

**7845.7300 HANDLING PROHIBITED EX PARTE COMMUNICATIONS.**

Subpart 1. **Written communication.** When possible, a commissioner who receives a prohibited written ex parte communication shall forward the communication, without reading it, to the commission's executive secretary.

A commissioner who receives and reads a prohibited written ex parte communication shall forward the communication to the commission's executive secretary within 48 hours, along with a signed statement of the source of and circumstances under which the communication was received and read.

Subp. 2. **Oral communication.** If a party or participant makes or attempts to make a prohibited oral ex parte communication to a commissioner, the commissioner shall advise the party or participant who makes or attempts to make the communication that the communication is prohibited and shall immediately terminate the communication. If a prohibited oral ex parte communication takes place, the commissioner who receives the communication shall forward to the commission's executive secretary, within 48 hours, a signed and dated statement that includes the following information:

- A. the name and docket number of the proceeding;
- B. to the extent known, the name and address of the person making the communication and the relationship, if any, to the parties to or the participants in the proceeding;
- C. the date and time of the communication, its duration, and the means by and circumstances under which it was made;
- D. a summary of the matters discussed; and
- E. whether the party or participant making the prohibited communication persisted after being advised that the communication was prohibited.

Subp. 3. **Notice to parties and participants.** The commission's executive secretary shall place the statement in the commission's public file within 48 hours, but shall not make the statement part of the record of the pending proceeding. The executive secretary shall serve a copy of the statement on the parties and participants on the commission's official service list. If the statement is voluminous, the executive secretary may serve notice to the parties and participants on the official service list that the statement is available for public inspection at the commission's offices during regular business hours.

**Statutory Authority:** *MS s 216A.037*

**History:** *11 SR 1743; 34 SR 902*

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