



**MINNESOTA
DEPARTMENT OF
COMMERCE**

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REVISOR OF STATUTES

November 29, 2010

Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King Jr Boulevard
St. Paul, MN 55155

Michele Timmons
Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Senator James P. Metzen
President of the Senate
322 State Capitol
75 Rev. Dr. Martin Luther King Jr Boulevard
St. Paul, MN 55155

Representative Margaret Anderson Kelliher
Speaker of the House
463 State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Senator Richard J. Cohen, Chair
Finance Committee
121 State Capitol
75 Rev. Dr. Martin Luther King Jr Boulevard
St. Paul, MN 55155

Representative Lyndon Carlson, Chair
House Finance
479 State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Senator Linda Scheid, Chair
Commerce Committee
G-9 State Capitol
75 Rev. Dr. Martin Luther King Jr Boulevard
St. Paul, MN 55155

Representative Joe Atkins, Chair
Commerce & Labor Committee
551 State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

Representative Bill Hilty, Chair
House Energy Finance & Policy Committee
559 State Office Building
100 Rev. Dr. Martin Luther King Jr. Boulevard
St. Paul, MN 55155

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules as Required by Minnesota Statutes Section 14.05, Subdivision 5.

Dear Governor Pawlenty, Senators, Representatives and Revisor Timmons:

Minnesota Statutes, section 14.05, subdivision 5, directs state agencies to report to you by December 1 of each year whether any of their rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules.

The Department has reviewed its rules and found that the following rules are obsolete, unnecessary or duplicative of other federal statutes or rule for the following reasons:

1. **Minnesota Rules, chapter 7607**, created a bond fund program for Energy Conservation Investment Loans in 1983. The program operated for approximately twenty years until the bonding authority was cancelled due to lack of market demand. Currently all loans are paid off and there are no outstanding

obligations. As such, the rules are obsolete. The Department intends to include a repeal of Minnesota Rules, chapter 7607, in its 2011 legislative proposals.

2. **Minnesota Rules, chapter 7685**, set standards for cooling systems that were being phased out. All of the referenced cooling systems have now been eliminated and the authorizing statute, Minnesota Statutes, section 446A.21, was repealed in 1999. Therefore, the rules are obsolete. The Department intends to include a repeal of Minnesota Rules, chapter 7685, in its 2011 legislative proposals.
3. **Minnesota Rules, parts 3300.0800 – 3300.1900**, directs the Minnesota Department of Employment and Economic Development (DEED) to implement a state weatherization assistance program. The Rules are outdated since the Minnesota Office of Energy Security (OES) now has the responsibility for weatherization assistance programs. Moreover, the Minnesota weatherization program and OES now operate under an approved state plan submitted to the U.S. Department of Energy as well as state/federal regulations for administering a state weatherization program. Therefore, the rules are obsolete. The Department intends to include a repeal of Minnesota Rules, parts 3300.0800 – 3300.1900, in its 2011 legislative proposals.
4. **Minnesota Rules, part 7610.0300**, identifies electric utilities that are required to file extended forecasts pursuant to Minnesota Rules, chapter 7610. The rule refers to electric utilities that are no longer in existence, and does not include other electric utilities that are subject to reporting requirements under the definition of "Utility" in Minnesota Statutes, sec. 216B.2422, subd. 1(b). The rule is outdated and is superseded by Minnesota Statutes, sec. 216B.2422. The Department intends to include a repeal of Minnesota Rules, part 7610.0300, in its 2011 legislative proposals.
5. **Minnesota Rules, part 2675.2170**, identifies a maximum time period for holding other real estate as an asset that has been made obsolete by a statutory change. The Department intends to amend the rule through administrative rule procedure.
6. **Minnesota Rules, part 2675.0400**, includes an initial paragraph that is obsolete because preferential repayment is not permitted in order to qualify for sale treatment. The Department intends to amend the rule through administrative rule procedure.

If you have any questions regarding this report, please contact:

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Except as noted above, the Department of Commerce has not identified any rules within its regulatory authority that are obsolete, unnecessary or duplicative of other state or federal statutes or rules.

Yours truly,



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cc: Commissioner Glenn Wilson