

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

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : August 18, 1987

TO : CAROLINE ROBINSON
Staff Attorney
Minnesota Public Utilities Commission

FROM : MIKE MILES
Assistant Attorney General

PHONE : 6-6555

SUBJECT : In the Matter of the Adopted Rules Relating to Code of Conduct

The above-referenced rule has been approved as to its legality by the Attorney General on August 13, 1987.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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:nah

Enclosures

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

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST

File No. 1385
DATE RECEIVED 7/30/87
REVIEW DATE 8/8/87
DUE DATE 8/13/87

APPROVED 8/13/87
DISAPPROVED
WITHDRAWN

Docket No. 05.0009.I442
ADOPTED W/O HEARING X
EMERGENCY RULE

REVISOR APPROVED
REVISOR DISAPPROVED
FIELD W/SEC.STATE
RETURNED TO AGENCY

✓ 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

Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

216A.037 (3) Statutory Authority

yes Small Business Statement

yes Expenditure of public money statement

yes Signature

✓ Statement of Need and Reasonableness

yes Small Business Statement

n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

6/12/87 Date 30/25 days before adoption

✓ Publication in State Register

6/15/87 Date 30/25 days before adoption

Resolution Adopting

✓ Findings of Fact, Conclusions & Order Adopting

7/29/87 Date

~~Written requests, submissions or comments~~

✓ Declaration of attorney

Karl Sonneman Name of SAAG representing agency

~~Notice of Submission to Attorney General~~

✓ ~~Affidavit of Mailing Notice to Attorney General~~ Resolution adopting + Certificate of Resolution

Public Utilities Commission

Adopted Permanent Rules Relating to Code of Conduct

Rules as Adopted

7845.0100 DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Minnesota Statutes, section 216A.037, subdivision 3, 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. 8. **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 AUTHORITY.

This code is prescribed by the commission under Minnesota Statutes, sections 216A.05 and 216A.037, subdivision 3.

7845.0300 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 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 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 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 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, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

A. books or printed materials that 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. 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 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 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 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 employee who complies with this subpart.

7845.0900 POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a 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 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 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.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 17 1987
Joan Anderson Growe
Secretary of State
3:23 PM

APPROVED AS TO FORM AND LEGALITY

8/13 19 87

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
ASSISTANT ATTORNEY GENERAL

Public Utilities Commission

Proposed Permanent Rules Relating to Code of Conduct

Rules as Proposed (all new material)

7845.0100 DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Minnesota Statutes, section 216A.037, subdivision 3, 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. 8. **Proceeding.** "Proceeding" means a formal or

Approved by Revisor MM

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 AUTHORITY.

This code is prescribed by the commission under Minnesota Statutes, sections 216A.05 and 216A.037, subdivision 3.

7845.0300 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 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 QUASI-JUDICIAL RESPONSIBILITIES.

Approved
by Revisor _____

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 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 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, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

A. books or printed materials that are relevant to the official responsibilities of the commission; or

Approved
by Revisor _____

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. 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 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

Approved
by Revisor _____

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 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 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 employee who complies with this subpart.

7845.0900 POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a 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

Approved
by Revisor _____

term in office.

Subp. 2. **By employee.** For one year after leaving the commission, an employee shall not represent a 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 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
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent 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

Ron Ray
Assistant Revisor

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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

In the Matter of the Petition of Proposed Rules Governing a Code of Conduct, Minn. Rules Parts 7845.0100 to 7845.1000.

ISSUE DATE: JUN 12 1987

DOCKET NO. U-999/R-86-167

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

PROCEDURAL HISTORY

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. §14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in Minn. Stat. § 216A.037, subd. 3 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. All persons have until 4:30 p.m. on July 15, 1987, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Rosellen Condon
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-2357

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

The proposed rules were previously promulgated by the Commission as emergency rules. These emergency rules were effective October 10, 1986, and were published in the State Register as adopted on October 20, 1986 (11 S.R. 715). The rules were continued in effect for an additional 180 days, until October 6, 1987, by publication of notice in the State Register. The Commission is proposing to adopt these rules as permanent rules. The proposed rules are enclosed with this Notice. One free copy of the rules is available upon request from Sharon Juen at Minnesota Public Utilities Commission, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-2243.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Sharon Juen upon request at the address and telephone number stated above.

The adoption of these rules by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, Minn. Stat. § 14.11 (1986) is inapplicable to this rulemaking proceeding.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules do not effect small businesses except to the extent that they require all members of the public to conduct themselves before the Commission in a manner that is consistent with the integrity and independence of the Commission and its staff.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted 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 rule, must submit the written request to Sharon Juen at Minnesota Public Utilities Commission, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101.

This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

M Ellen Hennen

Mary Ellen Hennen
Executive Secretary

(S E A L)
0596E

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Permanent Rules Establishing a Code of Conduct, Minn Rules Parts 7845.0100 to 7845.1000

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

The Minnesota Public Utilities Commission (Commission) proposes to adopt as permanent rules Minn. Rules pts. 7845.0100 to 7845.1000, rules establishing a Code of Conduct (Code) for Commissioners and Commission employees. The proposed Code is designed to preserve the integrity and independence of Commission decision making and to promote public confidence in Commission decisions.

The proposed rules were previously promulgated by the Commission as emergency rules. These emergency rules were effective October 10, 1986, and were published in the State Register as adopted on October 20, 1986 (11 S.R. 715). By publication of notice in the State Register on March 23, 1987 (11 S.R. 1743), the rules were continued in effect for an additional 180 days, until October 6, 1987, or until they are replaced by these permanent rules, whichever is earlier.

II. STATEMENT OF COMMISSION'S STATUTORY AUTHORITY

The Commission's statutory authority to adopt the rules is set forth in Minn. Stat. § 216A.037, subd. 3 (1986), which provides:

> Except as limited by subdivision 1, 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.

Under this statute the Commission has the necessary statutory authority to adopt the proposed rules.

III. STATEMENT OF NEED

Minn. Stat. ch. 14 (1986) requires the Commission to make an affirmative presentation of facts establishing the need for and reasonableness of the rules as proposed. In general terms, this means that the Commission must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the Commission is appropriate. The need for the rules is discussed below.

The need for the proposed rules arises from the Commission's responsibility to protect the public interest through its regulatory activities and its role as a "quasi-judiciary" with respect to ascertaining facts or law and drawing conclusions from them in order to issue orders and directives governing the

---

1/ The reference in the statute to subdivision 1 concerns the Commission's authority to adopt rules prescribing permissible and impermissible ex parte communications. The Commission has adopted separate rules addressing ex parte communications, Minn. Rules pts. 7845.7000 to 7845.7600.

conduct of regulated persons or businesses. The Commission's "quasi-judicial" function consists of "the promulgation of all orders and directives of particular applicability governing the conduct of the regulated persons or businesses, together with the procedures inherently judicial." Minn. Stat. § 216A.02, subd. 4 (1986). Quasi-judicial action has been elsewhere described as ascertaining the facts or the law and drawing conclusions from them. Black's Law Dictionary, 4th ed. at 1411; United States v. Florida East Coast Railway, 410 U.S. 224, 245 (1973). In order for the Commission to properly carry out its responsibilities and role, it is essential that both the public and the regulated community have complete confidence in the integrity and independence of the Commissioners and the Commission staff.

In order for the public and the regulated community to have confidence in the integrity and independence of the Commission, it is essential that Commissioners and staff refrain from taking actions whch would compromise such integrity and independence or which would create, in the minds of the public, the appearance of impropriety. The establishment of a code of conduct defining appropriate and inappropriate action is therefore needed to enhance public confidence in the Commission and its decision making process. Establishment of a code of conduct is also necessary for the Commission to carry out the mandate of Minn. Stat. § 216A.037, subd. 3 (1986). Therefore the proposed rules are needed.

IV. STATEMENT OF REASONABLENESS

The Commission is required by Minn. Stat. ch. 14 to make an affirmative presentation of facts establishing the reasonableness of the proposed rules. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Commission's proposed action. The reasonableness of the proposed rules is discussed below.

A. Reasonableness of the Rules as a Whole

The Commission approached the problem of establishing a code of conduct for itself by reviewing the various other codes of conduct that have previously been established for government officials and employees and for members of the judiciary. For example, the Commission reviewed the Minnesota Code of Judicial Conduct, the Minnesota Ethics in Government Act (Minn. Stat. ch. 10A), the Minnesota Code of Ethics for Employees in the Executive Branch (Minn. Stat. § 43A.38), and the Federal Standards of Ethical Conduct for Government Officers and Employees (Executive Order No. 11222, 30 Fed. Reg. 6469, May 8, 1965, hereinafter referred to as "Federal Standards"). After this review, the Commission determined which portions of these existing codes and standards had applicability to its own composition, functions, and responsibilities as they relate to the Commission's quasi-legislative and quasi-judicial roles. The proposed rules reflect many of these existing codes and standards, modified as necessary to fit the circumstances applicable to the Commission and its

staff. In addition, prior to formally proposing the rules, the Commission compared the proposed rules to the Code of Ethics for Governor's Appointees, which was established by Executive Order No. 87-4 on March 16, 1987 (11 S.R. 1694) (hereinafter referred to as the "Governor's Code of Ethics"). The Governor's Code of Ethics and the proposed rules are consistent with each other.

This approach to formulating the Code is reasonable because it draws on the past experiences of similar public bodies in drafting and implementing workable codes of conduct.

B. Reasonableness of Individual Rules

The following discussion addresses the specific provisions of the proposed rules.

Part 7845.0100, Definitions

Subparts 1, 2, and 3 of this part provide that the term "code" refers to the proposed rules (pts. 7845.0100 to 7845.1000); that "Commission" refers to the Minnesota Public Utilities Commission; and that "Commissioner" refers to a member of the Commission. These definitions serve to shorten terminology used elsewhere in the rules and are reasonable because they clarify these terms for the reader.

Subpart 4 of this part defines "employee" as the Executive Secretary of the Commission or a member of the Commission's professional, secretarial, or clerical staff. It is reasonable to define the term "employee" broadly because all employees of the Commission may at some point interact with the public or

regulated persons or may play a role in the Commission's decision making process.

Subpart 5 of this part incorporates the definition of "public utility" set forth in Minn. Stat. § 216B.02, subd. 4 (1986) and adds to that definition a "municipal utility or a cooperative electric association that produces or furnishes natural, manufactured, or mixed gas or electric services and its agents, officers, and representatives." It is reasonable to expand the definition of "public utility" for the purposes of these rules because, although these entities are not regulated by the Commission as to rates, they are subject to regulation by the Commission in its quasi-judicial capacity as to provision of service standards and service areas. See Minn. Stat. §§ 216B.17 and 216B.37 - 216B.46 (1986).

Subpart 6 of this part incorporates the definition of "telephone company" set forth in Minn. Stat. § 237.01 (1986) and adds to that definition an independent telephone company as defined in Minn. Stat. § 237.01, subd. 3 (1986); a radio common carrier as defined in Minn. Stat. § 237.01, subd. 4; and their agents, officers, and representatives. It is reasonable to expand the definition of "telephone company" for the purposes of these rules because independent telephone companies are regulated by the Commission as to standards and service practices. The Commission can also regulate their rates upon complaint or upon its own motion. Radio common carriers frequently appear before

the Commission in cases regarding interconnection with regulated telephone companies.

Subpart 7 of this part defines the term "party" as 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. The term is also defined to include a petitioner, complainant, intervenor, applicant, and respondent, and their attorneys, agents, or representatives. This definition is needed because the term is used elsewhere in the rules, (e.g., part 7845.0700, subp. 1). This definition is consistent with the Commission's rules of practice, Minn. Rules pt. 7830.0010, subp. 8 and with the Rules of the Office of Administrative Hearings, Minn. Rules pt. 1400.5100, subp. 7. This definition is reasonable because it provides clarity as well as consistency with other rules relating to the exercise of quasi-judicial functions.

Supart 8 of this part defines the term "proceeding" as 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. It is reasonable to define the term "proceeding" broadly because the Commission handles all of these matters on a regular basis, and ethical concerns can arise in all of them.

Part 7845.0200, Authority

Part 7845.0200 provides the statutory references to the

basis for the Code, Minn. Stat. §§ 216A.037 and 216A.05. This provision is reasonable because it alerts the reader to the legislative support for adoption of the proposed rules.

Part 7845.0300, Purpose and Construction

Part 7845.0300 provides that the purpose of the Code is to preserve the integrity and independence of Commission decision making and to promote public confidence in the objectivity of Commission decisions. This part also provides that 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. Finally, this part provides that the Code must be construed to secure these objectives in keeping with the quasi-judicial function of the Commission.

The language of the proposed rule combines the ideas expressed in Section 101 of the Federal Standards and Canon 1 of the Minnesota Code of Judicial Conduct. Section 101 of the Federal Standards provides:

> Where government is based on the consent of the governed, every citizen is entitled to have complete confidence and integrity of his government. Each individual officer, employee, or advisor of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

Canon 1 of the Minnesota Code of Judicial Conduct states:

> An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the

> integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

These statements are consistent with the high standards the Commission seeks to observe and reflect in the Code.

It is reasonable to include a general statement of the rule's purpose and construction in order to clarify to Commissioners, staff, and the general public the general objectives of the rules and the high standards of conduct which the Code establishes. The content of the statement is reasonable because it is consistent with the legislative mandate contained in Minn. Stat. § 216B.037, subd. 3 (1986) that the Commission adopt a code of conduct and that the code include standards to preserve the quasi-judicial function of the Commission.

Part 7845.0400, Conflict of Interest; Impropriety

Part 7845.0040, subp. 1, General behavior

Subpart 1 of this part provides that 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. The language of this rule is similar to Canon 2.A. of the Minnesota Code of Judicial Conduct, which provides:

> A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

This rule is reasonable because it states common-sense principles

for conduct which are no more stringent than that which the public should be able to expect from persons who are charged with the protection of the public interest.

Part 7845.0400, subp. 2, Actions prohibited

Subpart 2 of this part provides that Commissioners and employees shall avoid any action that might result in or create a conflict of interest or the appearance of impropriety, including using public office for private gain; giving preferential treatment to an interested party or entity; impeding the efficiency or economy of Commission decision making; losing independence or impartiality of action; making a commission decision outside official channels; and affecting adversely the confidence of the public in the integrity of the commission.

The language of the proposed rule is similar to the language of Section 201(c) of the Federal Standards, which states:

> It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of --
>
> (1) using public office for private gain;
>
> (2) giving preferential treatment to any organization or person;
>
> (3) impeding government efficiency or economy;
>
> (4) losing complete independence or impartiality of action;
>
> (5) making a government decision outside official channels; or
>
> (6) affecting adversely the confidence of the

public in the integrity of the Government.

The proposed rule is also consistent with the Minnesota Code of Ethics for Employees in the Executive Branch, Minn. Stat. § 43A.38, subds. 5(a) and 6(a). These statutes set forth actions which are deemed to be conflicts of interest. Minn. Stat. § 43A.38, subd. 5(a) deems the following a conflict of interest:

> use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public.

Minn. Stat. § 43A.38, subd. 6(a) deems "the use for private gain or advantage of state time, facilities, equipment or suppplies or badge, uniform, prestige or influence of state office or employment" a conflict of interest.

The proposed rule is consistent with that portion of the Governor's Code of Ethics which provides:

> That my appointees shall not use or attempt to use their official position to secure benefits, privileges, exemptions, or advantages for the official or the official's immediate family or an organization with which the official is associated which are different from those available to the general public.

The language of the proposed rule is reasonable because it requires Commissioners and staff to avoid actions which a reasonable person would perceive to result in, or give the appearance of, compromising the integrity or independence of the Commission and its staff.

Part 7845.0500, Inappropriate Influences

Part 7845.0500, subp. 1, Inappropriate influences

Subpart 1 of this part provides that Commissioners shall not be swayed by partisan interests, public clamor, or fear of criticism. The language of this rule is similar to Canon 3.A(1) of the Minnesota Code of Judicial Conduct, which provides:

> A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

The proposed rule is reasonable because Commissioners exercise functions which are similar to those performed by a judge and should therefore be subject to the same code of conduct with respect to the avoidance of improper influences on the conduct of proceedings or the making of decisions.

Part 7845.0500, subp. 2, Orderly proceedings, behavior

Subpart 2 of this part requires Commissioners to maintain order and decorum in proceedings before the Commission. It requires Commissioners in their official capacity to be patient, dignified, and courteous to litigants, witnesses, lawyers, commission staff, and others appearing before them. Finally, it requires Commissioners to require similar conduct from persons appearing before them.

The language of this rule is similar to Canon 3.A(3) of the Minnesota Code of Judicial Conduct, which provides:

> A judge should be patient, dignified, and courteous to

> litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to this direction and control.

The proposed rule is reasonable because decorous and orderly conduct of proceedings engenders respect and public confidence in any public proceeding and is especially appropriate in a quasi-judicial setting. It is reasonable to hold Commissioners to the same standards of decorum that judges have set for themselves.

Part 7845.0600, Disqualification

Part 7845.0600, subp. 1, Disqualifying factors

Subpart 1 of this part requires Commissioners and employees to disqualify themselves if they have a personal bias or prejudice concerning a party; or, before employment with the Commission, served or participated as a lawyer or material witness in the pending proceeding; or have an interest, other than that of the general public, that could be substantially affected by the outcome of the proceeding.

The language of the proposed rule is similar to the language of Canon 3.C(1)(a) through (c) of the Minnesota Code of Judicial Conduct, which provides:

> A judge should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to instances where:
>
> (a) he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
>
> (b) he served as a lawyer in the matter in

> controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
>
> (c) he knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

Subpart 1 of the proposed rule is reasonable because the Commissioners exercise functions which are similar to those exercised by a judge and should therefore be subject to the same code of conduct with respect to disqualifying themselves in matters where their impartiality could be affected by a personal bias, previous activity, or a financial interest.

Part 7845.0600, subp. 2, Written disclosure; withdrawal

Subpart 2 of this part requires a Commissioner or employee to disclose in writing within 48 hours to the Commission the disqualifying interest and to withdraw, taking no part in the pending proceeding. Subpart 2 is more stringent than Canon 3.D. of the Minnesota Code of Judicial Conduct, which provides:

> A judge disqualified by the terms of Canon 3C(1)(c) or Canon 3C(1)(d) may, instead of withdrawing from the proceeding, disclose on the record the basis of his disqualification. If, based on such disclosure, the parties and lawyers, independently of the judge's participation, all agree in writing that the judge's relationship is immaterial or that his financial interest in insubstantial, the judge is no longer disqualified, and may participate in the proceeding. The agreement, signed by all parties and lawyers, shall be incorporated in the record of the proceeding.

The reason that the proposed rule is more stringent than this Canon relates to the fact that there are five Commissioners and more than one Commission employee involved in any Commission proceeding, as opposed to one judge involved in most court proceedings. Disqualification of a judge in a court proceeding causes greater hardship to the court than does disqualification of one of the five Commissioners or one of the Commission employees in a Commission proceeding.

The proposed rule is reasonable because the immediate withdrawal of a Commissioner or employee from a matter involving a disqualifying interest will contribute to the public's confidence in the integrity and independence of the Commission.

Part 7845.0700, Prohibited Activities

Part 7845.0700, subp. 1, In general; exceptions

Subpart 1 of this part prohibits a Commissioner or employee from directly or indirectly soliciting or accepting 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 that exceeds nominal value. This prohibition does not apply to books or printed material or to 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. Meals associated with the program must be paid for by a

Commissioner or employee who attends the program.

The language of the proposed rule is consistent with the Minnesota Code of Ethics for Employees in the Executive Branch, Minn. Stat. § 43A.38, subd. 2 (1986), which provides:

> Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except by the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:
>
> (a) Gifts of nominal value or gifts or textbooks which may be accepted pursuant to section 15.43.
>
> (b) Plaques or similar mementos recognizing individual service in a field of specialty or to a charitable cause.
>
> (c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment.
>
> (d) Honoraria or expenses paid for papers, talks, demonstrations or appearances made by employees on their own time for which they are not compensated by the state.

The proposed rule is consistent with that portion of the Governor's Code of Ethics which provides:

> Gubernatorial appointees in the executive branch in the course of or in relation to their official duties shall not, directly or indirectly, receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source for any activity related to the duties of the official, with the exception of:

(a) Gifts of nominal or symbolic value;

(b) Plaques or similar mementos recognizing individual services;

(c) Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state;

(d) Honoraria or expense paid for papers, talks, demonstrations or appearances made by officials on their own time for which they are not compensated by the state.

The language of the proposed rule represents an adaptation of Section 201(a) of the Federal Standards and Canon 5.C(4) of the Minnesota Code of Judicial Conduct to the Commission's circumstances. Section 201(a) of the Federal Standards provides:

> Except in accordance with regulations issued pursuant to subsection (b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which --
>
> (1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;
>
> (2) conducts operations or activities which are regulated by his agency; or
>
> (3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

Agency heads are authorized by subsection (b) of this section to adopt regulations providing such exceptions to the above prohibition "as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilies of their employees." Examples of such exceptions are given in subsection

(b), such as "permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance."

Canon 5.C.(4) of the Minnesota Code of Judicial Conduct provides:

> Neither a judge nor a member of his family residing in his household should accept a gift, bequest, favor, or loan from anyone except as follows:
>
> (a) a judge may accept a gift incident to a public testimonial to him; books supplied by publishers on a complimentary basis for official use; or an invitation to attend a bar-related function or activity devoted to the improvement of the law, the legal system, judicial administration, or the administration of justice;
>
> (b) a judge or a member of his family residing in his household may accept ordinary social hospitality; a gift, bequest, favor, or loan from a relative; a wedding or engagement gift; a loan from a lending institution in its regular course of business on the same terms generally available to persons who are not judges; or a scholarship or fellowship awarded on the same terms applied to other applicants;
>
> (c) a judge or a member of his family residing in his household may accept any other gift, bequest, favor, or loan only if the donor is not a party or other person whose interest have come or are likely to come before him, and, if its value exceeds $100, the judge reports it in the same manner as he reports compensation in Canon 6C.

The proposed rule bans the acceptance of everything from a public utility, telephone company, or party except items of "nominal value," books or printed material relevant to the

official responsibilities of the Commission, 2/ and appropriate educational programs. The establishment of a ban, with limited exceptions, is reasonable because the acceptance of gifts by a person exercising regulatory and quasi-judicial functions from an entity regulated by that person or from a party does create the appearance of impropriety or impartiality. The proposed rule does not impose an unreasonable hardship upon Commissioners and staff because the pool of persons and entities from whom the acceptance of gifts, etc., is prohibited is relatively small and well-defined, in contrast to the situation faced by a judge, who could potentially preside over persons and entities of all descriptions.

The creation of limited exceptions to the ban is also reasonable because the items listed are not the kind of items that most people would believe would cause a Commissioner or employee to be unduly swayed in favor of the donor. For example, the views and opinions of most people would not be swayed toward a person who provided them with a cup of coffee or a doughnut. In addition, the exception concerning books and printed material relevant to the official responsibilities of the Commisison is reasonable because the receipt of this type of information is designed to improve the decision-making process by helping

---

2/ Receipt of books and printed material which constitute prohibited ex parte communications is governed by a separate rule, Minn. Rules pt. 7845.7200.

Commissioners and staff to be better informed. The proposed rule properly draws the line between improper influence and the openness needed to encouraged informed decision-making.

Part 7845.0700, subp. 2, Outside income

Subpart 2 of this part provides that 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. The rule provides that 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 requirements of Subpart 2 reflect the statutory requirement of Minn. Stat. § 216A.035(a) (1986), which provides:

> No person, while a member of 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 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.

The proposed rule interprets the statutory reference to "income" as meaning "personal income," which does not include income received by a spouse or other person in the Commissioner's or employee's household. This interpretation was proposed following review of all of the codes of conduct and ethics referenced at

page 4, supra. Under these codes, income or compensation is viewed narrowly so as to apply only to the income or compensation received by the person to whom the code applies. For example, Canon 6.C. of the Minnesota Code of Judicial Conduct provides:

> A judge should report the date, place and nature of any activity for which he received compensation, and the name of the payor and the amount of compensation so received. . . . Compensation or income of a spouse attributed to the judge by operation of a community property law is not extra-judicial compensation to the judge.

Similarly, the Minnesota Ethics in Government Act does not require a public official to report income or compensation received by a spouse. See Minn. Stat. § 10A.09 (1986). One of the reasons that income or compensation received by a spouse is not considered may be the potential effect such a requirement may have on employment opportunitites of the spouse. Considering the income or compensation to the spouse very likely runs counter to the Minnesota Human Rights Act, Minn. Stat. § 363.03 (1986), which prohibits employment discrimination on the basis of marital status.

The proposed rule's interpretation of the statutory requirements of Minn. Stat. § 216A.035(a) (1986) is reasonable because it is consistent with other similar codes of conduct and for the further reason that it would be unfair to put a spouse or household member in the position of being required to resign from or refuse employment with a public utility or telephone company whenever a person accepts a position as a Commissioner or

professional employee of the Commission.

The provision of the proposed rule which allows a Commissioner or professional employee to receive dividends or other earnings from a mutual fund or trust interprets Minn. Stat. § 216A.035(a) (1986). The statute allows a Commissioner to receive earnings so long as the earnings do not constitute "a significant portion of the person's income." The Commission finds an ambiguity in the statute: it is unclear whether the statute is designed to limit the earnings from a mutual fund or trust to any individual or to limit the source of the mutual fund's or trust's earnings. The Commission believes that the legislature intends to foster impartiality and fairness in the regulatory process by prohibiting earnings from a mutual fund or trust when a significant portion of the fund's earnings, and thus the employee's earnings from the fund, comes directly or indirectly from any public utility or other organization subject to regulation by the Commission.

The proposed interpretation of the statute is reasonable for several reasons. First, because a mutual fund or trust could have no investment or a very small investment in a regulated organization and yet provide the Commissioner or professional employee with a significant portion of his or her income. The latter situation cannot reasonably be perceived to foster partiality or bias or the appearance of either on the part of the Commissioner or professional employee. On the other hand, if a

Commissioner or employee invested in a the mutual fund or trust which received a significant portion of its income as a result of holdings in regulated entities, that investment could become an indirect means for a Commissioner to benefit from decisions over which he or she would have influence and still avoid the direct prohibition. The proposed rule avoids this result.

Second, if the fund or trust has minimal holdings in such stock or no holdings at the time of the investment, the Commissioner or professional employee should be able to invest with a good conscience. It would be unfairly burdensome to require a Commissioner or professional employee to move investments in and out of a fund or trust because of the occasional utility investment by that fund or trust. Further, since most people investing in a mutual fund or trust do so passively (after the initial determination to invest at all), the Commission finds that it would be unfair to require Commissioners or professional employees to scrutinize or monitor every turnover of the fund.

The proposed rule reflects the Commission's interpretation of the intent of the statute by restricting Commissioners and professional employees from receiving income from mutual funds or trusts where the mutual fund or trust holds a significant portion of its investments in public utilities or telephone companies subject to regulation by the Commission. This imposes a duty on Commissioners and professional employees to review and evaluate

the investments of mutual funds and trusts to determine the degree of utility investment. This is reasonable because a person can readily determine if a mutual fund or trust has invested a significant amount in utility or other regulated entity stock by examining the mutual fund's or trust's periodic reports. Once this initial determination has been made, a Commissioner or professional employee can make a reasoned, principled investment decision. If a significant portion of the earnings come from a public utility or other organization regulated by the Commission, the Commissioner or professional employee is prohibited from investing in the fund or trust. Therefore the proposed rule relating to investments in mutual funds or trusts is reasonable.

Part 7845.0700, subp. 3, Interests in utilities

Subpart 3 of this part provides that 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 ownership in a mutual fund or trust fund that holds securities in a telephone company or public utility unless the Commissioner or professional employee participates in the management of the fund; or to holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility; or to purchasing

services from a telephone company or public utility on the same terms and conditions as a member of the general public; or to holding membership in a cooperative association under the same terms and conditions as other members of the cooperative.

The proposed rule imposes requirements similar to the requirements of Canon 4.C(1) through (3) of the Minnesota Code of Judicial Ethics and Section 203 of the Federal Standards. Canon 4.C(1) through (3) of the Minnesota Code of Judicial Ethics states:

> (1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.
>
> (2) Subject to the requirements of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity, but should not serve as an officer, director, manager, advisor, or employee of any business.
>
> (3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent disqualification.

Section 203 of the Federal Standards provides:

> Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employement. Aside from these restrictions, employees are free to engage in lawful financial

> transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions.

The proposed rule is reasonable because it restricts activities that would be likely to impair the impartiality of Commissioners and professional employees but contains exceptions for those types of activities which a reasonable person would not perceive to create a conflict of interest. The reasonableness of the exceptions is discussed below.

The exemption provided in subp. 3.A. relates to "ownership in a mutual fund or trust that holds securities in a telephone company unless the Commissioner or professional employee participates in the management of the fund." This exemption bears a relationship to proposed Minn. Rules pt. 7845.0700, subp. 2, which restricts Commissioners and professional employees from receiving income from mutual funds where the mutual fund or trust holds "a significant portion of its investments in public utilities or telephone companies subject to regulation by the Commission." The statute and proposed part 7845.0700, subp. 2 allow for some limited investment in mutual funds with public utility or telephone company holdings. The proposed exemption of subp. 3.A. is reasonable because it is consistent with Minn. Rules pt. 7845.0700, subp. 2 allowing some limited investments, so long as the Commissioner or professional employee with the investment does not play a managerial role with respect to the

fund.

The exemption provided in subp. 3.B. relates to "holding office or title in an educational, religious, charitable, fraternal, or civic organization that owns securities in a telephone company or public utility." This exemption is reasonable because, presumably, one would hold office or title in these organizations due the interest in the purpose of the organization rather than the investments of the organization. The income from the investments would belong to the organization rather than to the office or title holder. This exemption is reasonable for the further reason that, without it, a Commissioner or professional employee would be subject to the unusual and burdensome requirement to investigate, in detail, every investment of every religious and community organization in which he or she participates and to withdraw from those who hold the "wrong" investments, however small those investments may be. Finally, the Commission does not wish to discourage participation in worthwhile activities that benefit the public or to force the organizations to forego making beneficial investments as a result of participation by a Commissioner or Commission employee as an officer or title holder.

The exemptions provided in subps. 3.C. and 3.D. relate to "purchasing services from a telephone company or public utility on the same terms and conditions as a member of the general public" and "holding membership in a cooperative association

under the same terms and conditions as other members of the cooperative." These exemptions are reasonable because, without these exemptions, Commissioners and professional employees would be unable to obtain telephone and utility service. Such a restriction would probably result in people being unwilling to serve as either Commissioners or employees of the Commission. The exemptions are reasonable for the further reason that these exemptions are unlikely to be perceived as creating a condition that would compromise the integrity or independence of the Commission. In addition, the language of the proposed rule prevents utilities from offering Commissioners and professional employees a gift of free or lower-cost service, the acceptance of which would create a conflict of interest.

Part 7845.0700, subp. 4, Outside employment

Subpart 4 of this part provides that 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.

The proposed rule is consistent with, but more restrictive than, the statutory prohibition set forth in Minn. Stat. § 216A.036(a), which provides:

> A person who serves as (1) a commissioner of the public utilities commisison, (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.

The proposed rule is more stringent than the statute because it applies to all outside employment that will impair the person's independence of judgment, not just organizations subject to rate regulation and their affiliates. However, the proposed rule is consistent with Minn. Stat. § 43A.38, subd. 5 (b) (1986), which provides that the "acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties" is deemed a conflict of interest which could lead to disciplinary action. It is also consistent with Minn. Stat. § 43A.38, subd. 6(c) (1986), which provides that "employment by a business which is subject to the direct or indirect control, inspection, audit, or enforcement of the employee" is deemed a conflict of interest. Finally, the proposed rule is consistent with that portion of the Governor's Code of Ethics which provides: "That my appointees shall not accept other employment or contractual relationships that will affect the official's independence of judgment in the exercise of official duties."

The language of the proposed rule is consistent with Canon 4.C(1) through (3) of the Minnesota Code of Judicial Ethics (quoted supra at pages 24-25) and Section 202 of the Federal Standards, which provides:

> An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a conflict, or an apparent conflict, between the private interests of the employee and his official government duties and responsibilities, although such teaching, lecturing, and writing by employees are generally to be encouraged so long as the laws, the provisions of this order, and Civil Service Commission and agency regulations covering conflict of interest and outside employment are observed.

The proposed rule is reasonable because it requires Commissioners and staff to avoid outside employment which would constitute a conflict of interest under Minn. Stat. § 43A.38, subd. 5(b) (1986). In addition, because Commissioners perform functions which are similar to those exercised by judges, it is reasonable to hold Commissioners to the same code of conduct to which judges have subjected themselves.

Part 7845.0700, subp. 5, Inside information

Subpart 5 of this part provides that 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.

The proposed rule is consistent with the statutory provisions of Minn. Stat. § 43A.38, subd. 3 (1986), which provides:

> An employee in the executive branch shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

The proposed rule is consistent with that portion of the

Governor's Code of Ethics which provides:

> That my appointees shall not use confidential information to further the official's private interest, and shall not accept outside employment or involvement in a business actiivity that will require the official to disclose or use confidential information.

The language of the proposed rule is similar to Section 205 of the Federal Standards, which provides:

> An employee shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the public.

The rule is also similar to Canon 5.C(7) of the Minnesota Code of Judicial Ethics, which provides:

> Information acquired by a judge in his official capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

The proposed rule is reasonable because it requires Commissioners and staff to avoid using information in a manner that would constitute a conflict of interest under Minn. Stat. § 43A.38, subd. 3 (1986). In addition, because Commissioners exercise functions which are similar to those exercised by judges, it is reasonable to hold Commissioners to the same code of conduct to which judges have subjected themselves.

Part 7845.0800, Future Employment

Part 7845.0800, subp. 1. One-year restriction

Subpart 1 of this part provides that, 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 public utility or telephone company subject to rate regulation by the Commission.

The proposed rule reflects the statutory prohibition of Minn. Stat. § 216A.036(a) (1986), quoted supra at page 28. It is also consistent with Minn. Stat. § 43A.38, subd. 6(c), which provides that "employment by a business which is subject to the direct or indirect control, inspection, audit, or enforcement of the employee" is deemed a conflict of interest.

The proposed rule is reasonable because it requires Commissioners to avoid behavior that would constitute a violation of Minn. Stat. 216A.036(a) (1986) and that would constitute a conflict of interest under Minn. Stat. § 43A.38, subd. 6(c) (1986).

Part 7845.0800, subp. 2, Commissioner communication with parties

Subpart 2 of this part probibits a Commissioner from communicating, 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 rule requires a Commissioner to disclose in writing to the Commission any communication regarding past or future benefits or compensation within 48 hours after the communication is made. The rule provides that the Commission may dismiss a proceeding if an applicant, petitioner, or complainant violates this subpart.

The proposed rule reflects that statutory prohibition of

Minn. Stat. § 216A.037, subd. 2 (1986), which states:

> A commissioner shall not communicate, indirectly 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 his subdivision.

If the prohibited conduct occurs, there has also been a violation of Minn. Stat. § 216A.036(b) (1986), which provides:

> 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.

The proposed rule is reasonable because it requires Commissioners to avoid behavior that would constitute a violation of Minn. Stat. 216A.037, subd. 2 (1986) and alerts applicants, petitioners, or complainants of the sanctions which may be imposed for violation of the statute and proposed rule. It is reasonable to require prompt disclosure of communications which violate the statute and the proposed rule because the advance knowledge that such communications will be disclosed should have the effect of discouraging Commissioners, applicants, petitioners, or complainants from making such communications.

Part 7845.0800, subp. 3, Employee communication with parties

Subpart 3 of this part provides that 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.

The proposed rule reflects the statutory requirement of Minn. Stat. § 216A.035(d) (1986), which provides:

> 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.

The proposed rule is reasonable because it requires professional employees of the Commission to avoid behavior that would constitute a violation of Minn. Stat. 216A.035(d) (1986). It is reasonable to require prompt disclosure of communications which violate the statute and the proposed rule because the such disclosure will allow the Commission to reassign the employee in a manner that will eliminate conflicts of interest. At the same time, the employee is not prohibited from having discussions that may eventually result in a career change. It is reasonable to prohibit reprisals from being taken against a professional employee who complies with this prohibition because fear of such reprisal might otherwise discourage employees from complying with the disclosure requirement.

Part 7845.0900, Postemployment Representation

Part 7845.0900, subp. 1, By Commissioner

Subpart 1 of this part prohibits a Commissioner from representing a 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. The rule provides that at no time shall a Commissioner represent a party on a proceeding that was pending before the Commission during the Commissioner's term in office.

The proposed rule is intended to supplement the provisions of Minn. Stat. § 216A.036(a), quoted supra at page 28, restricting future employment for one year after leaving the Commission. Representing a public utility or telephone company subject to rate regulation by the Commission creates the same conflict of interest as that created by subsequent employment. This has been recognized in federal law, 18 U.S.C. § 207, which limits the participation of former officers and employees in proceedings involving the federal government. It is reasonable to restrict Commissioners from representing regulated utilities and telephone companies for one year after leaving the Commission because such a restriction will remove the conflict, or appearance of conflict, which such representation would create.

Part 7845.0900, subp. 2, By employee

Subpart 2 of this part prohibits an employee from representing before the Commission a public utility or telephone

company subject to rate regulation by the Commission for one year after leaving the Commission with respect to a proceeding that the employee participated in during employment with the Commission.

It is reasonable to restrict employees from representing before the Commission public utilities or telephone companies subject to rate regulation by the Commission for one year because such representation creates, at a minimum, the appearance of a conflict of interest. See 18 U.S.C. § 207. The proposed rule will eliminate the potential conflict of interest, or appearance of conflict of interest.

Part 7845.1000, Sanctions

Part 7845.1000, subp. 1, Against commissioner

Subpart 1 of this part provides that a Commissioner who intentionally fails to comply with the Code is subject to disciplinary action under Minn. Stat. § 15.0575 and 216A.036, and in accordance with Minn. Stat. § 43A.33. Minn. Stat. § 15.0575, subd. 4 (1986) provides, in relevant part:

> A member [of a board] may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings.

Minn. Stat. § 216A.036(d) (1986) provides:

> 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.

Minn. Stat. § 43A.33 (1986) provides procedures for discipline and discharge of employees.

It is reasonable to cross reference in the rules the statutes which provide for violation of statutes prohibiting certain behavior by Commissioners because it alerts the reader to the seriousness and implications of noncompliance with the Code.

Part 7845.1000, subp. 2, Against employee

Subpart 2 of this part provides that an employee who intentionally fails to comply with the Code is subject to disciplinary action under the applicable collective bargaining agreement, Commissioner's or manager's plan, or in accordance with Minn. Stat. § 43A.33.

It is reasonable to cross reference in the rules the statutes which provide for violation of statutes prohibiting certain behavior by Commission employees because it alerts the reader to the seriousness and implications of noncompliance with the Code.

V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING

Minn. Stat. § 14.115, subd. 2 (1986) requires the Commission, when proposing rules which may affect small businesses, to consider the following methods for reducing the impact on small businesses:

(a) the establishment of less stringent compliance or reporting requirements for small businesses;

(b) the establishment of less stringent schedules or deadlines for compliance or reporting requirements for

small businesses;

(c) the consolidation or simplification of compliance or reporting requirements for small businesses;

(d) the establishment of performance standards for small businesses to replace design or operational standards required in the rule; and

(e) the exemption of small businesses from any or all requirements of the rule.

The proposed rules do not affect small businesses as defined in Minn. Stat. § 14.115 (1986), except to the extent that they require all members of the public to conduct themselves in a manner that is consistent with the integrity and independence of the Commission and its staff. Therefore the Commission has not included in the rules any of the above-listed methods with respect to small businesses.

VI. CONCLUSION

Based on the foregoing, the proposed Minn. Rules pts. 7845.0100 to 7845.1000 are both needed and reasonable.

Dated: May 4, 1987

Mary Ellen Hennen
Executive Secretary

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules Governing Code of Conduct, Minn. Rules Parts 7845.0100 to 7845.1000.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING

STATE OF MINNESOTA)
) ss.LIST
COUNTY OF RAMSEY)

Sharon Juen, being duly sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) that their names be placed on the Minnesota Public Utilities Commission's rulemaking mailing list is accurate, complete, and current as of this 12th day of June, 1987.

That on the 12th day of June, 1987, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States Mail or in the United States mail a copy thereof, with postage prepaid, to all persons and associations on the aforementioned mailing list.

Sharon Juen
Sharon Juen

Subscribed and sworn to before me
this 15th day of June, 1987.

Karen Dorff
Notary Public

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

1947B

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

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

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

D. F. Hennen, Plant Manager
!GE
Anchor Glass Container Corporation
4108 Valley Industrial Blvd. North
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. Commissio
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 Offi
!GE T CN
Antitrust Division
117 University Avenue, second Floo
St. Paul, MN 55155

Beverly Gleeson
!GE CN
State LIEAP/Weatherization Program
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. Paul, 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 Co-op Power
P.O. Box 339
Rochester, MN 55903

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

Public Relations Manager
!GE T CN
Faribault Area Chamber of Commerce
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 Utilities
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 2016
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 Plannin
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 7901 Xerxes Ave.S.
~~Suite 1412, Midwest Plaza West~~
Minneapolis, MN ~~55402~~ 55431

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, I
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 Administra
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

Tony Perpich
~~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 Company
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/Ku
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 Associat
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
306 W. Superior St. #1408 Alworth
Duluth, MN 55802-1803
REMOVED

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, Lt
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 Developr
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~~ Northern Minn. Utilities
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 Minnesota
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

Executive Vice President
!CN
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 Att
!T GE CN
647 City Hall and Courthouse
15 West Kellogg Blvd.
St. Paul, MN 55102

Carol Casebolt
!GE T
Legal Aid Society of Minneapolis
222 Grain Exchange Bldg.
Minneapolis, MN 55415

Doug O'Boyle, Executive Editor
!T
Telecom Publishing Group
1300 North 17th Street, Suite 1600
Arlington, VA 22209

Ron Schuler
!GE
2526 Seventh Avenue
North St. Paul, MN 55109

Frank Frison
!GE
N.E.C.A.
100 Rober St. S., Room 305
St. Paul, MN 55107

Leslie Recht
!GE
Defrees and Fiske
72 West Adams, Suite 1500
Chicago, IL 60603

Robert J. Latham
!GE, CN
Iowa Electric Light & Power
200 First Street SE
Cedar Rapids, IA 52406

Catherine T. Gibbins
!T
Department Librarian
Centel Corporation
5725 N. East River Road
Chicago, IL 60631

Marjorie Marcotte
!GE, T, CN
Public Utilities Commission
242 State Street
Augusta, ME 04333

Raymond Larson
!T
Northwestern Bell Tele. Co.
3A-75, 200 So. 5th Street
Minneapolis, MN 55402

Arnold Albrecht
!T
Northwestern Bell Tele. Co.
3A-75, 200 So. 5th Street
Minneapolis, MN 55402

James Gallagher
!T
Northwestern Bell Tele. Co.
Rm. 1800, 200 So. 5th Street
Minneapolis, MN 55402

Steve Refsell
!T
Northwestern Bell Tele. Co.
Rm. 1800, 200 So. 5th Street
Minneapolis, MN 55402

Joan L. Volz
!T
Northwestern Bell Tele. Co.
Rm. 1800, 200 So. 5th Street
Minneapolis, MN 55402

4900.0780 REPAYMENT.

The recipient of a deferred loan shall enter into an agreement with the agency for repayment of the loan~~, as provided in subparts 1 and 2.~~

~~Subpart 1. Household loan. If the recipient qualifies for a loan under the provisions of part 4900.0760, subpart 1, item A, the agreement shall provide that,~~ The recipient shall repay the entire amount of the deferred loan only in the event the property upon which the improvement is located is sold, transferred, or otherwise conveyed, or ceases to be the recipient's principal place of residence, within five years after the date upon which the application for an accessibility deferred loan was approved. The agreement for the repayment of the loan shall be secured by a lien for the benefit of the agency on the property improved.

Subp. 2. [See Repealer.]

REPEALER. Minnesota Rules, part 4900.0780, subpart 2, is repealed.

Public Utilities Commission

Proposed Permanent Rules Relating to Code of Conduct

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Minnesota Public Utilities Commission (Commission) intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minn. Stat. § 14.22 to 14.28 (1986). The Commission's authority to adopt the rule is set forth in Minn. Stat. § 216A.037, subd. 3 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. All persons have until 4:30 p.m. on July 15, 1987, to submit comments in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

If a public hearing is required, the Commission will proceed pursuant to Minn. Stat. §§ 14.131 to 14.20 (1986).

Comments or written requests for a public hearing must be submitted to:

Rosellen Condon
Minnesota Public Utilities Commission
780 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
(612) 296-2357

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

The proposed rules were previously promulgated by the Commission as emergency rules. These emergency rules were effective October 10, 1986, and were published in the *State Register* as adopted on October 20, 1986 (11 S.R. 715). The rules were continued in effect for an additional 180 days, until October 6, 1987, by publication of notice in the *State Register*. The Commission is proposing to adopt these rules as permanent rules. The proposed rules are published below. One free copy of the rules is available upon request from Sharon Juen at Minnesota Public Utilities Commission, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101, (612) 296-2243.

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

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Sharon Juen upon request at the address and telephone number stated above.

The adoption of these rules by the Commission will not require expenditure of public monies by local public bodies nor have a direct impact on agricultural land. Therefore, Minn. Stat. § 14.11 (1986) is inapplicable to this rulemaking proceeding.

You are hereby advised, pursuant to Minn. Stat. § 14.115 (1986), "Small business considerations in rulemaking," that the proposed rules do not effect small businesses except to the extent that they require all members of the public to conduct themselves before the Commission in a manner that is consistent with the integrity and independence of the Commission and its staff.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted 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 rule, must submit the written request to Sharon Juen at Minnesota Public Utilities Commission, 780 American Center Building, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101.

Mary Ellen Hennen
Executive Secretary

Rules as Proposed (all new material)

7845.0100 DEFINITIONS.

Subpart 1. **Code.** "Code" refers to the code of conduct required by Minnesota Statutes, section 216A.037, subdivision 3, 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. 8. **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 AUTHORITY.

This code is prescribed by the commission under Minnesota Statutes, sections 216A.05 and 216A.037, subdivision 3.

7845.0300 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 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 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 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 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, telephone company, or party, that exceeds nominal value. This prohibition does not apply to:

A. books or printed materials that 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. 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 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.

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

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 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 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 employee who complies with this subpart.

7845.0900 POSTEMPLOYMENT REPRESENTATION.

Subpart 1. **By commissioner.** A commissioner shall not represent a 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 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 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.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Board of Barber Examiners

Adopted Permanent Rules Relating to Fees

The rule proposed and published at *State Register*, Volume 11, Number 38, pages 1730-1731, March 23, 1987 (11 S.R. 1730) is adopted as proposed.

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

BE IT RESOLVED, that the Minnesota Public Utilities Commission (Commission) hereby approves and adopts the rules governing Code of Conduct pursuant to the authority vested in the Commission by Minn. Stat. § 216A.037, subd. 3 (1986).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Secretary is authorized to make any form changes in the rules that the Revisor of Statutes requires the Commission to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1986).

BE IT FURTHER RESOLVED, that the Commission adopts the attached Findings of Fact, Conclusions, and Order Adopting Rules and that the Executive Secretary is hereby authorized to sign the above-mentioned document on behalf of the Commission and to perform the necessary acts to provide that the rule shall have the force and effect of law.

Barbara Beerhalter
Officer of the Commission

Attest by one other Commission member

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules Governing Code of Conduct, Minn. Rules, parts 7845.0100 to 7845.1000.

ISSUE DATE: JUL 29 1987

DOCKET NO. U-999/R-86-167

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULES

The above-entitled matter came on for decision before the Minnesota Public Utilities Commission (Commission) on the 28 day of July, 1987. After affording all interested persons the opportunity to present written and oral data, statements and arguments to the Commission, in accordance with statutory requirements regarding the adoption of noncontroversial rules, after considering the Statement of Need and Reasonableness, after considering all of the evidence adduced upon the records, files and proceedings herein, the Commission, being fully advised in the premises, hereby adopts the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

1. Notice of the Minnesota Public Utility Commission's intent to adopt the above-entitled rules without a public hearing was published in the State Register on June 15, 1987, and was sent by mail to all persons on the list maintained by the Commission pursuant to Minn. Stat. §§ 14.14, subd. 1a and 14.22 (1986) on June 12, 1987.

2. The Statement of Need and Reasonableness was prepared prior to mailing and publication of the notice and was made available to the public.

3. All persons were given the opportunity to submit comments on the rule for 30 days after notice of proposed rulemaking. The 30 day comment period, as set out in the notice, expired on July 15, 1987.

4. No requests for public hearing were received during the comment period.

5. No requests for notice of submission to the Attorney General were received by the Commission.

6. During the comment period the Commission received no written comments.

7. The Commission adopts the Statement of Need and Reasonableness, in its entirety, as the factual basis for the proposed rules. The Commission hereby incorporates the Statement of Need and Reasonableness into these findings.

8. The above-captioned rule is needed and reasonable.

CONCLUSIONS

1. The Minnesota Public Utilties Commission duly acquired and has jurisdiction over this proceeding pursuant to Minn. Stat. § 216A.037, subd. 3 (1986).

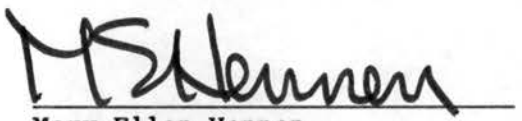
2. The Commission published and served due, timely, and adequate notice of the intent to adopt the rules without a public hearing.

3. The Commission has complied with all relevant legal and procedural requirements of statute and rule.

ORDER

1. The Commission hereby adopts Minn. Rules, parts 7845.0100 to 7845.1000, governing a Code of Conduct.

BY ORDER OF THE COMMISSION



Mary Ellen Hennen
Executive Secretary

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
PUBLIC UTILITIES COMMISSION

In the Matter of the Proposed Rules Governing Code of Conduct, Minn. Rules, parts 7845.0100 to 7845.1000.

DOCKET NO. U-999/R-86-167

DECLARATION OF COUNSEL

I, Karl Sonneman, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules ch. 2010 have been followed. For Attorney General billing purposes, the four-digit docket client code is I442.

Karl Sonneman
Special Assistant
Attorney General

MINNESOTA public UTILITIES COMMISSION

July 30, 1987

RECEIVED
ATTORNEY GENERAL'S OFFICE

JUL 30 1987

204 ADMINISTRATION BLDG.
50 SHERBURNE AVENUE
ST. PAUL, MN 55155

Mr. Mike Miles, Assistant Attorney General
Office of the Attorney General
204 Administration Building
50 Sherburne Avenue
St. Paul, MN 55155

Re: In the Matter of Proposed Rules Governing Code of Conduct, Minn. Rules, parts 7845.0100 to 7845.1000, Docket No. U-999/R-86-167.

Dear Mr. Miles:

On July 28, 1987, the Minnesota Public Utilities Commission adopted the above-captioned rules governing Code of Conduct. Enclosed for your review are the following:

1. Rules as adopted (original and three copies).
2. Findings of Fact, Conclusions, and Order Adopting Rules (two copies).
3. Certificate of Resolution Adopting Rules.
4. Certificate of Authorizing Resolution.
5. Notice of Intent to Adopt Rules Without a Public Hearing and rules as proposed (11 S.R. 2281, June 15, 1987).
6. Notice of Intent to Adopt Rules Without a Public Hearing, as mailed.
7. Affidavit of Mailing the Notice of Intent to Adopt Rule Without a Public Hearing and Certificate of Mailing List.
8. Rules as proposed.
9. Statement of Need and Reasonableness.
10. Declaration of Counsel.

Very truly yours,

Caroline Robinson

Caroline Robinson
Staff Attorney

CR:rs
2109B

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

Rules
SK

Notice of Intent SK

Authority

216A.037 subd 3 (1986)

Authority to adopt rules is given in paragraph one, however, paragraph two Reads "The Commission shall adopt emergency rules to implement this subdivision."

Does this ~~mean~~ mean they can only adopt emergency rules? - NO

This is not an emergency Rule.

Office of the Revisor of Statutes

Administrative Rules

Ron Ray
Assistant Revisor
296-0945

700 State Office Building
100 Constitution Avenue
St. Paul, MN 55155-1297

June 22, 1987

Caroline Robinson
Public Utilities Commission
Room 780, American Center Building
Saint Paul, Minnesota 55101

RE: AR1108 Codes of Conduct

Dear Ms. Robinson:

Enclosed is a stripped copy of your proposed rules as published in the State Register. The copy shows the text of the rules as you proposed them with the stricken text deleted and the underscoring removed.

If your proposed emergency rules or proposed rules adopted without public hearing are adopted without modification, please submit the required number of copies of this document to the Attorney General for final approval. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will then input the changes, approve the document as to form, and provide you with copies to submit to the Attorney General.

If your proposed rules are adopted after public hearing without modification, please submit one copy of this document to our office for final approval as to form. If these rules are to be modified, please use this copy to indicate the modifications you wish to make. Our office will input the changes, approve the document as to form, and provide you with copies.

Very truly yours,

RR/cs

Ron Ray

RR/mm
Encl.

CERTIFICATE OF RESOLUTION ADOPTING RULES
Docket No. U-999/R-86-167

I, Mary Ellen Hennen, do hereby certify that I am the Executive Secretary of the Minnesota Public Utilities Commission, an agency 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 Utilties Commission duly and properly called and held on the 28 day of July, 1987, that a quorum was present at said meeting, that a majority of those present voted for the resolution and that said resolution will be set forth in the minutes of said meeting and has not been rescinded or modified:

BE IT RESOLVED, that the Minnesota Public Utilities Commission hereby approves and adopts the rules governing Code of Conduct pursuant to the authority vested in the Commission by Minn. Stat. § 216A.037, subd. 3 (1986).

BE IT FURTHER RESOLVED, that prior to publishing the rules as adopted in the State Register, the Executive Secretary is authorized to make any form changes in the rules that the Revisor of Statutes requires the Commission to make in order to obtain the Revisor's Certificate as required by Minn. Stat. § 14.28 (1986).

BE IT FURTHER RESOLVED, that the Commission adopts the attached Findings of Fact, Conclusions, and Order Adopting Rules and that the Executive Secretary is hereby authorized to sign the above-mentioned document on behalf of the Commission and 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 28 day of July, 1987.

Mary Ellen Hennen
Executive Secretary