED
WITHDRAWN

ADOPTED W/O HEARING
EMERGENCY RULE ✓

REVISOR APPROVED 9/23
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/10
RETURNED TO AGENCY 10/10

✓ Rule as adopted (4 copies)

~~Notice to Solicit Outside Information/Opinion~~
~~Date published in State Register~~
~~Comments~~

~~Petition for Adoption of a Rule~~

✓ Board's Authorizing Resolution

✓ Proposed rule
Revisor's Certificate

✓ Notice of Intent to Adopt Rule
1986 MN Laws Ch 409 §5 Statutory Authority
none Small business statement
none Expenditure of public money statement
none Signature

~~Statement of Need and Reasonableness~~

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
July 28, 1986 Date 30/(25) days before adoption

✓ Publication in State Register
July 28, 1986 Date 30/(25) days before adoption

✓ Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting
Sept 19, 1986 Date

8 Written requests, submissions or comments

✓ Declaration of attorney
Allen Gilles Name of SAAG representing agency

✓ Notice of Submission to Attorney General

✓ Affidavit of Mailing Notice to Attorney General

✓ Certificate

✓ Order for publication

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: ROSELLEN CONDON
Public Utilities Commission

DATE: 10/10/86

ATTN: ALLEN GILES
Special Assistant Attorney General

FROM: J. MICHAEL MILES jmm
Assistant Attorney General

PHONE: 296-6555

SUBJECT: Adopted Emergency Rules Relating to Code of Conduct

The above-referenced rule has been approved as to its legality by the Attorney General on October 3, 1986.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

JMM/rmk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RR#1316

Public Utilities Commission

Adopted Emergency Rules Relating to Code of Conduct

Rules as Adopted, Emergency

7845.0100 [Emergency] DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Laws of Minnesota 1986, chapter 409, section 5 and set out in this chapter.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Commissioner.** "Commissioner" means a member of the commission.

Subp. 4. **Employee.** "Employee" means the executive secretary of the commission, or a member of the commission's professional, secretarial, or clerical staff.

Subp. 5. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4, except that for the purposes of this chapter it also includes a municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric service and its agents, officers, and representatives.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3; a radio common carrier as defined in Minnesota Statutes, section 237.01, subdivision 4; and their agents, officers, and representatives.

Subp. 7. **Party.** "Party" means a person by or against whom a proceeding before the commission is commenced or a person permitted to intervene in a proceeding before the commission. A party includes a petitioner, complainant, intervenor, applicant, and respondent, and their attorneys, agents, or representatives.

Subp. ~~7~~ 8. **Proceeding.** "Proceeding" means a formal or

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

informal undertaking of the commission, on its own motion or otherwise, in which it seeks to resolve questions or issues raised in a complaint, in a petition, or during rulemaking.

7845.0200 [Emergency] AUTHORITY.

This code is prescribed by the commission pursuant to Minnesota Statutes, section 216A.05 and Laws of Minnesota 1986, chapter 409, section 5.

7845.0300 [Emergency] PURPOSE AND CONSTRUCTION.

The purpose of this code is to preserve the integrity and independence of commission decision making and to promote public confidence in the objectivity of commission decisions. Commissioners and employees should maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. This code must be construed to secure these objectives in keeping with the quasi-judicial function of the commission.

7845.0400 [Emergency] CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. **General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision-making process.

Subp. 2. **Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

A. using public office for private gain;

B. giving preferential treatment to an interested person or entity;

C. impeding the efficiency or economy of commission decision making;

D. losing independence or impartiality of action;

E. making a commission decision outside official channels; and

F. affecting adversely the confidence of the public in the integrity of the commission.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7845.0500 [Emergency] QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. **Inappropriate influences.** Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

Subp. 2. **Orderly proceedings, behavior.** Commissioners shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

7845.0600 [Emergency] DISQUALIFICATION.

Subpart 1. **Disqualifying factors.** Commissioners and employees shall disqualify themselves if they:

A. have a personal bias or prejudice concerning a party;

B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding; or

C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

Subp. 2. **Written disclosure; withdrawal.** The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

7845.0700 [Emergency] PROHIBITED ACTIVITIES.

Subpart 1. **In general; exceptions.** A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility ~~or~~, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

A. books or printed materials ~~supplied on a complimentary basis for official use, when the value of each item does not exceed $50~~ that are relevant to the official responsibilities of the commission; or

B. ~~a meal or beverage served at or on the premises of~~ an educational program devoted to improving the regulatory process or the administration of the commission~~, the value of which does not exceed $15; or~~

~~C. a meal or beverage served during and at site investigations or negotiations, the value of which does not exceed $15~~ that is open to other interested groups or state agencies under the same terms and conditions. Meals associated with the program must be paid for by a commissioner or employee who attends the program.

Subp. 2. **Outside income.** A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

Subp. 3. **Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;

B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;

C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

the general public; or

D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

Subp. 4. **Outside employment.** A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

Subp. 5. **Insider information.** A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

7845.0800 [Emergency] FUTURE EMPLOYMENT.

Subpart 1. **One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a ~~rate-regulated~~ public utility or telephone company subject to rate regulation by the commission.

Subp. 2. **Commissioner communication with parties.** A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

Subp. 3. **Employee communication with parties.** A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

employee who complies with this subpart.

7845.0900 [Emergency] POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a ~~rate-regulated~~ public utility or telephone company subject to rate regulation by the commission, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a ~~rate-regulated~~ public utility or telephone company subject to rate regulation by the commission, before the commission on a proceeding that the employee participated in during that employment with the commission.

7845.1000 [Emergency] SANCTIONS.

Subpart 1. **Against commissioner.** A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

Subp. 2. **Against employee.** An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 10 1986
Joan Anderson Growe
Secretary of State
9:46 AM

APPROVED AS TO FORM AND LEGALITY

10/3 1986

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

CERTIFICATE OF THE
MINNESOTA PUBLIC UTILITIES COMMISSION
AUTHORIZING RESOLUTION

Docket No. U-999/R-86-167

I, Harry Seymour Crump, do hereby certify that I am a member and the Chair of the Minnesota Public Utilities 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 Minnesota Public Utilities Commission duly and properly called and held on the 10th day of July, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Mary Ellen Hennen, the executive secretary of the Minnesota Public Utilities Commission, is hereby granted the authority and directed to sign and to give the Notice of the Commission's Intent to Adopt an Emergency rule governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees to all persons who have registered their names with the Commission for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of September, 1986.

Harry Seymour Crump
Chair, Minnesota Public
Utilities Commission

Robert J. O'Keefe
Member of Minnesota Public
Utilities Commission

Public Utilities Commission

Proposed Emergency Rules Relating to Code of Conduct

Rules as Proposed, Emergency (all new material)

7845.0100 [Emergency] DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Laws of Minnesota 1986, chapter 409, section 5 and set out in this chapter.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Commissioner.** "Commissioner" means a member of the commission.

Subp. 4. **Employee.** "Employee" means the executive secretary of the commission, or a member of the commission's professional, secretarial, or clerical staff.

Subp. 5. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4, except that for the purposes of this chapter it also includes a municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric service and its agents, officers, and representatives.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3; a radio common carrier as defined in Minnesota Statutes, section 237.01, subdivision 4; and their agents, officers, and representatives.

Subp. 7. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, on its own motion or otherwise, in which it seeks to resolve questions or issues raised in a complaint, in a petition, or during rulemaking.

7845.0200 [Emergency] AUTHORITY.

This code is prescribed by the commission pursuant to

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Minnesota Statutes, section 216A.05 and Laws of Minnesota 1986, chapter 409, section 5.

7845.0300 [Emergency] PURPOSE AND CONSTRUCTION.

The purpose of this code is to preserve the integrity and independence of commission decision making and to promote public confidence in the objectivity of commission decisions. Commissioners and employees should maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. This code must be construed to secure these objectives in keeping with the quasi-judicial function of the commission.

7845.0400 [Emergency] CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. **General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision-making process.

Subp. 2. **Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

A. using public office for private gain;

B. giving preferential treatment to an interested person or entity;

C. impeding the efficiency or economy of commission decision making;

D. losing independence or impartiality of action;

E. making a commission decision outside official channels; and

F. affecting adversely the confidence of the public in the integrity of the commission.

7845.0500 [Emergency] QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. **Inappropriate influences.** Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

Subp. 2. **Orderly proceedings, behavior.** Commissioners

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

7845.0600 [Emergency] DISQUALIFICATION.

Subpart 1. **Disqualifying factors.** Commissioners and employees shall disqualify themselves if they:

A. have a personal bias or prejudice concerning a party;

B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding; or

C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

Subp. 2. **Written disclosure; withdrawal.** The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

7845.0700 [Emergency] PROHIBITED ACTIVITIES.

Subpart 1. **In general; exceptions.** A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility or telephone company. This prohibition does not apply to:

A. books or printed materials supplied on a complimentary basis for official use, when the value of each item does not exceed $50;

B. a meal or beverage served at or on the premises of an educational program devoted to improving the regulatory process or the administration of the commission, the value of

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

which does not exceed $15; or

C. a meal or beverage served during and at site investigations or negotiations, the value of which does not exceed $15.

Subp. 2. **Outside income.** A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

Subp. 3. **Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;

B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;

C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public; or

D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

Subp. 4. **Outside employment.** A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

Subp. 5. **Insider information.** A commissioner or employee

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

7845.0800 [Emergency] FUTURE EMPLOYMENT.

Subpart 1. **One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a rate-regulated public utility or telephone company.

Subp. 2. **Commissioner communication with parties.** A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

Subp. 3. **Employee communication with parties.** A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional employee who complies with this subpart.

7845.0900 [Emergency] POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a rate-regulated public utility or telephone company, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a rate-regulated public utility or telephone company before the commission on a

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

proceeding that the employee participated in during that employment with the commission.

7845.1000 [Emergency] SANCTIONS.

Subpart 1. **Against commissioner.** A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

Subp. 2. **Against employee.** An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Emergency Rules Relating to Code of Conduct

AGENCY: Public Utilities Commission

MINNESOTA RULES: Chapter 7845

The attached rules are approved for publication
in the State Register

Ron Ray
Assistant Revisor

Minnesota Public Utilities Commission

In the Matter of the Proposed Adoption of Emergency Rule Governing a Code of Conduct for the Minnesota Public Utilities Commission and its Employees

NOTICE OF INTENT TO ADOPT AN EMERGENCY RULE

Notice is hereby given that Minnesota Public Utilities Commission intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in 1986 Minnesota Laws Chap. 409 §5. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days after publication in the State Register on Monday, July 28, 1986, to submit data and views in writing on the proposed emergency rule or any part or subpart of the rule. Any comments must be submitted to Rosellen Condon, 780 American Center Bldg., St. Paul, Minnesota 55101, (612) 296-2357.

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

A free copy of the proposed emergency rule is available by contacting Kathy Briesemeister, 780 American Center Bldg., St. Paul, MN 55101, (612) 296-2243.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Rosellen Condon.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with the Minnesota Statutes, section 14.35.

M E Hennen

Executive Secretary

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Adoption of Emergency Rule Governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees

AFFIDAVIT OF MAILING

I, Kathy Briesemeister, being duly sworn deposes and says:

That on the 25th day of July, 1986, at the City of Saint Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt an Emergency Rule by depositing in the United States mail at said City of Saint 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 Commission for the purpose of receiving notice of rulemaking by the Commission.

STATE OF MINNESOTA

Kathy Briesemeister

Kathy Briesemeister
Public Utilities Commission

Subscribed and sworn to before me
this 28th day of July, 1986.

Sharon L. Juen

SHARON L. JUEN
NOTARY PUBLIC—MINNESOTA
WASHINGTON COUNTY
MY COMM. EXPIRES JAN. 19, 1991

0717 B
Disk 0021A

MASTER RULEMAKING LIST
(Use for general rules)

Michele Foster
!T
Opus Corporation
Box 150
Minneapolis, MN 55440

Steven D. Toelle
!GE CN
Box 3026
Elbow Lake, MN 56531

Colin P. Milne
!GE
Resources Conservation
P.O. Box 71
Greenwich, CT 06836

Marcella M. Daehn, Clerk
!GE T CN
City of Edina
4801 West 50th Street
Edina, MN 55424

Blooming Prairie Public Utilities
!GE
P.O. Box 55
Blooming Prairie, MN 55917

Vernon Vick
!T
Vocational Director
Independent School District 623
1251 County Road "B2 West
Roseville, MN 55113

City of Brownton
!GE
Brownton, MN 55312

Richard Haubensak
!GE
Peoples Natural Gas Company
25 Main Place
Council Bluffs, IA 51501

Tom Heller
!GE
Box 779
Moorhead, MN 56560

William Thibault
!GE CN
Planning Director
City of St. Louis Park
5005 Minnetonka Blvd.
St. Louis Park, MN 55426

John Green
!CN
University of Minnesota
Geology Department
Math/Geology Bldg., Room 229
Duluth, MN 55812

Joseph I. Adrian, Manager
!GE T CN
Light and Power Commission
Municipal Electric Plant
305 11th Street East
Glencoe, MN 55336

Ruth Helmer
!T CN
Mayor
City of Hermantown
3161 Maple Grove Road
Hermantown, MN 55811

R.G. Kirkham, Exec. Director
!GE CN
MN Municipal Utilities Association
P.O. Box 459
Buffalo, MN 55313

Otto Schmid
!GE T CN
Exec. Director RDC 6W
Upper Minnesota Valley Regional
Development Commission
323 Schlienman W.
Appleton, MN 56208

Diana Skelly, Clerk
!GE
Town of Bass Brook
Box 146
Cohasset, MN 55721

P.D. Brick
!GE CN
Pickands Mather & Co.
1100 Superior Avenue N.E.
Cleveland, OH 44114

D.D. Hahn
!GE
Geo. A. Hormel Co.
P.O. Box 800
Austin, MN 55912

Allen F. Schrupp
!GE CN
1604 7-1/2 Street S.W.
Willmar, MN 56201

Library
!GE T
Briggs & Morgan
2200 1st National Bank Bldg.
St. Paul, MN 55101

Richard O. Johnson
!GE T CN
Board of Residential Utility Consumers
3521 East Lake Street
Minneapolis, Minnesota 55406

Joseph Takats
!GE CN
Engineer
Gilbert/Commonwealth Inc.
209 East Washington Avenue
Jackson, MI 49201

Karen M. George
!GE T CN
Southern Minnesota Legal Services
Medical Arts Building, Room 300
Albert Lea, MN 56007

COACT
!GE
2904 West Third Street
Duluth, MN 56806

Nancy Needham
!T
Inst. Corp./Gov. Strat.
49 Pinckney Street
Boston, MA 02114

James J. Ryan
!GE CN
2208 Central Trust Tower
Cincinnati, OH 45202

Amos Martin, President
!GE CN
Saint Paul Area Chamber of Commerce
600 North Central Life Tower
445 Minnesota Street
Saint Paul, Minnesota 55101

Burington Northern Railroad Comp
!CN
Law Department
176 East 5th Street
St. Paul, MN 55101

D. F. Hennen, Plant Manager
!GE
Anchor Glass Container Corporatio
4108 Valley Industrial Blvd. Nort
Shakopee, MN 55379-0069

Glen Shaw, Director
!T
Southwest & West Central Ed. Coop
Southwest State University
Marshall, MN 56258

Executive Director
!GE T CN
Region 5 Regional Devel. Commissi
611 Iowa Avenue
Staples, MN 56479

Paul Kinn
!T
Instructor
Wadena AVTI
405 Colfax Avenue S.W.
Wadena, MN 56482

Lyon-Lincoln Elec. cooperative
!GE
Box 639, West Highway 14
Tyler, MN 56178

Bill Payne
!CN
New Connection Programs
73 Leech Street
St. Paul, MN 55102

John E. Drawz
!GE T CN
Attorney
2000 First Bank Place West
120 South Sixth Street
Minneapolis, MN 55402

John T. Anderson
!GE
Power & Light Department
Box 528
Thief River Falls, MN 56701

Vern Peterson
!T
Metron Municipal Assn.
183 university Avenue East
St. Paul, MN 55101

Dwight Picha
!GE T CN
City of Woodbury
2100 Radio Dr.
Woodbury, MN 55125

Clarence P. Lindberg
!GE CN
Lindberg Associates
750 South Plaza Drive
Mendota Heights, MN 55120

James F. Andre, City Manager
!GE T CN
2660 Civic Center Drive
Roseville, MN 55113

John G. McMillan
!GE
Energy Manager
Hennepin County Offices
300 Sixth Street South, Room A2208
Minneapolis, MN 55487

Don E. Salzmann, Utility Supt.
!GE CN
Melrose Municipal Utilities
21 West Main Street
Melrose, MN 56352

Tom Ollig, Manager
!T
Winsted Telephone Company
181 Second Street South
Winsted, MN 55395

City of Breckenridge
!GE T
Michael D. Casper
203 North Fifth Street
Breckenridge, MN 56520

Luther D. Nelson
!GE CN
David Winter
Hennepin County Environmental &
Energy Office
822 South Third Street
Minneapolis, MN 55415

Marvin W. Field
!GE
Carlton County Coop Power
Kettle River, MN 55757

Myra Gibson, Assistant Planner
!GE T CN
City of Fridley
6431 University Avenue N.E.
Fridley, MN 55432

James Solem
!GE
Minnesota Housing Finance Agency
400 Sibley Street, Room 300
St. Paul, MN 55101

Kip Sullivan
!GE
Minnesota COACT
2395 University - Room 304
St. Paul, MN 55114

David Fricke
!CN
Executive Director
Association of Minnesota Townships
Box 246
St. Michael, MN 55376

Dale L. Swanson
!GE T CN
City Engineer
City of Willmar
333 Sixth Street S.W., Box 755
Willmar, MN 56201

Peter Ranum, Chairman
!GE T CN
Minnesota COACT Energy Task Force
1216 South Sixth Street
Brainerd, MN 56401

Minnesota Attorney General's Off:
!GE T CN
Antitrust Division
117 University Avenue, second Flo
St. Paul, MN 55155

Beverly Gleeson
!GE CN
State LIEAP/Weatherization Progra
690 American Center Building
160 Kellogg BLvd.
St. Paul, MN 55101

John P. Leifer
!GE T CN
Assistant General Manager
Dairyland Power Cooperative
2615 East Avenue South
LaCrosse, WI 54601

Jack Bittle, City Engineer
!GE
City of Champlin
1200 Highway 52
Champlin, MN 55316

Charles K. Dayton
!CN
Dayton, Herman, Graham & Getts
10 Fifth Street South, Suite 930
Minneapolis, MN 55401

Bemidji Chamber of Commerce
!GE T CN
Box 850
Bemidji, MN 56601

Carla C. Kjellberg
!GE T CN
Attorney
MPIRG
2412 University Avenue S.E.
Minneapolis, MN 55414

Mary Sullivan, Executive Director
!GE T CN
Scott-Carver Economic Council
6th And Oak
Carver, MN 55215

George Sundstrom
!GE T CN
Sr. Citizen Coalition of NE MN
407 West Superior
Duluth, MN 55802

John Herman
!GE T CN
Dayton, Herman, Graham & Getts
10th Fifth Street South, Suite 930
Minneapolis, MN 55401

Jay Myster
!GE CN
215 South Cascade Street
Fergus Falls, MN 56537

C.W. Peterson
!GE
Box W
Pelican Rapids, MN 56572

Ottertail-Wadena Community
!GE
Action Councial
Box L
New York Mills, MN 56567

Clyde Weivoda, Clerk
!GE T CN
City of Albany
Box 374
Albany, MN 56307

Manager
!GE T
P.K.M. Electric Coop
Box 108
Warren, MN 56762

City of Warren
!GE
126 West Johnson
Warren, MN 56762

C. Ted Nelson, Gen. Manager
!GE CN
Municipal Utilities Commission
P.O. Box 937
Willmar, MN 56201

Water & Light Commission
!GE
P.O. Box 418
Moose Lake, MN 55767

Mark Moenning
!CN
Reroute Crude Oil Association
Route 2, Box 183
Dodge Center, MN 55927

Town of White Bear
!GE T CN
1281 Hammond Road
White Bear Lake, MN 55110

Karen Swenson
!GE T CN
City Council Research
705 City Hall
St. Paul, MN 55102

Russel F. Berg
!GE
104 North Jefferson
Wadena, MN 56482

St. Paul Tenants' Union
!GE T CN
500 Laurel
St. Paul, MN 55102

City of Rosemount
!GE
1367 145th Street East
Rosemount, MN 55068

Central MN-COACT
!GE T CN
123-1/2 Broadway
Little Falls, MN 56345

Gordon Breczinski
!GE T CN
Rte. 1, Box 162
Marshall, MN 56258

Barry C. Schade, Director
!CN
Minnesota Pollution Control Agency
1935 Co. Rd. B2 West
Roseville, MN 55113

Zona De Witt
!GE T CN
Legislative Reference Library
645 State Office Building
St. Pual, MN 55155

Richard J. Bradford
!GE T CN
City Clerk
City of Hoyt Lakes
City Hall
Hoyt Lakes, MN 55750

Don Brandt
!GE CN
Peoples Coop Power
P.O. Box 1039
Rochester, MN 55901

Public Utilities Commission
!GE
City of Grand Marais
Grand Marais, MN 55604

City of St. Charles
!GE T CN
1242 Whitewater Avenue
St. Charles, MN 55972

Jeremy Lane, Legal Aid
!GE T
222 Grain Exchange Building
323 Fourth Avenue South
Minneapolis, MN 55415

Charles F. Gosen
!GE T CN
County Auditor
Box 808
Baudette, MN 56623

Daniel J. Donhue
!GE T CN
City of New Hope
4401 Xylon Avenue North
New Hope, MN 55428

Jeff Muehler, Office Manager
!(GE)
P.O. Box 410
520 Nebraska Avenue
Breckenridge, MN 56520

Daniel R. Duklet
!(GE)
Superintendent
Halstad, MN 56548

Jan P. Gasterland
!GE T
Building Code Officer
Room 445 City Hall
St. Paul, MN 55102

Lisa Swanson, Secretary
!GE T CN
228 Central Avenue
P.O. Box 434
Faribault, MN 55021

Albert D. Dial, Director
!GE T CN
Real Estate, Right of Way
Related Service
Dairyland Power Cooperative
Box 817
LaCrosse, WI 54602-0817

Lois Gearhart
!GE T CN
Regulatory Information Srv.
4520 East-West Highway, Ste. 800
Bethesda, MD 20814

William J. Nicholson
!GE CN
Potlatch Corporation
P.O. Box 8162
Walnut Creek, CA 94596

Barbara Ecklund, Director
!GE T CN
Minnesota Senior Federation
301 Fuller Avenue
St. Paul, MN 55103

John A. Knapp, Esq.
!GE T
Winthrop & Weinstine
1800 Conwed Tower
444 Cedar Street
St. Paul, MN 55101

Burt Associates
!GE
P.O. Box 14299
Columbus, OH 43214

Becky Comstock
!GE T CN
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, MN 55402

Charles Kroeger*
!GE T CN
QSS
P.O. Box 838
Faribault, MN 55021

Steven Johnson, Executive Director
!GE CN
MN-Dakotas Retail Hardware
3033 Excelsior Blvd.
Minneapolis, MN 55437

Roger Buettner
!GE T
South St. Pual Public Schools
700 Second Street North
South St. Paul, MN 55075

James Mahon, Gen. Mgr.
!GE CN
Virginia Dept. of Public Utilitie
618 Second Street South
Virginia, MN 55792

Ron Kennedy, Mgr.
!GE
Red Lake Electric Coop.
Red Lake Falls, MN 56750

Phillip R. Hammond
!GE T CN
Director-Rates and Tariffs
Minnegasco
201 Seventh Street South
Minneapolis, MN 55472

G. L. Kaziukewicz
!GE CN
Quality & Environmental Manager
Waldorf Corporation, P.O. Box 201
2250 Wabash Avenue
St. Paul, MN 55164

August Blegen
!T
Minnesota Business Util. Users
P.O. Box 20163
Minneapolis, MN 55407

D.E. Hamill, Vice President-
!GE CN
Budgets/Regulatory Affairs
Interstate Power Company
1000 Main Street
Dubugue, IA 52001

Director
!GE T CN
Developmental Disabilities Planni
201 Capitol Square Building
St. Paul, MN 55101

W.C. Sjolund, Superintendent
!GE
Brainerd Water & Light
Box 373
Brainerd, MN 56401

Jim Tersteeg
!GE T CN
Renville County Courthouse
Olivia, MN 56277

Crow Wing Coop Power & Light
!GE
P.O. Box 507
Brainerd, MN 56401

Northern Natural Gas Co.
!GE
Government Affairs Office
Suite 1412, Midwest Plaza West
Minneapolis, MN 55402

W. John Licke, General Counsel
!GE
Blandin Paper Company
114 First Street Southwest
Grand Rapids, MN 55744

Herbert Anderson
!T
418 - 8th Street South
Virginia, MN 55792

David P. Larson, General Manager
!GE
Wright-Hennepin Coop. Electric
Maple Lake, MN 55358

David Jeronimus
!GE
Manager, Regional Affairs
Minnesota Power Company
30 West Superior Street
Duluth, MN 55802

Gerald L. Mahon, Director
!GE T
Water Utility
City Hall
St. Cloud, MN 56301

Leon Barnier, General Manager
!GE CN
MN Rural Electric Association
4901 West 77th Street
Minneapolis, MN 55435

Robert A. Julius
!GE CN
Southern Minnesota Municipal
Power Agency
21 First Street S.W., Suite 400
Rochester, MN 55901

MCAA
!GE T CN
310 1/2 City Hall
Minneapolis, MN 55415

Jean Dawson, Editor
!GE T CN
Minnesota Government Report
B-12 Press Room
State Capitol Building
St. Paul, MN 55155

Donald L. LaValley
!GE T CN
County Auditor
Court House
Austin, MN 55912

Elaine Debeir
!GE T CN
Government Affairs Assistant
Minnesota Power
30 West Superior Street
Duluth, MN 55802

Gary E. Brown - City Admin.
!GE T CN
100 Sibley Street
Hastings, MN 55033

Chris Enger
!GE T CN
City of Eden Prairie
8950 Eden Prairie Road
Eden Prairie, MN 55344

William P. Lavin, City Manager
!GE CN
885 Prentice
Granite Falls, MN 56241

Leroy D. Schecher, Manager
!GE
501 South First Street
P.O. Box 717
Montevideo, MN 56265

General Manager
!GE
Brown County Rural Electric Assn.
Sleepy Eye, MN 56085

Frank W. Watkinson
!GE
Energy Eng. - Paper Group
Boise Cascade Corporation
International Falls, MN 56649

Sarah Linderman
!GE
Sutherland, Asbill & Brennan
1666 K. Street N.W.
Washington, D.E. 20006

Jay M. Heffern, Chief Counsel
!CN
Metro Square Building
7th Street and Robert
St. Paul, MN 55101

John R. Langan
!GE T CN
Courthouse
Benson, MN 56215

Richard Grakow, City Adminstrator
!GE CN
City of Detroit Lakes
P.O. Box 647
Detroit Lakes, MN 56501

Public Utilities Commission
!GE T CN
120 First Street N.W.
Aitkin, MN 56431

David Sollenberger
!GE T CN
City Hall, P.O. Box 378
4th and Lafayette Sts.
Winona, MN 55987

Reynold Rahko
!GE CN
Manager-Projects Coord. Division
United Power Association
Elk River, MN 55330

Daniel D. Foth
!GE T CN
Executive Director
Associated Builders & Contractors
6989 Washington Avenue South
Edina, MN 55435

Henry Fieldseth
!GE CN
Northern Sun Alliance
1519 Franklin Avenue East
Minneapolis, MN 55404

Richard Carlund
!GE
New York Mills Municipal Gas
Box H
New York Mills, MN 56567

Dwane Brase
!GE
Superintendent
508 South Street
Waseca, MN 56093

Michael Gregerson
!CN
Director, Environmental &
Regulatory Activities Dept.
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401

Michael L. Enfield
!GE T CN
Sec. General Manager
Austin Utilities
P.O. Box 368
Austin, MN 55912

Gordon Johnson
!CN
Lutheran Social Service
2414 Park Avenue
Minneapolis, MN 55404

Kay Bonner Nee
!T
219 Logan parkway
Fridley, MN 55432

Kenneth E. Devillers
!GE
Utility Manager
205 West Center
Lake City, MN 55041

Scott G. Larson
!GE T
139 East 1st Avenue
Cambridge, MN 55008

Louis W. Claeson, Jr.
!T
Minnesota Auto Dealers Assn.
277 University Avenue
St. Paul, MN 55103

Clearwater-Polk Utilities
!GE
Bagley, MN 56621

Thomas Kalitowski
!CN
Executive Director
Minnesota Pollution Control Agency
1935 Couonty Road B2 West
Roseville, MN 55113

Dallas E. Nelso
!GE CN
Box 521
Litchfield, MN 55355

Maryanne V. Hruby
!GE T CN
Executive Director
Minnesota Legislative Commission
to Review Administrative Rules
State Office Bldg., Room 55
St. Paul, MN 55155

Minnesota Dept. of Health
!CN
Division of Env. Health
717 Delaware Street S.E.
Minneapolis, MN 55440

Yellow Medicine County Planning Office
!CN
10th Avenue, P.O. Box 675
Clarkfield, MN 56223

Jack Schuster
!GE T
Clerk Administrator
City of Gaylord
428 Main Avenue., Box 124
Gaylord, MN 55334

Don Anderson
!GE CN
Beltrami Electric Coop.
Box 488
Bemidji, MN 56601

Lloyd G. Becker
!GE T CN
City of Golden Valley
7800 Golden Valley Road
Golden Valley, MN 55427

Lucille Moe
!GE
Bi-County CAC
Box 579
Bemidji, MN 56601

Susan L. Carroll
!GE T
Legal Aid Society
2507 Fremont Avenue North
Minneapolis, MN 55411

Tom F. Bovitz, P.E.
!GE T CN
19th Street and Sixth Avenue
Hibbing, MN 55746

Delano Public Utilities
!GE
11 West Bridge Avenue
Delano, MN 55328

Anthony T. Ward
!GE CN
P.O. Box 658
Grand Rapids, MN 55744

Gary L. Dickson, City Manager
!GE T
City of Shoreview
4665 North Victoria
Shoreview, MN 55112

J. A. Smith
!GE CN
Donovan Companies, Inc.
1080 Montreal Avenue
St. Paul, MN 55116

Michael P. McMahon, Gen. Manager
!GE
Red River Valley Coop. Power
Halstad, MN 56548

Curt Brekke Jr.
!GE T CN
City Administrator
Civic Center
420 Main Street East
Belle Plaine, MN 56011

County Administration
!GE T CN
Polk County Courthouse
Crookston, MN 56716

Michael J. Ahern
!GE T CN
Moss & Barnett
200 Sixth St. South, Suite 1200
Minneapolis, MN 55402

Douglas E. Wallace, Manager
!GE CN
Nobles Coop. Electric
P.O. Box 788
Worthington, MN 56187

Clement Springer, Jr.
!GE CN
Defrees & Fiske
72 West Adams, #1500
Chicago, IL 60603-5163

Larry Turner
!GE
City of Northfield
801 Washington Street
Northfield, MN 55057

Tobey Lapakko
!GE T CN
AFL-CIO
175 Aurora Avenue
St. Paul, MN 55104

Catherine Sherwood
!GE T
County Auditor
171 West 3rd Street
Winona, MN 55987

Teri Virkus
!GE T CN
1031 Sixth Street East
Duluth, MN 55805

Family Service of St. Croix
!GE
216 Myrtle Street
Stillwater, MN 55082

W.C. Viitala, Dir. of Pub. Affairs
!GE T CN
Honeywell, Inc.
Honeywell Plaza MN125215
Minneapolis, MN 55408

James W. Keinath
!GE
Clerk-Administrator
9201 N. Lexington Avenue
Circle Pines, MN 55014

Lawrence Acker
!GE T CN
LeBoeuf, Lamb, Leiby, McRae
1333 New Hampshire Avenue NW
Washington, D.C. 20036

Martin A. Hillert, JR., Gen. Mgr
!GE
North Pine Electric Coop.
Finlayson, MN 55735

David Nelson, Gen. Mgr.
!GE
Alexandria Light and Power
P.O. Box 609
Alexandria, MN 56308

Ade Mussell
!GE CN
Manager, Power Supply Planning
& System Operations
Cooperative Power Assn.
14615 Lone Oak Road
Eden Prairie, MN 55344

James A. Roberts
!GE T CN
Minnesota Power
30 West Superior Street
Duluth, MN 55802

Tom Eidem
!GE T CN
City of Monticello
250 E. Broadway
Monticello, MN 55362

P. Vincent Mehmel
!T CN
Executive Director
West Central Comm. Serv. Center,
1128 Sixth St. S.E., Box 787
Willmar, MN 56201

Michael D. Johnson
!GE T CN
117 West Fifth Street
Blue Earth, MN 56013

Ronald J. Steckman
!GE
Freeborn-Mower Electric Coop.
Box 611
Albert Lea, MN 56007

Southestern Minnesota
!GE T CN
Cooperative Electric
P.O. Box 336
Pipestone, MN 56164

M.D. Hentges
!GE CN
Le Sueur Municipal Utilities
228 N. Main Street
Le Sueur, MN 56058

David S. Logan
!GE T CN
City of Pipestone
City Hall
Pipestone, MN 56164

John G. Pidgeon, City Manager
!GE T CN
2215 Old Shakopee Road West
Bloomington, MN 55431

Minnesota Audubon Council
!GE CN
730 Hennepin Avenue
Suite 330
Minneapolis, MN 55403

Barbara L. Hughes
!T
American Lung Association of
Ramsey County
614 Portland Avenue
St. Paul, MN 55102

Dean Amo
!GE
Box 230
Aitkin, MN 56431

Andrew E. Anderson
!GE
Otter Tail Power Company
215 South Cascade Street
Fergus Falls, MN 56537

Jack Deitz
!GE T CN
Norman County Courthouse
Ada, MN 56510

Patrick E. O'Brien, Gen. Manager
!GE
Itasca-Mantrap Co-OP.
Electrical Association
P.O. Box 192
Park Rapids, MN 56470

Stanley Wieber
!GE T CN
Executive Vice President
Fergus Falls Chamber of Commerce
202 South Court
Fergus Falls, MN 56537

Sandra J. Hale
!T
Commissioner
Minnesota Department of Administr
50 Sherburne Ave., Room 200
St. Paul, MN 55155

Susan Robertson, Director
!CN
Minnesota Legislative Commission
on Waste Management
Room 85, State Office Building
St. Paul, MN 55155

Michael Bradley
!GE T CN
Residential Utility Div.
Office of the Attorney General
340 Bremer Building
St. Paul, MN 55101

Mary Adams
!CN
Metro Council Library
121 Seventh St. E., Room 300
St. Paul, MN 55101

Bruce Hauschulz
!GE CN
Manager, Planning/Research
United Power Association
Elk River, MN 55330

McLeod Coop Power Assn.
!GE
P.O. Box 70
Glencoe, MN 55336

Charles B. Hoffman
!GE CN
Pickands mather & Company
200 Superior St. West, Suite 811
Duluth, MN 55802

Mark G. Sexton
!GE T CN
Director of Planning/Evaluation
Tri County Comm. Action Prog.
404 Second Ave. N.E.
Little Falls, MN 56345

C.G. Weber
!GE
P.O. Box 48
Redwood Falls, MN 56283

Robert Burk
!GE T CN
Attorney At Law
Popham, Haik, Schnobrich, Kaufman/Doty
80 Eighth St. South, Room 4344
Minneapolis, MN 55402

Bruce L. Meistad, General Manager
!GE
P.O. Box 626
Tri-County Electric Coop
Rushford, MN 55971-0626

Farley Grunig
!GE T CN
Cottonwood County Offices
Courthouse
Windom, MN 56101

Sam Ruhle
!GE T CN
Office of Administration Hearings
400 Summit Bank Building
310 South 4th Avenue
Minneapolis, MN 55415

Mary Guhin, Clerk
!GE
City of Luverne
Box 348
Luverne, MN 56156

Ray Bohn, Director
!GE T CN
MN Dept. of Public Service
790 American Center Building
St. Paul, MN 55101

City Clerk's Office
!GE T
444 Ninth Street
Windom, MN 56101

Harold Haugh
!GE T
Jones, Haugh & Smith, Inc.
515 Washington Avenue South
Albert Lea, MN 56007

Menno Mennenga
!GE CN
14 North Marshall Avenue
Springfiled, MN 56087

Paul L. Stevens, President
!T CN
Mankato Citizens Telephone Compan
221 East Hickory Street
Mankato, MN 56001

Vern Ingvalson
!GE T CN
MN Farm Bureau Federation
P.O. Box 64370
St. Paul, MN 55164

Marcia Pelzel, City Clerk
!GE
City of Fairfax
112 S.E. First Street
Fairfax, MN 55332

Roger C. Miller
!GE CN
Levander/Gillen/Miller/Anderson/K
633 Concord Street, Room 402
P.O. Box 298
South St. Paul, MN 55075

Paul J. Huber, President
!GE T CN
Paul J. Huber, Ltd.
1821 University Avenue
St. Paul, MN 55104

Senator Donald J. Frank
!GE T CN
State Capitol Bldg., Room G28
St. Paul, MN 55155

Al Ross
!GE CN
6356 Ware Road
Lino Lakes, MN 55014

David S. Douglas
!GE
Rt. 5 Box 3950
Buffalo, MN 55313

John V. Hoene
!GE T CN
Minnesota Asphalt Pavement Associa
555 Wabasha St., Room 208
St. Paul, MN 55102

Lakes & Pines CAC
!GE
Agency Administration
129 West Forest
Mora, MN 55051

Richard O. Johnson
!GE T CN
9457 Columbus Avenue South
Minneapolis, MN 55420

Samuel W. Shult, City Clerk
!GE T CN
P.O. Box Y
305 N. Main Street
Winthrop, MN 55396

City Administrator
!GE T
City of Maple Grove
9401 Fernbrook Lane
Maple Grove, MN 55369

Alfred F. France
!GE CN
Lake Superior Industrial Bureau
First Natl. Bank Buldg., Room 828
Duluth, MN 55802

Robert Ambrose
!GE T CN
Cooperative Power
14615 Lone Oak Road
Eden Prairie, MN 55344-2287

Philip G. Meininger
!T
Minneapolis City Planning Dept.
350 Fifth St. South, Room 210
Minneapolis, MN 55415

Lewis Bradford
!GE
215 Harrison Street
Anoka, MN 55303

Gil A. Dullinger
!GE T CN
City of Brooklyn Park
5800 85th Avenue North
Brooklyn Park, MN 55443

Jody A. Hauer
!GE T CN
Citizens League
84 South 6th Street
Minneapolis, MN 55402

Traverse Electric Cooperative
!GE
P.O. Box 66
Wheaton, MN 56296

William Seeley
!GE T CN
Eastlund, Peterson and Solstad, L
801 Nicollet Mall, Room 1702
Minneapolis, MN 55402

Mark Lofthus
!T
Countryside Council
P.O. Box 78
Marshall, MN 56258

A.J. Johnson
!GE T CN
City Manager
City of Montevideo
103 Canton Avenue
Montevideo, MN 56265

Al Barthelemy
!CN
Benton Co. Planning/Zoning Adm.
Courthouse
531 Dewey Street
Foley, MN 56329

Goodhue County Coop
!GE
Electric Association
224 Main Street
Zumbrota, MN 55992

Phillips Legislative Service
!GE T CN
459 Rice Street
St. Paul, MN 55103

J.J. Keller, Act. Supt. & Secy.
!GE CN
E. Grand Forks Water & Light
Box 322
East Grand Forks, MN 56721

Bill Grant
!GE CN
Dept. of Energy & Economic Develop
900 American Center Building
160 E. Kellogg
St. Paul, MN 55101

Vern Genzlinger
!GE CN
Assoc. Company Administrator
Hennepin County
A2307 Government Center
Minneapolis, MN 55487

Mary Wirtz
!GE T CN
Inter-City Gas
910 Cloquet Avenue
Cloquet, MN 55720

Ellen Gavin
!T CN
S. MN Regional Legal Service
300 Minnesota Building
St. Paul, MN 55101

Louis Van Hout
!GE
1030 East Fourth Avenue
Shakopee, MN 55379

Glenn Purdue
!GE
LeFevere & Lefler
2000 First Bank Place W.
Minneapolis, MN 55402

Phillip Fernkes
!T, CN
Metro Fone Communications
4211 Rhode Island Ave. N.
Minneapolis, MN 55428

David Steen, President
!T
Teleplus Consulting, Inc.
8000 W. 78th Street, Suite 190
Edina, MN 55435

Ed Tiemann
!T
Minnesota Telephone Association
386 N. Wabasha, Suite 770
St. Paul, MN 55102

Janet Sanderson
!T
Dorsey & Whitney
2200 First Bank Place E.
Minneapolis, MN 55402

Lawrence Ware
!T
Garden Valley Telephone Co.
201 Ross Avenue
Erskine, MN 56535

Kip Hendrickson
!T
General Telephone Co. of Minnesot
11 Eleventh Avenue
Grinnell, IA 50112

Ron Graham, Manager
!GE CN T
Legislative Affairs
Otter Tail Power Company
215 South Cascade St.
Fergus Falls, MN 56537

Harold Steppuhn
!GE
P.O. Box 218
Princeton, MN 55371

Brenda Berkebile
!T
Enhanced Telemanagement
Suite 1044, IDS Center
80 South 8th Street
Minneapolis, MN 55402

Mark B. Rotenberg
!T
Dorsey & Whitney
2200 First Bank Place E.
Minneapolis, MN 55402

Tracy Bridge
!GE CN
Regulatory Attorney
Minnegasco
201 South 7th
Minneapolis, MN 55402

Mary Ayde
!GE T CN
MN Chapter, NSWMA
4649 Bloomington Ave. S.
Minneapolis, MN 55407

Terry Hoffman
!T GE
1334 Conwed Tower
444 Cedar Street
St. Paul, MN 55101

Willie E. Williamson
!T GE CN
REA Field Representatave
U.S. Dept. of Agriculture - REA
P.O. Box 3563
Mankato, MN 56002-3563

William E. Flynn
!T GE CN
O'Connor & Hannan
3800 IDS Center
Minneapolis, MN 55402

Joann Anderson
!T
AT&T Communications
400 North Robert, Suite 950
St. Paul, MN 55101

Kenneth Larsen
!CN
Executive Vice President
Faribault Area Chamber of Commerce
228 Central Avenue
P.O. Box 434
Faribault, MN 55021

SCORE Chapter #406
!CN
Lloyd Welty
220 S. Broadway, Suite 100
Rochester, MN 55904

Roger Nelson
!T
Telecommunications/DOA
3rd Floor Centennial Bldg.
St. Paul, MN 55145

Byron Starns
!T GE CN
100 S. 5th Street, Suite 1500
Minneapolis, MN 55402

James R. Clements
!GE
Energy Factors
1495 Pacific Highway, Suite 400
San Diego, CA 92101-2473

Robert Reichert
!T
Starlight Satellite Systems, Inc.
506 East Fourth St.
Duluth, MN 55805

Deretich & Timmons
!GE
375 Jackson, Suite 450
St. Paul, MN 55101

Thomas J. Weyandt, Asst. City At
647 City Hall and Courthouse
15 West Kellogg Blvd.
St. Paul, MN 55102

CODE OF CONDUCT RULE
DOCKET NO. U-999/R-86-167

Sherry Miller
MINDY, Inc.
P.O. Box 201128
Bloomington, MN 55420

EMERGENCY RULES

Proposed Emergency Rules
According to Minn. Stat. of 1984, §§ 14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

1) that a free copy of the proposed emergency rule is available upon request from the agency;
2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules
Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§ 14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules
Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

MINNESOTA RULES AMENDMENTS AND ADDITIONS

(Emergency rules published in this issue)

7845.0100-.1000 (proposed emergency) 105

Public Utilities Commission

Proposed Emergency Rules Relating to Code of Conduct

Notice of Intent to Adopt an Emergency Rule

Notice is hereby given that Minnesota Public Utilities Commission intends to adopt the above-entitled emergency rule. The statutory authority to adopt the emergency rule is contained in 1986 Minnesota Laws Chap. 409 § 5. The agency, in adopting the rule, is following the procedures set forth in the Administrative Procedure Act for adopting emergency rules, Minnesota Statutes, sections 14.29 to 14.36.

All persons have 25 days after publication in the *State Registers* on Monday, July 28, 1986, to submit data and views in writing on the proposed emergency rule or any part or subpart of the rule. Any comments must be submitted to Rosellen Condon, 780 American Center Bldg., St. Paul, Minnesota 55101, (612) 296-2357.

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

A free copy of the proposed emergency rule is available by contacting Kathy Briesemeister, 780 American Center Bldg., St. Paul, MN 55101, (612) 296-2243.

The proposed emergency rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed emergency rule as noticed.

Upon adoption of the emergency rule by the agency, the emergency rule as adopted and its supporting documents will be delivered to the Attorney General for review as to legality and form to the extent form related to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to Rosellen Condon.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with the Minnesota Statutes, section 14.35.

M.E. Hennen
Executive Secretary

Rules as Proposed, Emergency (all new material)

7845.0100 [Emergency] DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Laws of Minnesota 1986, chapter 409, section 5 and set out in this chapter.

Subp. 2. **Commission.** "Commission" means the Minnesota Public Utilities Commission.

Subp. 3. **Commissioner.** "Commissioner" means a member of the commission.

Subp. 4. **Employee.** "Employee" means the executive secretary of the commission, or a member of the commission's professional, secretarial, or clerical staff.

Subp. 5. **Public utility.** "Public utility" has the meaning given it in Minnesota Statutes, section 216B.02, subdivision 4, except that for the purposes of this chapter it also includes a municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric service and its agents, officers, and representatives.

Subp. 6. **Telephone company.** "Telephone company" has the meaning given it in Minnesota Statutes, section 237.01, except that for the purposes of this chapter it also includes an independent telephone company as defined in Minnesota Statutes, section 237.01, subdivision 3; a radio common carrier as defined in Minnesota Statutes, section 237.01, subdivision 4; and their agents, officers, and representatives.

Subp. 7. **Proceeding.** "Proceeding" means a formal or informal undertaking of the commission, on its own motion or otherwise, in which it seeks to resolve questions or issues raised in a complaint, in a petition, or during rulemaking.

7845.0200 [Emergency] AUTHORITY.

This code is prescribed by the commission pursuant to Minnesota Statutes, section 216A.05 and Laws of Minnesota 1986, chapter 409, section 5.

7845.0300 [Emergency] PURPOSE AND CONSTRUCTION.

The purpose of this code is to preserve the integrity and independence of commission decision making and to promote public confidence in the objectivity of commission decisions. Commissioners and employees should maintain high standards of conduct to prevent a conflict or the appearance of a conflict between private interests and official duties. This code must be construed to secure these objectives in keeping with the quasi-judicial function of the commission.

7845.0400 [Emergency] CONFLICT OF INTEREST; IMPROPRIETY.

Subpart 1. **General behavior.** A commissioner or employee shall respect and comply with the law and shall behave in a manner that promotes public confidence in the integrity and impartiality of the commission's decision-making process.

Subp. 2. **Actions prohibited.** Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including:

A. using public office for private gain;

B. giving preferential treatment to an interested person or entity;

C. impeding the efficiency or economy of commission decision making;

D. losing independence or impartiality of action;

E. making a commission decision outside official channels; and

F. affecting adversely the confidence of the public in the integrity of the commission.

7845.0500 [Emergency] QUASI-JUDICIAL RESPONSIBILITIES.

Subpart 1. **Inappropriate influences.** Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism.

Subp. 2. **Orderly proceedings, behavior.** Commissioners shall maintain order and decorum in proceedings before the commission. In their official capacity, commissioners must be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Commissioners shall require similar conduct from persons appearing before them.

7845.0600 [Emergency] DISQUALIFICATION.

Subpart 1. **Disqualifying factors.** Commissioners and employees shall disqualify themselves if they:

A. have a personal bias or prejudice concerning a party;

B. before employment with the commission, served or participated as a lawyer or material witness in the pending proceeding; or

C. have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

Subp. 2. **Written disclosure; withdrawal.** The commissioner or employee shall disclose in writing within 48 hours to the commission the disqualifying interest and withdraw, taking no part in the pending proceeding.

7845.0700 [Emergency] PROHIBITED ACTIVITIES.

Subpart 1. **In general; exceptions.** A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility or telephone company. This prohibition does not apply to:

A. books or printed materials supplied on a complimentary basis for official use, when the value of each item does not exceed $50;

B. a meal or beverage served at or on the premises of an educational program devoted to improving the regulatory process or the administration of the commission, the value of which does not exceed $15; or

C. a meal or beverage served during and at site investigations or negotiations, the value of which does not exceed $15.

Subp. 2. **Outside income.** A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

Subp. 3. **Interests in utilities.** A commissioner or professional employee shall not invest in a public utility or telephone company, acquire a legal or equitable interest in it, however small, become its director or advisor, or actively participate in its affairs. This prohibition does not apply to:

A. ownership in a mutual fund or trust that holds securities in a telephone company or public utility unless the commissioner or professional employee participates in the management of the fund;

B. holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility;

C. purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public; or

D. holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

Subp. 4. **Outside employment.** A commissioner or employee shall not negotiate for or accept outside employment or other involvement in a business or activity that will impair the person's independence of judgment in the exercise of official duties.

Subp. 5. **Insider information.** A commissioner or employee shall not directly or indirectly use, or permit others to use, information not made available to the general public, to advance a private interest.

7845.0800 [Emergency] FUTURE EMPLOYMENT.

Subpart 1. **One-year restriction.** While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with a rate-regulated public utility or telephone company.

Subp. 2. **Commissioner communication with parties.** A commissioner shall not communicate, directly or indirectly, with a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that party. The commissioner shall disclose in writing to the commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

Subp. 3. **Employee communication with parties.** A professional employee shall disclose in writing to the commission any communication regarding future benefits, compensation, or employment with a party to a pending proceeding before the commission within 48 hours after the communication is made. Reprisals must not be taken against a professional employee who complies with this subpart.

7845.0900 [Emergency] POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a rate-regulated public utility or telephone company, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a rate-regulated public utility or telephone company before the commission on a proceeding that the employee participated in during that employment with the commission.

7845.1000 [Emergency] SANCTIONS.

Subpart 1. **Against commissioner.** A commissioner who intentionally fails to comply with this code is subject to disciplinary action under Minnesota Statutes, sections 15.0575 and 216A.036, and in accordance with Minnesota Statutes, section 43A.33.

Subp. 2. **Against employee.** An employee who intentionally fails to comply with this code is subject to disciplinary action under the applicable collective bargaining agreement, commissioner's or manager's plan, or in accordance with Minnesota Statutes, section 43A.33.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture
Food Inspection Division

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing the Manufacture, Sale or Dispensing of Soft Drinks

Notice is hereby given that the Minnesota Department of Agriculture is seeking information or opinions from sources outside the agency in preparing to propose rules governing the manufacture, sale or dispensing of soft drinks. The adoption of these rules is authorized by M.S. sec. 34.09.

The rules must include, but are not limited to, sanitary practices involving beverage manufacturing plants, beverage dispensing equipment, and the use of sterile containers in packaging beverages for home consumption.

The Department requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing. Written statements of information and comment may be addressed to:

Ms. Carol Milligan
Minnesota Department of Agriculture
90 West Plato Boulevard
St. Paul, MN 55107

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-6906, and in person at the above address.

All statements of information and comment must be received by August 25, 1986. Any written material received by the Department shall become part of the rulemaking record.

July 8, 1986

Jim Nichols
Commissioner

CERTIFICATE OF THE
MINNESOTA PUBLIC UTILITIES COMMISSION
RESOLUTION ADOPTING THE RULE

Docket No. U-999/R-86-167

I, Harry Seymour Crump, do hereby certify that I am a member and the Chair of the Minnesota Public Utilities 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 Minnesota Public Utilities Commission, duly and properly called and held on the 9th day of September, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule relating to a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees is approved and adopted, pursuant to authority vested in the Minnesota Public Utilities Commission by Minnesota Laws 1986, ch. 409, section 5. Mary Ellen Hennen, the Executive Secretary of the Minnesota Public Utilities Commission, is authorized to sign the findings of fact, conclusions, and order adopting the rule and further is authorized to modify the rule if necessary to obtain the approval of the rule by the attorney general to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of September, 1986.

Harry Seymour Crump
Chair of Minnesota Public
Utilities Commission

Robert J. O'Hoft
Member of Minnesota Public
Utilities Commission

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Harry Seymour Crump	Chair
Barbara Beerhalter	Commissioner
Cynthia A. Kitlinski	Commissioner
Robert J. O'Keefe	Commissioner
Darrel L. Peterson	Commissioner

In the Matter of the Proposed Adoption of Emergency Rule Governing a Code of Conduct for the Minnesota Public Utilities Commission and its Employees

SERVICE DATE: SEP 19 1986

FINDINGS OF FACTS, CONCLUSIONS, AND ORDER ADOPTING EMERGENCY RULE

DOCKET NO U-999/R-86-167

Notice of the Minnesota Public Utilities Commission's (Commission's) intent to adopt the above-entitled emergency rule was published in the State Register on Monday, July 28, 1986 and was sent by United States mail to all persons on the list maintained by the Commission pursuant to Minnesota Statutes, section 14.30 on July 25, 1986.

All persons were given the opportunity to submit written comment on the rule for at least 25 days after notice of proposed rulemaking.

Based upon the comments submitted by interested persons, and after due deliberation, the Commission makes the following findings and conclusions.

Comments were received from the Department of Public Service (DPS), Senator Don Frank, the Residential Utilities Division of the Office of the Attorney General (RUD), the Suburban Rate Authority, Professor Neil Hamilton of the William Mitchell College of Law, and Minnesota Power. They suggested modifications to parts 7845.0100, 7845.0600, 7845.0700, 7845.0800, and 7845.0900. Any modifications to the Code as it was published in the State Register and mailed to persons on the Commission's rulemaking list must not constitute a "substantial change" in accordance with the proposed Minn. Rules, part 2010.1000, governing Standards of Review by the Attorney General. That proposed rule states as follows:

> A rule must be disapproved by the Attorney General if ... there is a substantial change in the rule as adopted from the proposed rule as noticed. An adopted rule is considered substantially different from the proposed rule as noticed if it introduces significant new subject matter which a reasonable person, on the basis of the rulemaking notice, would not have anticipated would be raised during the rulemaking proceeding.

In the alternative, if the proposed Minn. Rules, part 2010.1000, is not applicable, this emergency rule including modifications must comply with Minn. Rules, part 2000,0800, which requires that:

a) the agency comply with the Minnesota Administrative Procedures Act and other requirements governing the promulgation of rules;

b) the rule must be consistent with the authorizing statute;

c) The rule must not conflict with the governing statute or other relevant law;

d) the rule must have a reasonable relation to statutory purposes; and

e) the rule must be constitutional and reasonable.

7845.0100 DEFINITIONS

Minnesota Power suggested adding this definition:

> "Subp. 8. Intervenor. "Intervenor" means any party participating in a commission proceeding other than the applicant, petitioner, or complainant."

Minnesota Power then suggested expanding 7845.0700 and 7845.0900 to include intervenors. The Commission did not add this definition because it was unnecessary for reasons given later in this order under parts 7845.0700 and 7845.0900.

The Commission did modify the Code by adding the following definition:

> Subp. 8. Party. "Party" means a person by or against whom a proceeding before the Commission is commenced or a person permitted to intervene in a proceeding before the commission. A party includes a petitioner, complainant, intervenor, applicant, and respondent, and their attorneys, agents, or representatives.

This definition was added because the Commission modified part 7845.0700, subp. 1, to include a "party". "Party" is also used in other parts of the proposed Code as noticed. For clarity and completeness, the Commission added this definition. The proposed definition of "party" was taken from the Commission's Rules of General Practice and Procedure (Minnesota Rules, part 7830.0100, subp. 8). It is also consistent with the definition of party found in the Rules of the Office of Administrative Hearings (Minnesota Rules, part 1400.5100, subp. 7).

7845.0600 DISQUALIFICATION

The DPS suggested modifying part 7845.0600 to read:

> 7845.0600, Subpart 1. Disqualifying factors. Commissioners and employees shall disqualify themselves if they:
>
> > have a personal bias or prejudice concerning a party or proposal before the Commission.

The Commission did not adopt this suggestion for several reasons. Although the DPS stated that adding the phrase "or proposal before the commission" would clarify the rule, the Commission believes it would cause confusion and uncertainty. The Commission serves a legislative, as well as a quasi-judicial, function. Commissioners are required to exercise their professional judgment based upon informed opinions. The DPS's suggestion may have a chilling effect upon the legislative function of the Commission because opinions are, by their nature, personal.

The DPS's suggested language does not address this distinction and may result in a commissioner disqualifying him or herself rather than expressing or acting upon a philosphical position different from a party's. The uncertainty of the DPS's phrase would cause confusion and ultimately hinder the Commission's decision-making process. On the other hand, the meaning of "a personal bias or prejudice concerning a party" is clearly understood. Favoritism towards, or dislike of, a party because of who they are, rather than the position they represent, is the harm the proposed rule seeks to prevent. Adding "or proposal before the commission" would not further this purpose.

7845.0700 PROHIBITED ACTIVITIES

All the comments recommended modifications to part 7845.0700. The RUD recommended:

> Subpart 1. In general; exceptions. A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility or telephone company which exceeds more than nominal value. This prohibition does not apply to:
>
> A. books or printed material which are relevant to the official responsibilities of the commission, as long as the content of the materials would not amount to an improper ex parte communication. ~~supplied on a complimentary basis for official use, when the value of each item does not exceed $50.~~
>
> B. ~~a meal or beverage served at or on the premises of~~ an educational program devoted to improving the regulatory process or the administration of the commission. All meals associated with such a program shall be paid for by any commissioner or staff member who attends the program. ~~the value of which does not exceed $15; or~~
>
> ~~C. a meal or beverage served during and at site investigations or negotiations, the value of which does not exceed $15.~~

The Commission agrees with the RUD's comment that on the one-hand, Subpart 1 goes too far because it prohibits a free cup of coffee valued at only 15¢, and on the other-hand, Item C doesn't go far enough because it allows meals up to $15 for Commissioners and employees at site investigations and negotiations sponsored by a utility. Adding the RUD's "nominal value" phrase in Subpart 1 would allow a 15¢ cup of coffee. Although a Commissioner or employee could obtain reimbursement from the State of Minnesota for a cup of coffee, soda, bottled water, donut, or sweet roll, the bookkeeping cost would far outweigh the cost of the item. Nominally valued items do not have a potential for creating a conflict, or the appearance of a conflict, between personal interests and official duties. Nominal is commonly understood to mean very small, slight. This is how it is defined in Websters New World Dictionary, College Edition 1966. Adding the phrase "which exceeds more than nominal value" is a practical and effective solution to the problem of identifying and prohibiting those activities and items that do create a conflict, or the

appearance of a conflict of interest. Meals and beverages totalling $15 have the potential to create at least the appearance of a conflict of interest. In this situation it would be worth the cost of bookkeeping to reimburse Commissioners and employees for these expenses. Therefore, the Commission removed the dollar limits on meals and beverages in Item B and eliminate Item C of Subpart 1 in favor of the RUD's suggested "nominal value" language.

These modifications do not result in a substantial change because the subject matter remains the same as that of the proposed rule as noticed. That is, compensation, gifts, gratuities, favors, entertainment, meals, beverages, loans, or other things of monetary value are prohibited except in certain situations. The Commission has modified those situations, but they remain the same situations as noticed. The proposed modifications are such that a reasonable person would anticipate their being raised in the proceeding based on the proposed rule as noticed.

The Commission agrees with the RUD's recommended phrase in Item A "which are relevant to the official responsibilities of the commission" because it calls more attention to the official nature of the books or materials than the Commission's phrase "for official use". However, RUD's reference to ex parte communications is unnecessary because the Commission is currently promulgating rules governing ex parte communications that would cover this situation. Including ex parte communication concerns at this step in the emergency rulemaking proceeding would introduce a totally new and different concept. The Commission also removed the $50 limitation on books or printed materials in Item A. These are valuable sources of general information and should not be restricted. Commissioners and employees need such information to serve the public interest by keeping Commissioners and their employees aware of general changes in the industry. This does not constitute a substantial change because the exception for offically used books and materials remains the subject matter or focus of Item A. The change relates only to more clearly defining the nature of this written material.

The RUD's suggested language for Item B would allow Commissioners and employees to attend all educational programs even those that are sponsored by utilities and for which no fee is charged to Commissioners or employees. The Commission is concerned that this may create the potential for the appearance of preferential treatment and improper influence if other attendees are charged a fee. However, prohibiting attendance at these educational programs would prevent access to valuable and necessary information. Therefore, the Commission has modified the RUD's suggested language by adding the proviso that attendance is limited to educational programs that are "open to other interested groups or state agencies under the same terms and conditions". This modification provides the benefit of access to information while preventing the harm of an appearance of improper influence and preferential treatment.

The Commission also agrees with the RUD's suggestion to eliminate Item C from Subpart 1. Item C is unnecessary because the State of Minnesota provides reimbursement for this item. Removing Item C furthers the Code's purpose of preventing a conflict or the appearance of a conflict between private interests and official duties. It does not result in a substantial change because there is no new significant subject matter introduced by removing Item C from Subpart 1. The proposed rule as noticed addressed the subject matter

of whether there should be exceptions to the prohibited activity in Subpart 1, and if so, what those exceptions should be.

The Suburban Rate Authority suggested removing the dollar limitations from 7845.0700, Subpart 1, Items A, B, C because they are difficult to determine, an inconvenience to Commissioners and employees, a vehicle for mischief, and serve no useful purpose. Based on comments from the Suburban Rate Authority and other interested persons, the Commission agrees that the dollar limitations in Subpart 1, Items A and B should be removed.

The Suburban Rate Authority also suggested:

> Subp. 2. Outside income. A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust ~~so long as the mutual fund or trust does not hold a significant portion of its investments in public utilites or telephone companies subject to regulation by the commission~~ which holds public utility or telephone company securities unless the commissioner or professional employee participates in the management of the fund or trust.

Minn. Laws 1986, Chapter 409, section 3, states:

> Sec. 3. Minnesota Statutes 1984, section 216A.035, is amended to read:
>
> 216A.035 (CONFLICT OF INTEREST.)
>
> (a) No person during his term of membership on the public utilities commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission, shall receive any significant portion of his income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission. ~~No person shall be eligible to be appointed as a member of the public utilities commission unless and until he divests himself of any significant interest or abandons any employment with a utility.~~

This statute prohibits earnings from a mutual fund or trust when a significant portion of the earnings come directly or indirectly from any public utility or other organization subject to regulation by the Commission. That is, when the mutual fund or trust invests in a public utility or other regulated organization, the amount of earnings attributable to that public utility or other regulated organization is limited. When a mutual fund or trust has a small investment in a public utility or other regulated organization, the earnings attributable to the public utility or other regulated organization will also be small. This is true whether the Commissioner or professional employee receives large or small earnings from the mutual fund or trust itself. For this reason, the proposed rule limits the amount of investment by the mutual fund or trust in a public utility or other regulated organization. The Suburban Rate Authority's suggestion expands the proposed rule by allowing the mutual fund or trust to have a large investment in a public utility or

other regulated organization, so long as the Commissioner or professional employee does not participate in the management of the fund or trust. The Commission finds that this suggestion contradicts the statute and would create the appearance of impropriety.

The Suburban Rate Authority also recommended amending 7845.0700, Subpart 3, Item A, by adding "or trust" at end of item A for completeness. The Commission concludes that "or trust" should be added to Subpart 3, Item A, for completeness. This is a clarifying modification and does not constitute a substantial change.

Professor Neil Hamilton expressed concern that 7845.0700, Subpart 1, not apply to the permanent endowment for the Trustee Chair in Regulatory Policy at the William Mitchell College of Law. The Commission finds that some of the endowment's funding will come from utilities that will make a one-time only grant. However, the utilities will not have any control over the fund or over programming or research since the endowment belongs to the College. Therefore, the Commission concludes that the proposed rule would not prevent Commissioners and employees from working with the Trustee Chair in Regulatory Policy to use the fund to sponsor educational programs and research.

Senator Don Frank recommended:

> Subpart 1. In general; exceptions. A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility or telephone company, or from any party to a pending proceeding. This prohibition shall not apply .....
>
> Subpart 2. Outside income. A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public utility or telephone company subject to regulation by the commission, or from a party to a pending proceeding. A commissioner .....
>
> Subpart 3. Interests in utilities and other parties. A commissioner or professional employee shall not invest in a public utility or telephone company, or acquire a legal or equitable interest in it, however small. A commissioner or professional employee shall not become a director or advisor, to a public utility, telephone company or party to a pending proceeding, or actively participate in its affairs. This prohibition does .....

The Commission agrees with Senator Frank's suggestion for Subpart 1. The Commission finds that adding "party" to Subpart 1 furthers the intent of the Code that persons appearing before the Commission do not attempt to improperly influence the decision-making process. Reasonable persons appearing before the Commission would assume that the prohibition in Subpart 1 applied to them. Since this is a clarification, rather than a new idea or new subject matter, it does not result in a substantial change. Adding "party" to Subpart 1 most likely would not cause the comments the Commission received to be different or have resulted in additional comments. However, the Commission finds that Senator Frank's suggested phrase "or from any party to a pending proceeding" does not limit enough the time frame when a party shall not do the

prohibited activity in Subpart 1. If Subpart 1 is limited to pending proceedings, a party to a previous proceeding or a future proceeding would be exempt from the prohibited activity. The proposed rule as noticed applies to a public utility or telephone company, regardless of whether they are currently in a proceeding before the Commission. This was done to prevent a utility from attempting to influence the Commission between proceedings, since it is extremely likely that the utility will be before the Commission at some time. It prevents improper influence and conflicts of interest between proceedings. Since all parties have the same potential for improper influence and conflicts of interest, the prohibition should apply to them under the same conditions it applies to public utilities and telephone companies. The Commission therefore concludes that it is reasonable to modify Subpart 1 to include a "party".

The Commission's proposed language in Subpart 2 governing outside income is based on Minn. Laws 1986, ch. 409, section 3, which applies to "any public utility or other organization subject to regulation by the Commission". The Commission interpreted this statutory directive as intending to exclude nonregulated parties from the prohibition and for that reason, limited Subpart 2 to regulated public utilities and telephone companies. The Commission finds that it is unreasonable to expand the proposed rule beyond the statute. The Commission also finds that going beyond the statute at this step in the emergency rulemaking proceeding would be a substantial change from the proposed rule as noticed. Therefore, the Commission concludes not to modify Subpart 2.

If a Commissioner or employee received outside income from a person or entity that became a party, disqualification is required under part 7845.0600, Subpart 1, Item A, for personal bias or prejudice. Since the harm Senator Frank seeks to prevent is already remedied under another part of the Code, adding "party" serves no useful purpose and would be difficult, if not impossible, to enforce. And, since any person or entity is a potential party, the suggested change would be impractical because it could effectively prohibit outside income from any source.

The Commission has the same concerns with adding "party" to Subpart 3, governing interests in utilities. It would be impractical to restrict the Commissioners and employees to the point where financial planning would be impossible. It would also be difficult to enforce and part 7845.0600, Subpart 1, Item A, already requires disqualification if a personal bias or prejudice arises. Therefore, the Commission concludes it is unreasonable to modify Subpart 3 as suggested by Senator Frank.

Minnesota Power made essentially the same suggestions as Senator Frank:

> Subpart. 1. In general; exceptions. A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility, <u>telephone company, intervenor, state agency, state department, association, or special interest organization</u>. This prohibition does not apply to: ...
>
> Subp. 2. Outside income. A commissioner or professional employee shall not receive personal income, directly or indirectly, from a public

utility or telephone company subject to regulation by the commission, nor from an intervenor, state agency other than the commission itself, state department, association, or special interest organization. A commissioner or professional employee may receive dividends or other earnings from a mutual fund or trust so long as the mutual fund or trust does not hold a significant portion of its investments in public utilities or telephone companies subject to regulation by the commission.

The Commission's response is the same. However, the Commission does not think it is necessary to list the potential parties by name in Subpart 1. Using "party" in Subpart 1 is sufficient. "Party" is clearly understood, defined in the Commissions Rules of General Practice and Procedure (Minnesota Rules, part 7830.0100, subp. 8), and does not require adding a definition of "intervenor" to the Code.

For these reasons, the Commission concludes that part 7845.0700, Subpart 1, should be modified to read:

> Subpart 1. In general; exceptions. A commissioner or employee shall not directly or indirectly solicit or accept for the commissioner or employee, or for another person, any compensation, gift, gratuity, favor, entertainment, meal, beverage, loan, or other thing of monetary value from a public utility, telephone company, or party, which exceeds more than nominal value. This prohibition does not apply to:
>
> A. books or printed materials which are relevant to the official responsibilities of the commission; or
>
> B. an educational program devoted to improving the regulatory process or the administration of the commission that is open to other interested groups or state agencies under the same terms and conditions. All meals associated with such a program shall be paid for by any commissioner or employee who attends the program.

7845.0800 FUTURE EMPLOYMENT

The Suburban Rate Authority recommended changing the phrase "rate-regulated public utility or telephone company" in part 7845.0800 to read "public utility or telephone company subject to rate regulation by the Commission" to distinguish between rate regulation by the Federal Energy Regulatory Commission and Rural Electrification Administration and rate regulation by the Commission.

The Commission finds that the Suburban Rate Authority's suggested modifications are reasonable. Minn. Laws 1986, Chapter 409, secton 4, is the source for this proposed rule. The statutory language is "subject to rate regulation by the Commission". The Commission concludes that this modification would be clearer and make the proposed rule more consistent with the statute and therefore, does not constitute a substantial change.

Senator Don Frank suggested amending part 7845.0800 to read:

> Subpart 1. One-year restriction. While employed with the commission or within one year after leaving it, a commissioner shall not accept employment with, receive compensation directly or indirectly from, or

enter into a contractual relationship with a rate-regulated public utility, or telephone company, or with a party that has participated in proceedings before the commission during the commissioner's term.

This subpart was taken from Minn. Laws 1986, Chapter 409, section 4, which limits the prohibition to entities subject to rate regulation by the Commission. The Commission finds that it is unreasonable to expand the proposed rule beyond the statute. In addition, the recommended change is too restrictive on Commissioners and employees since any person or entity is a potential party. And, to prohibit employment with civic and other worthwhile organizations would be undesirable and almost impossible to enforce. It is also a substantial change that involves new subject matter because the comments received most likely would have been different and additional comments may have been submitted, if the people who received notice of our proposed rules knew that "party" would be added to Subpart 1. For these reasons, the Commission concludes not to expand the employment prohibition to any party.

7845.0900 POSTEMPLOYMENT REPRESENTATION

The Suburban Rate Authority recommended the same change from "rate-regulated" to "subject to rate regulation by the Commission". The Commission concludes that this is a reasonable modification that clarifies the proposed rule and does not result in a substantial change.

Senator Don Frank recommended the same change as recommended for 7845.0800:

> Subpart 1. By commissioner. A commissioner shall not represent any party, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.

Minnesota Power made essentially the same suggestion as Senator Don Frank:

> Subpart 1. By Commissioner. A commissioner shall not represent a rate-regulated public utility or telephone company, nor an intervenor, state agency, state department, association, or special interest organization, formally or informally, before the commission for one year after leaving the commission. At no time shall a commissioner represent a party on a proceeding that was pending before the commission during that commissioner's term in office.
>
> Subp. 2. By employee. For one year after leaving the commission, an employee shall not represent a rate-regulated public utility or telephone company, nor an intervenor, state agency, state department, association, or special interest organization, before the commission on a proceeding that the employee participated in during that employment with the commission.

This proposed rule as noticed was intended to supplement the restrictions on part 7845.0800 governing future employment. Under part 7845.0800 a Commissioner shall not be employed by a rate-regulated public utility or telephone company for one year after leaving the Commission. However, representation before the Commission by a Commissioner has the same potential

for harm as future employment. This has been recognized in federal law, see 18 USCS §20 which limits the participation of former federal government officers and employees in proceedings involving the federal government. That is, they both create the potential for a conflict, or the appearance of a conflict, between personal interests and official duties. A Commissioner employed by a rate-regulated utility or representing a rate-regulated utility is subject to a potential conflict of interest, just as the remaining Commissioners may be subject to a potential conflict of interest when a former Commissioner appears before them. To prevent this potential for harm, the Commission prohibited post-employment representation for one year. The Commission included employees in the prohibition for the same reasons. Employees are therefore prohibited for one year from representing a rate-regulated utility or telephone company on a proceeding that the employee participated in during his or her employment with the Commission.

The suggestions by Senator Frank and Minnesota Power to include parties other than rate-regulated utilities would go beyond the intent of Minn. Laws 1986, ch. 409, section 4, governing future employment. The Commission finds that it is reasonable to be consistent by applying the statutory prohibitions on future employment to post-employment representation. To expand beyond the statutory prohibition would be unreasonably restrictive on the work opportunities of Commissioners and employees. It would practically amount to a penalty for working for the Commission. The Commission also finds that the suggested modifications result in a substantial change from the proposed rule as noticed. If the prohibition on post employment representation as noticed included "party", comments on the rule as noticed probably would have been different and additional comments may have been received. It also would change the entire focus of the rule from only those utilities which are subject to statutory rate regulation by the Commission to potentially any person or entity who may by chance appear before the Commission. Therefore, the Commission concludes that it should not, for purposes of this emergency rule, expand the post employment restriction to any party.

ORDER

1. The rule identified as Proposed Emergency Rules Relating to Code of Conduct, Minnesota Rules, parts 7845.0100 through 7845.1000, as modified are adopted pursuant to authority vested in the Minnesota Public Utilities Commission by Minnesota Laws 1986, ch. 409, section 5.

2. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Janet F. Gonzalez, for:
Mary Ellen Hennen
Executive Secretary

(S E A L)
1128B

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Public Utilities Commission Governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees

DELCARATION OF COUNSEL

Docket No. U-999/R-86-167

I, Allen Giles, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0729.

Allen Giles
Special Assistant
Attorney General

Dated: SEP 19 1986

STATE OF MINNESOTA

PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Public Utilities Commission Governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees

NOTICE OF SUBMISSION OF EMERGENCY RULE TO THE ATTORNEY GENERAL

Docket No. U-999/R-86-167

Pursuant to your request and in accordance with Minnesota Statutes, section 14.32:

PLEASE TAKE NOTICE that the above-captioned emergency rule as adopted has been submitted to the Office of the Attorney General on the date of this notice, September 19, 1986, for review as to legality and form to the extent form relates to legality. The proposed emergency rule, the rule as adopted, all the notices, all written comments received and other required documents also have been submitted to the attorney general.

The proposed emergency rule which was published in the State Register and made available to the public on July 28, 1986, has been modified. A free copy of the emergency rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rule is enclosed with this notice.

The rule must be approved or disapproved by the Attorney General on the tenth working day following date of receipt of the rule. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rule. The attorney general standards for review are set forth in Minnesota Rules, part 2000.0800. You may receive a copy of the attorney general decision upon written request to the attorney general. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
Saint Paul, Minnesota 55155
Telephone: (612) 296-1288

Any written comments submitted to the Attorney General must be submitted simultaneously to:

Rosellen Condon
Minnesota Public Utilities Commission
780 American Center Building
160 East Kellogg Boulevard
Saint Paul, Minnesota 55101
Telephone: (612) 296-2357

Janet Gonzalez, for:
Mary Ellen Henner
Executive Secretary

Dated: SEP 19 1986

In the Matter of the Proposed Adoption of Emergency Rule of the Minnesota Public Utilities Commission Governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees

AFFIDAVIT OF MAILING THE NOTICE OF SUBMISSION OF EMERGENCY RULE TO THE ATTORNEY GENERAL

Docket No. U-999/R-86-167

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Sharon Juen, being sworn says:

That on the 19th day of September, 1986, in the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rule in the above-entitled matter has been submitted to the Attorney General.

Sharon Juen
Sharon Juen
Secretary

Subscribed and sworn to before me
this 19th day of September, 1986.

Karen Dorff

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

In the Matter of the Proposed Adoption
of Emergency Rule of the Minnesota
Public Utilities Commission Governing
a Code of Conduct for the Minnesota Public
Utilities Commission and Its Employees.

Docket No. U-999/R-86-167

Notice of Submission to Attorney General and Rule

Edmund C. Tiemann
Minnesota Telephone Association, Inc.
386 Wabasha St., Suite 770
St. Paul, MN 55102

Douglas W. Peterson
Minnesota Power
30 W. Superior St.
Duluth, MN 55802

Hon. Don Frank
Senator - 51st District
G-28 State Capitol
St. Paul, MN 55155

Glenn E. Purdue
LeFevere, Lefler, Kennedy,
O'Brien & Drawz
2000 First Bank Place West
Minneapolis, MN 55402

Sherry Miller
MINDY, Inc.
P.O. Box 201128
Bloomington, MN 55420

STATE OF MINNESOTA
COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption
of Emergency Rule of the Minnesota
Public Utilities Commission Governing
a Code of Conduct for the Minnesota Public
Utilities Commission and Its Employees

Docket No. U-999/R-86-167

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subdivision 1, 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 2:00 p.m., this 25th day of July, 1986.

Kathy Bruesewitz

ORDER FOR PUBLICATION OF EMERGENCY RULE

STATE OF MINNESOTA

PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Adoption of Emergency Rules of The State Public Utilities Commission Governing a Code of Conduct	ORDER FOR PUBLICATION OF EMERGENCY RULES

IT IS ORDERED this 10th day of July, 1986 that the proposed emergency rules in the above-entitled matter be published in the State Register.

STATE OF MINNESOTA

M C Hennen

EXECUTIVE SECRETARY OF MINNESOTA
PUBLIC UTILITIES COMMISSION

CERTIFICATE OF THE
MINNESOTA PUBLIC UTILITIES COMMISSION
AUTHORIZING RESOLUTION

Docket No. U-999/R-86-167

I, Harry Seymour Crump, do hereby certify that I am a member and the Chair of the Minnesota Public Utilities 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 Minnesota Public Utilities Commission duly and properly called and held on the 10th day of July, 1986, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that Mary Ellen Hennen, the executive secretary of the Minnesota Public Utilities Commission, is hereby granted the authority and directed to sign and to give the Notice of the Commission's Intent to Adopt an Emergency rule governing a Code of Conduct for the Minnesota Public Utilities Commission and Its Employees to all persons who have registered their names with the Commission for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of September, 1986.

Harry Seymour Crump
Chair, Minnesota Public
Utilities Commission

Robert J. O'Keefe
Member of Minnesota Public
Utilities Commission

Notice of Intent
Rule enclosed in Mailing
1986 Mn Laws C 409 § 5 OK - attached + highlighted

~~Pt line 12 (subp 3)~~

~~Pte line 7~~
~~216A.034 does not exist~~ OK - attached + highlighted

CHAPTER 409—S.F.No. 1869

An act relating to utilities; changing qualifications for members of the public utilities commission; requiring the governor to appoint the chair of the commission; requiring commissioners to file certain information before taking office; prohibiting commissioners and certain employees of the department of public service from engaging in certain activities prior to and after leaving the commission or the department; requiring the commission to adopt rules relating to ex parte communications and a code of conduct; authorizing stipulated settlements in certain cases; prescribing penalties; amending Minnesota Statutes 1984, sections 216A.03, subdivisions 1 and 3; 216A.035; 216B.16, subdivisions 1a and 2; and 237.075, subdivisions 1a and 2; proposing coding for new law in Minnesota Statutes, chapter 216A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 216A.03, subdivision 1, is amended to read:

Subdivision 1. **MEMBERS.** ~~As of January 1, 1975~~ The public utilities commission shall consist of five members~~, three of whom shall be the members then serving, who shall continue to serve for the balance of their elective or appointive terms. There shall be two additional commissioners appointed by the governor with the advice and consent of the senate, one for a term expiring December 31, 1975, and one for a term expiring December 31, 1977. Thereafter~~ The terms of ~~all subsequent~~ members ~~of the commission~~ shall be six years and until their successors have been appointed and qualified. Each commissioner shall be appointed by the governor by and with the advice and consent of the senate. Not more than three commissioners shall belong to the same political party. At least one commissioner must have been domiciled at the time of appointment outside the seven-county metropolitan area. If the membership of the commission after July 31, 1986, does not consist of at least one member domiciled at the time of appointment outside the seven-county metropolitan area, the membership shall conform to this requirement following normal attrition of the present commissioners. The governor in his selection of commissioners shall give consideration to persons learned in the law or persons who have engaged in the profession of engineering, public accounting ~~or~~, property and utility valuation, finance, physical or natural sciences, production agriculture, or natural resources as well as being representative of the general public.

For purposes of this subdivision, "seven-county metropolitan area" means Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Sec. 2. Minnesota Statutes 1984, section 216A.03, subdivision 3, is amended to read:

Subd. 3. **CHAIRMAN.** The ~~commission~~ governor shall ~~elect~~ select one of ~~their number~~ the commissioners to serve as the chairman ~~at the meeting of the commission in the second week in January of each year~~ for a term ~~of one year~~ concurrent with that of the governor.

.F.No. 1869

ations for members of the public utilities chair of the commission; requiring com- ng office; prohibiting commissioners and e from engaging in certain activities prior ment; requiring the commission to adopt code of conduct; authorizing stipulated amending Minnesota Statutes 1984, sec- B.16, subdivisions 1a and 2; and 237.075, w in Minnesota Statutes, chapter 216A.

OF THE STATE OF MINNESOTA:

section 216A.03, subdivision 1, is

nuary ~~1, 1975~~ The public utilities ~~hree of whom shall be the members for the balance of their elective or nal commissioners appointed by the he senate, one for a term expiring iring December 31, 1977. Thereaf- f the commission~~ shall be six years ed and qualified. Each commission- l with the advice and consent of the s shall belong to the same political ave been domiciled at the time of polltan area. If the membership of not consist of at least one member side the seven-county metropolitan requirement following normal attri- rnor in his selection of commission- ied in the law or persons who have public accounting ~~or~~, property and sciences, production agriculture, or tive of the general public.

n-county metropolitan area" means Scott, and Washington counties.

216A.03, subdivision 3, is amended

n governor shall ~~elect~~ select one of the chairman ~~at the meeting of the of each year~~ for a term ~~of one year~~

derline, **deletions by ~~strikeout~~**.

If a vacancy occurs in the position of chairman, the ~~commission~~ governor shall ~~elect~~ select a new chairman to complete the unexpired term.

Sec. 3. Minnesota Statutes 1984, section 216A.035, is amended to read:

216A.035 **CONFLICT OF INTEREST.**

(a) No person during his term of membership on the public utilities commission, while acting as executive secretary of the commission, or while employed in a professional capacity by the commission, shall receive any ~~significant portion of his~~ income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of the person's income, directly or indirectly from any public utility or other organization subject to regulation by the commission. ~~No person shall be eligible to be appointed as a member of the public utilities commission unless and until he divests himself of any significant interest or abandons any employment with a utility.~~

(b) No person is eligible to be appointed as a member of the commission if the person has been employed with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission within one year from the date when the person's term on the commission will begin.

(c) No person who is an employee of the public service department shall participate in any manner in any decision or action of the commission where he has a direct or indirect financial interest. Each commissioner or employee of the public service department who is in the general professional, supervisory, or technical units established in section 179A.10 or who is a professional, supervisory, or technical employee defined as confidential in section 179A.03, subdivision 4, or who is a management classification employee and whose duties are related to public utilities or transportation regulation shall report to the ethical practices board annually before April 15 any interest he has in an industry or business regulated by the commission. Each commissioner shall file a statement of economic interest as required by section 10A.09 with the ethical practices board and the public utilities commission before taking office. The statement of economic interest must state any interest that the commissioner has in an industry or business regulated by the commission.

(d) A professional employee of the commission or department must immediately disclose to the commission or to the director of the department, respectively, any communication, direct or indirect, with a person who is a party to a pending proceeding before the commission regarding future benefits, compensation, or employment to be received from that person.

Sec. 4. **[216A.036] EMPLOYMENT RESTRICTIONS.**

(a) A person who serves as (1) a commissioner of the public utilities commission, (2) director of the department of public service, or (3) deputy director of the department, shall not, while employed with or within one year after leaving the commission, or department, accept employment with, receive compensation directly or indirectly from, or enter into a contractual relationship with an entity, or an affiliated company of an entity, that is subject to rate regulation by the commission.

Changes or additions are indicated by underline, **deletions by ~~strikeout~~**.

(b) An entity or an affiliated company of an entity that is subject to rate regulation by the commission, or a person acting on behalf of the entity, shall not negotiate or offer to employ or compensate a commissioner, the director, or the deputy director, while the person is so employed or within one year after the person leaves that employment.

(c) For the purposes of this section, "affiliated company" means a company that controls, is controlled by, or is under common control with an entity subject to rate regulation by the commission.

(d) A person who violates this section is subject to a civil penalty not to exceed $10,000 for each violation. The attorney general may bring an action in district court to collect the penalties provided in this section.

Sec. 5. **[216A.037] RULES.**

Subdivision 1. **EX PARTE COMMUNICATIONS.** The commission shall adopt rules under chapter 14 prescribing permissible and impermissible ex parte communications.

The ex parte rules may prohibit only ex parte communications by commission members with a party relating to:

(1) a material issue during a pending contested case proceeding;

(2) a material issue in a rulemaking proceeding after the beginning of commission deliberations;

(3) a material issue in a disputed formal petition; and

(4) any other communication impermissible by law.

A contested case is pending from the time the commission refers the matter to the office of administrative hearings until the commission has issued its final order, and the time to petition for reconsideration has expired or the commission has issued an order finally disposing an application for reconsideration, whichever is later.

Subd. 2. **COMMUNICATIONS PROHIBITED.** A commissioner shall not communicate, directly or indirectly, with a person or entity who is a party to a pending proceeding before the commission regarding past or future benefits or compensation to be received from that person or entity. The commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subdivision.

Subd. 3. **CODE OF CONDUCT.** Except as limited by subdivision 1, the commission shall adopt rules prescribing a code of conduct for commissioners and employees of the commission. The code of conduct must include standards to preserve the quasi-judicial function of the commission.

y of an entity that is subject to rate
1 acting on behalf of the entity, shall
ısate a commissioner, the director, or
employed or within one year after the

affiliated company" means a company
common control with an entity subject

ın is subject to a civil penalty not to
torney general may bring an action in
ided in this section.

UNICATIONS. The commission shall
permissible and impermissible ex parte

ex parte communications by commis-

contested case proceeding;

proceeding after the beginning of com-

mal petition; and

missible by law.

time the commission refers the matter
until the commission has issued its final
nsideration has expired or the commis-
ing an application for reconsideration,

ROHIBITED. A commissioner shall not
h a person or entity who is a party to a
ion regarding past or future benefits or
person or entity. The commission may
petitioner, or complainant violates this

Except as limited by subdivision 1, the
ıg a code of conduct for commissioners
code of conduct must include standards
of the commission.

by underline, deletions by ~~strikeout~~.

The commission shall adopt emergency rules to implement this subdivision.

Sec. 6. Minnesota Statutes 1984, section 216B.16, subdivision 1a, is amended to read:

Subd. 1a. **SETTLEMENT BARRED.** When a public utility proposes changes in general rates that would increase general rates paid by consumers ~~by more than $500,000 annually~~, the commission ~~shall not~~ may approve the change ~~until after requiring the office of administrative hearings to conduct~~ without a contested case hearing ~~on, at a minimum, the appropriate rate base, expense and revenue levels for the test year, and the rate of return. If the formal parties to the contested case choose not to cross-examine the testimony presented, it shall be the duty of the commission and its staff to make inquiry of the witnesses presented to ensure that the testimony is well reasoned and constitutes substantial evidence. After a report of the examiner has been issued, the commission may proceed to take action on the proposed rates consistent with the provisions of this section. The commission shall not accept any stipulation that is not agreed to by~~ if applicant and all intervening parties agree to a stipulated settlement of the case and the settlement is supported by substantial evidence. The commission shall accept or reject the settlement in its entirety and, at any time until its final order is issued in the case, may require the office of administrative hearings to conduct a contested case hearing.

Sec. 7. Minnesota Statutes 1984, section 216B.16, subdivision 2, is amended to read:

Subd. 2. **SUSPENSION OF RATES; HEARING.** Whenever there is filed with the commission a schedule modifying or resulting in a change in any rates then in force as provided in subdivision 1, the commission may suspend the operation of the schedule by filing with the schedule of rates and delivering to the affected utility a statement in writing of its reasons for the suspension at any time before the rates become effective. The suspension shall not be for a longer period than ten months beyond the initial filing date. During the suspension the commission shall determine whether all questions of the reasonableness of the rates requested raised by persons deemed interested or by the administrative division of the department of public service can be resolved to the satisfaction of the commission. If the commission finds that all significant issues raised have not been resolved to its satisfaction, or upon petition by ten percent of the affected customers or 250 affected customers, whichever is less, it shall refer the matter to the office of administrative hearings with instructions for a public hearing as a contested case pursuant to chapter 14, except as otherwise provided in this section. The commission may order that the issues presented by the proposed rate changes be bifurcated into two separate hearings as follows: (1) determination of the utility's revenue requirements and (2) determination of the rate design. Upon issuance of both hearing examiner reports, the issues shall again be joined for consideration and final determination by the commission. All prehearing discovery activities of state agency intervenors shall be consolidated and conducted by the department of public service. If the commission

Changes or additions are indicated by underline, **deletions by** ~~strikeout~~.

MINNESOTA public utilities COMMISSION

September 19, 1986

Hon. Hubert H. Humphrey, III
Attorney General
Administration Division
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

RE: Minnesota Public Utilities Commission
Docket No. U-999/R-86-167

Dear Mr. Humphrey:

Enclosed for your review under Minn. Stat. §14.29-14.36 are the Minnesota Public Utilities Commission's adopted rules governing a Code of Conduct for the Minnesota Public Utilities Commission and its Employees.

The materials required by Minn. Rules, part 2000.0500 and proposed Minn. Rules, part 2010.0400 are included.

Please feel free to call me with any questions.

Sincerely,

Rosellen Condon

Rosellen Condon
Legal Research Analyst

RC:sj
Enclosures

AMERICAN CENTER building • kellogg and robert sts • saint paul, mn 55101