

7580.0700 VARIANCE FROM DESIGN STANDARDS.

Subpart 1. **Request for variance.** All requests for a variance shall be submitted to the Department of Public Safety and the Department of Commerce in written form and shall contain the following information:

- A. a description of the variance which is requested;
- B. a specific reference to the subpart of the standard which is applicable;
- C. a narrative explanation of the reason the variance is requested;
- D. a resolution or copy of minutes of the county board which authorizes the application for a variance; and
- E. the signature of the person authorized by the county to make application for the variance.

Subp. 2. **Cause for granting variance.** A clear showing of either of the following shall serve as just cause for the granting of a variance:

A. The equipment of the serving telephone utility(ies) is of such design or state of repair that it is not possible or practical to design a 911 telephone system that conforms with established design standards. Application for variance based upon the above shall include a written statement from an officer of the serving utility(ies) setting forth the reasons the design standards cannot be met by the company.

B. The costs to local government of implementing a 911 telephone system in conformance with these standards would require a tax levy which would exceed the statutory local levy limit.

Subp. 3. **Review of request.** Upon receipt of a request for a variance, the Department of Public Safety and, as appropriate, the Department of Commerce, shall evaluate the request and schedule an administrative review within 30 days of the date of receipt of the request for a variance.

The administrative review shall be informal and the petitioner may present materials, documents, and testimony in support of its request. The Department of Public Safety shall determine if the request meets the criteria established for granting a variance, and issue its decision within 30 days of the date of review.

Subp. 4. **Results of review.** If the finding of the Department of Public Safety is that the request meets established criteria, a variance shall be granted and a notice of variance shall be issued. If the finding of the Department of Public Safety is that the request for variance does not meet established criteria, no variance shall be granted and written notice shall be issued setting forth the reasons for denial.

Statutory Authority: *MS s 403.01 to 403.12*

History: *L 2001 1Sp4 art 6 s 1; L 2003 1Sp1 art 2 s 102 to 110*

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